

## WHAT CAN YOU BE DISCHARGED FOR?

An assisted living facility may require you to leave only for one of these five reasons:

1. To protect your welfare if the facility cannot meet your needs.
2. If your health improves so that you no longer need the services of the facility.
3. If your safety or the safety of others in the facility is endangered.
4. If your health or the health of others in the facility is endangered.
5. If you fail to pay for services after have received written notice with a warning of discharge.

(This law is in N.C.G.S. Sec. 131D-4.8.)

## HOW WILL YOU BE DISCHARGED?

1. The facility must notify you and your legal representative **at least 30 days** before discharge.
2. The written notice must include:
  - The reason for discharge;
  - An appropriate discharge destination, if known;
  - Personal medical care information relating to you;
  - A copy of the Adult Care Home Notice of Discharge; **AND**
  - A copy of the Adult Care Home Hearing Request Form.

Information Not Legal Advice. This brochure is for general information purposes only. The information is not legal advice. Legal advice is dependent upon the specific circumstances of each situation. Also, the information contained in this brochure is not guaranteed to be up to date. Therefore, this brochure cannot replace the advice of competent legal counsel.

## HOW TO APPEAL

- You or your legal representative may appeal the discharge to the Hearing Unit. Your discharge notice will say how to appeal.
- The Hearing Unit is part of the Division of Medical Assistance, a state government office in Raleigh.
- You may appeal the discharge notice within 30 days of getting it.
- In some situations, you have the right to continue living in the facility during this appeal.

### WHAT IF THE HEARING UNIT DENIES YOUR APPEAL?

If the Hearing Unit upholds your discharge, you may appeal that decision to Superior Court.

- You must appeal within 30 days of getting the Hearing Unit's decision.
- You do not have the right to stay in the facility during this appeal.

## N.C. RESOURCES

- **N.C. Bar Association, Elder Law Section**  
(800) 662-7407  
<http://elderlaw.ncbar.org>
- **N.C. Long Term Care Ombudsman**  
(919) 855-3400  
[www.ncdhhs.gov/aging](http://www.ncdhhs.gov/aging)
- **NC Senior Legal Helpline**  
(877) 579-7562  
[www.legalaidnc.org](http://www.legalaidnc.org)
- **The Elder Law Clinic of Wake Forest University Law School**  
(336) 713-8630  
<http://elder-clinic.law.wfu.edu>

**You don't need a lawyer  
to appeal.**

## FORSYTH COUNTY AREA

- **Department of Social Services-Adult Services Division**  
741 North Highland Avenue  
Winston-Salem, NC 27101  
(336) 703-3501  
[www.co.forsyth.nc.us/dss/adult.aspx](http://www.co.forsyth.nc.us/dss/adult.aspx)
- **Legal Aid of NC - Winston-Salem**  
102 West Third Street, Suite 460  
Winston-Salem, NC 27101  
(336) 725-9162  
[www.legalaidnc.org](http://www.legalaidnc.org)
- **Regional Long-Term Care Ombudsman**  
400 West 4<sup>th</sup> Street, Suite 400  
Winston-Salem, NC 27101  
(336) 761-2111  
[www.nwpcog.org](http://www.nwpcog.org)
- **Senior Services**  
2895 Shorefair Drive  
Winston-Salem, NC 27105  
(336) 724-2040 **Help Line**  
[www.seniorservicesinc.org](http://www.seniorservicesinc.org)



WAKE FOREST  
UNIVERSITY

SCHOOL of LAW

## GET OUT!

### CAN YOU BE FORCED TO LEAVE AN ASSISTED LIVING FACILITY?

**THE ELDER LAW CLINIC**  
Wake Forest University School of Law  
P.O. Box 7206  
Winston-Salem, NC 27109-6226  
(336) 758-5061  
<http://elder-clinic.law.wfu.edu/>