

# 16

## ALF RELOCATION PLAN

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# 16

## ALF RELOCATION PLAN

### 16.1 Introduction

This document is intended to be used as a resource *during* a voluntary or involuntary closure of an assisted living facility (ALF) in Virginia. *Local departments of social services (LDSS) and other local, regional, or state entities and organizations may find the information helpful, particularly if the ALF closure is complex.*

*These* guidelines apply to ALF closures where there is adequate time to assess residents and ensure that they are transferred to an appropriate location. However, in the event of emergency closings (e.g., fire, natural disaster), each locality is encouraged to develop an emergency protocol when the closure is anticipated to occur within 72 hours or less or if there is an adverse closure. An adverse closure is when conditions such as licensing revocation, owner disengagement, legal action, financial disclosure, action by local Code Enforcement or general funding issues are the results of the facility's closure. *This document contains some information which may be helpful in addressing an adverse closure though the locality is strongly encouraged to plan with all agencies in its jurisdiction that could assist with implementing emergency procedures (e.g., county administrator, police, shelter facilities, transportation, emergency medical services, etc.).*

When families and residents are notified of pending closure, there may be some resistance to participate in the relocation process as they may *assume* that the situation will be resolved, and facility closure avoided. In addition, there may be strong feelings of attachment to the facility as it has been the residents' home, and staff should be sensitive to those feelings.

### 16.2 Notification of ALF closure

When a decision is made that an ALF will close, the facility is required by the Standards for Licensed Assisted Living Facilities (22 VAC 40-73-40 D) to notify the Department of

Social Services (DSS), Division of Licensing Programs (DOLP), no less than 60 days prior to the planned closure or sale date of the intent to close.

When the decision to close is based on a DSS DOLP denial or revocation of the facility's license, the notice of this action will be posted at the facility identifying contacts for relocation questions. A sample notice is available on the *DSS intranet* and can be modified to designate whomever the *ALF Relocation Team* (Team) feels may serve as the most appropriate contact source.

The DOLP staff will immediately notify the appropriate LDSS Director and/or *Adult Protective Services* (APS) Supervisor and the appropriate *Department for Aging and Rehabilitative Services* (DARS) APS *Division staff* of the impending closure decision made by a facility or notices of intent to deny or revoke a license.

An ALF, in coordination with residents and ~~or~~ families/representatives, has the primary responsibility for relocating individuals and planning for the closing. The ALF is required, pursuant to 22 VAC 40-73-40 D, to notify the residents and their legal representatives and designated contact persons 60 days prior to the planned closure date or as soon as the intent to close is known. If the ALF fails to notify these parties or if this is an emergency relocation, the Team will establish and implement a notification process. The notifications *should* be given both verbally and in writing. An *optional letter*, "Sample Notification Letter to Family" is available on the *DSS intranet*.

*Some ALFs* may not have the financial ability to operate for 60 days. This situation should be identified as quickly as possible and incorporated into the planning process. There are no specific governmental funds reserved for ALF supplies (e.g. food), staff salaries or essential operating expenses during the facility closure process. Facilities closing under negative or adverse circumstances can be complex in terms of maintaining resident care, business operations and developing safe discharge plans for all residents.

### **16.3 ALF relocation team**

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*If the ALF does not provide* notification and relocation assistance, the Team may be convened to ensure that residents are transferred to an appropriate alternate setting safely. *Some Team members may meet in-person while other members may participate virtually.*

*Representatives from the following agencies may be included on the Team:*

- *ALF staff.*
- *DSS, DOLP (State and Regional Office).*
- *DARS APS Division.*
- *LDSS.*

- *State and/or local Long-Term Care Ombudsman.*
- *Community Services Board (CSB)/behavioral health authority (BHA).*
- *Area Agency on Aging (AAA).*
- *Local Health Department (LHD).*

*Note: In an adverse action, the Team may need to consult local code enforcement, local government officials, utilities providers, law enforcement, medical facilities and staff, Disability Determination Services (DDS), Department of Medical Assistance Services (DMAS), and other service providers.*

