

**WELCOME TO
THE LAW OFFICE OF JOHN L. ROBERTS**

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This Checklist can help you gather information about nursing homes you are considering, and better understand steps you must take to obtain admission.

Call us at 567-5600 to schedule an Educational Meeting.



After making an appointment for an Educational Meeting, print out your Checklist to bring to your appointment.

[Effective Communication with Your Attorney](#)

**Before, During and After Admission:
Nursing Home Comparison Checklist**

Person who needs care: _____

Street Address: _____

City, State, Zip Code _____

Your Name: _____

Phone: _____ **Cell:** _____

Your Email: _____

Date of Your Educational Meeting: _____

Names of nursing homes you are considering:

List Street address – location is key to your ability to visit and monitor care. List Name of Contact person, phone, email:

1. Authority to Admit	2. Nursing Home staff	3. Nursing Home environment	4. Resident's daily life and room environment	5. Room Rates and Billing policies
	6. Sources of payment and your ability to pay	7. Admission Process	8. Resident Rights	9. Post admission payment arrangements



1. Authority to Admit

- 1. Do you have: a Health Care Proxy, for authority to admit the resident?
- Do you have: a Power of Attorney, for authority to pay bills, make transactions?

If the person who needs nursing home care is competent, they can sign the admission forms and make payment arrangements. If not, the resident must have two [basic estate planning documents](#) that allow you to sign for them: Health Care Proxy and Power of Attorney.

A Health Care Proxy covers all medical decisions, including psychotropic medication if needed by the resident. If the resident does not have Health Care Proxy, you must Petition for Probate Court for Guardianship and get a court order for the admission. Massachusetts Probate Code, [Mass. Gen. Laws ch. 190B § 5-309\(g\)](#), covering Powers, Duties, rights and immunities of guardians, says: "No guardian shall have the authority to admit an incapacitated person to a nursing facility except upon a specific finding by the court that such admission is in the incapacitated person's best interest." Also, if Psychotropic Medication is prescribed, a *Rogers Order* from Probate Court will be required.

If the resident does not have a Power of Attorney document, Probate Court [Conservatorship](#) will be needed for the resident's financial and business transactions.

2. Nursing Home staff

- 2. Assess the ability of Nursing Home staff to provide quality of life for your loved one.

A decision to move into a nursing home is made after you have looked at all of the less restrictive care options, such as home care and assisted living. Talk with the people who will be providing daily care, to decide which facility is best.

Staff is warm, polite, respectful to residents	_____	_____	_____	_____
Staff knock on resident's door before entering room	_____	_____	_____	_____
Tour guide knew residents' names, greeted them	_____	_____	_____	_____
Residents knew tour guide, and responded	_____	_____	_____	_____
CNAs work with a