*When it is known that individuals residing in an ALF need to be relocated, and the ALF is not taking responsibility for the relocations, the Team will begin work as soon as practicable. The Team will review circumstances and assess needs related to the ALF closing and to clarify roles. A Team Coordinator should be identified. The Team Coordinator will delegate tasks to appropriate team members. The Team may assist until all residents are safely relocated. In an adverse closure, it is imperative to contact stakeholders as soon as possible to designate a lead agency/team coordinator, establish communication practices, define roles and responsibilities and a method and timeframe for regular updates. If the ALF owner is not engaged, then a community partner agency will need to assume lead responsibility. The lead agency/ team coordinator should remain engaged until all residents are safely relocated and the doors of the facility are permanently closed.*

*If the resident has a CSB/BHA case manager, that case manager shall take the lead locating an appropriate new placement for that resident.*

Consideration should be given to the resident's and his or her representative's choice of placement to the extent possible. In an emergency relocation, resident safety and well-being is the priority. In this case, if the resident is not moved to his or her first choice of placement, arrangements can be made later for a transfer to an alternate preferred setting.

The *Team's* involvement *in the relocation* will vary based upon identified local needs, requests for assistance, size of the facility, whether the closing is an emergency, and local resource availability. The primary responsibility of the Team is to ensure that every resident who needs to be relocated is relocated in the most efficient manner and in a way that ensures that his or her safety, choice, and well-being are considered. In some relocations, the Team may have very little involvement; in others, the Team may be *more involved*. The Team may also ensure that the appropriate records are available and transferred with the resident at the time of the relocation and that the new location is documented and shared with the appropriate LDSS so that Auxiliary Grant (AG) payments follow the resident, and the AG resident receives his or her personal allowance.

The “Checklist for ALF Relocation Team” located on *the DSS intranet*, may be used to ensure each step of the relocation process is completed, as well as serving as documentation of actions.

## 16.4 Funding for relocation

The Team may have to identify appropriate funding sources for such tasks as transportation and assisting *with guardianship petitions (if needed)*. Though the LDSS is required to prorate the AG that follows the resident into a new facility, there may not be funds available to pay another ALF for a partial month or to provide the funds from a personal allowance account.

LDSS may use APS funds, Budget Line (BL) 895, to assist with a resident’s relocation *and to address any risk of maltreatment. Proper procedures to document the opening of an APS case in PeerPlace must be followed.* If the LDSS needs additional 895 funding, the LDSS should contact the APS Division to determine if additional funding is available. If funding is available, the LDSS may submit a budget request. The AAA and CSB/BHA may also be considered as funding sources for relocation of residents.

In an adverse ALF closure, the Team may not have access to the facility’s financial information. If this happens, DSS DOLP *should be consulted about the possibility of an emergency injunction.* An injunction will ensure access to the ALF accounts to keep the facility running during the closure process. The Team should collaborate with local city, or county *attorneys*, or the Commonwealth’s Attorney *as appropriate.*

If there are not enough funds to operate for 60 days, the Team will need to consider options such as:

- Shortening the period for the facility to close.
- Economizing the facility operations, such as shutting down portions of the facility in phases as residents relocate, thereby reducing non-essential expenses.
- Contacting the local government administrator for assistance with a plan to address the facility’s utility cut-off notices.
- Consult with area food banks or other crisis response providers to address food shortages.

## 16.5 Information to be gathered

When an ALF plans to close, the ALF has the primary responsibility of gathering *the following* information. If an ALF is uncooperative, then the Team may have to intervene *to gather the information.*

- Total number and names of individuals residing in the ALF.

- Number and names of residents receiving AG (arranged by locality and FIPS).
- Family members/legal representatives and their contact information.
- Physicians and other service providers and their contact information.
- Number and names of residents receiving CSB/BHA case management services.
- Numbers and names of residents paying privately to reside in the ALF.
- Date last Uniform Assessment Instrument (UAI) was conducted.
- Names of representative payees for residents' Social Security benefits
  - Facility operational expenses if facility is under adverse action for financial reasons. See *the DSS intranet* for the document ALF Operating Funds Checklist.

The *optional form* ALF Discharge Summary Checklist located on *the DSS intranet* may be used for each resident needing to relocate to ensure that appropriate information is collected and provided to the new placement.

The ALF staff shall ensure that the records of each resident contain a current UAI; Individualized Service Plan (ISP); mental health screening information/treatment plans, if applicable; physician's orders for medication and/or treatment; payment source information; and information about the resident's family and legal representative. Every record should be complete and up to date to the extent possible so that the receiving facility will have as much information on the resident being transferred. The Team *should* assist in the process *if the* ALF is unable to carry out this responsibility.

A Team member may be appointed to keep the Resident Tracking Document updated throughout the relocation. This document is located on *the DSS intranet* and serves as documentation of where each resident was relocated.

## **16.6 Notifications to be made**

ALF staff should contact the following entities that need to know that a resident is being relocated. The Team may assist as necessary.

- All physicians (as well as other health professionals) who follow residents. A Sample Physician Notification Letter is located on *the DSS intranet*.
- *LDSS Eligibility staff* via the Eligibility Communication Document located on *the DSS intranet*.
- The Social Security Administration (SSA) *if any residents* receive a Supplemental Security Income (SSI) payment, a Social Security Disability Insurance (SSDI)

payment or a Social Security retirement payment. The Team may request that an SSA representative be assigned to assist with changes in representative payees if needed.

- *The* local health department, if the resident needs a Medicaid Long-Term *Service and Supports (LTSS)* Screening.
- The LDSS's attorney *if there is* a need for guardian/conservator petitions or other legal actions.
- Depending on the nature of the closing, appropriate legislators and local elected and public officials.
- As appropriate, provider organizations.

### **16.7 The relocation process**

In some cases, family members or resident representatives will take the lead in finding a new ALF or other placement for the individual. The Team may determine which ALFs may be able to admit individuals who need to relocate; Licensing Program staff may assist with identifying such facilities that may be able to take residents. The Team will provide as much choice and as many alternatives as possible to each resident who needs to relocate. The resident's most recent UAI determines the resident's level of care.

ALF staff, family members and legal representatives should assist the resident with packing his or her belongings, including necessary records, medications, personal account funds, and *with* transportation to the new ALF or other placement. The Team ~~will~~ *may* arrange for and assist with packing and transportation as needed.

If a resident relocates outside of a qualified assessor's jurisdiction (whether it be the LDSS, the AAA, the CSB/BHA, etc.), the current assessor must refer the resident's information to a qualified assessor in the new jurisdiction. If the resident has a CSB/BHA case manager, the case manager shall notify the person in that position, in the new locality of residence, and provide them the resident's information. The LDSS in the new locality of residence is the assessor of last resort and should be provided the residents' information and new location.

### **16.8 ALF Responsibilities**

In accordance with 22 VAC 40-73-430 D, the ALF shall assist the resident and his legal representative, if any, in the discharge or transfer process. The facility shall:

- Help the resident prepare for relocation, including discussing the resident's destination.

- May conduct a meeting for individuals residing in the facility, as well as their family members, to provide an explanation of why the facility is closing, alternative placements, resident rights, and answers to any questions.
- Ensure compliance with licensing standards; ensure the health and safety of all residents; and ensure that all resident care needs are met.
- Prepare a list of all individuals residing in the facility and provide the list to the Team that includes the information in *Section 16.5*, as well as any additional information that may be needed.
- Identify each resident's medical condition and service needs and determine the level of services required to safely accommodate them in an alternative facility or setting.
- Explain the situation to each resident and assure that the resident and his or her responsible party are permitted to exercise an informed choice about where he or she wishes to move.
- Provide each resident with information on alternative care arrangements and a listing of long-term care facilities appropriate to his or her service needs.
- Contact the resident's responsible party, next of kin and/or other personal representatives to notify him or her of the facility's planned closing date and to determine who will take primary responsibility for relocating the individual. (Residents should not be referred to APS for placement purposes unless and until diligent efforts have been made by the ALF and resident's personal representatives and/or other agency staff to find placements).
- Share the resident's information, including the UAI, with the new facility or other placement to ensure continuity of care and services.
- Orient all staff to minimize any trauma associated with the relocation.
- *Assist the resident or his or her legal representative in making transportation arrangement on the day of relocation.*
- Ensure that belongings are packed and arrange for transfer of the belongings.
- Reconcile all personal fund accounts that the ALF managed on behalf of residents. Ensure funds are returned to each resident or his or her personal representative.
- Assure that all responsible parties and necessary agencies are notified of the new location and address of the location for each resident who has relocated.



## **16.9 Suggested agency responsibilities**

Recommended roles for agencies participating on the Team are based on past experiences with ALF closings. Relocation efforts will vary among localities. It is suggested that localities tailor this plan according to local needs and resources.

### **16.9.1 DSS, Division of Licensing Programs**

DSS Licensing Staff may act as a liaison between the Team and the staff at the ALF. Licensing staff may provide guidance to the facility with regard to their duties and responsibilities during a closure. *Other responsibilities may include implementing and monitoring the closure plan, keeping Team members apprised of any concerns, making a list of ALFs available to individuals needing to relocate, residents' family members, and other agency staff, and assisting with licensing issues and resident and family questions.*

### **16.9.2 DARS APS Division staff**

APS Division staff will serve in an advisory capacity to the Team. The APS Division staff will coordinate all requests for financial assistance associated with the relocation efforts via BL 895. APS Division staff may serve as the point of contact with the State Long-Term Care Ombudsman and the Department of Medical Assistance Services, as needed.

### **16.9.3 LDSS (Adult Services (AS) and Eligibility Workers)**

LDSS staff will take the lead in assisting residents who are not receiving CSB/BHA services. Assistance from other LDSS may be arranged by APS Division staff depending on the circumstances of the relocation. *If the resident receives AG, the appropriate LDSS worker will notify the individual's LDSS eligibility worker of the relocation to another ALF or other placement. Prompt notification of the eligibility worker is critical to ensure AG payments can be suspended or held until the relocation is completed.* The LDSS worker is also responsible for notifying the individual's guardian if the individual moves from the current jurisdiction to another jurisdiction.

If the ALF is unwilling to do so, LDSS eligibility workers will contact SSA and inform that agency of the changes in addresses for each resident who receives SSI/SSA payments. The receiving facility and LDSS must be notified of each resident who has SSA changes and follow-up to ensure that SSI/SSA and AG checks are properly received at the new address.

If the resident relocates to an ALF in a different locality, the LDSS worker in the locality of the new placement shall be notified in writing of the placement date to leave adequate time to schedule the required annual reassessments.

#### 16.9.4 Community Services Board/Behavioral Health Authority

The CSB/BHA will assume primary responsibility for relocating residents who receive services from the CSB/BHA. If *the resident* relocates from the jurisdiction of one CSB/BHA to the jurisdiction of another, the original CSB/BHA *should ensure* all services and supports *at the receiving CSB/BHA are in place*.

#### 16.9.5 Area Agency on Aging (AAA) and Long-Term Care Ombudsman

AAA support may be made available, including the assistance of the local long-term care ombudsman. Local long-term care ombudsmen focus on residents' rights and serve as liaisons between the families and service providers.

### 16.10 Information needed by team

The following *information* should be available *during the closure*. The Team Coordinator will determine which members of the team can provide *this information*.

- List of local ALFs with addresses and telephone numbers.
- Statewide directory of ALFs.
- Telephone numbers of relocation team members including home numbers where possible.
- Eligibility Worker Communication Document.
- List of local transportation providers, including the local agency's own transportation system.
- ALF's discharge policy/relocation plan.

### 16.11 Additional considerations for an adverse closure

The Team may consider obtaining the following information from the owner/administrator or other sources as needed:

- Why is the facility closing? Are there immediate safety concerns? (**Helpful Hint:** Safety concerns are to be addressed immediately. If emergency evacuation is required, contact local emergency responders, Red Cross, and local city or county administrators to engage a shelter plan).
- Will the owner remain engaged until all residents are safely relocated as required?

- Which residents are receiving Social Security benefits? Where are Social Security benefits being deposited? (**Helpful Hint:** If the checks are being deposited in the facility's/owner's account, the funds will need to be redirected).
- Provide US Postal Service change of address forms for the owner to sign for each resident.
- How are resident funds being managed? Remind the owner that resident personal funds accounts belong to the resident and must be relinquished.
- Is the resident's supply of medication sufficient for the closure period and transition to the new facility? Ask whether leftover medications can be returned to the closing facility's pharmacy.

### **16.12 Role of law enforcement and other authorities**

*Alleged* financial exploitation and theft committed by ALF staff including the owner or administrator should be reported to APS, Social Security, and local law enforcement for review and possible investigation.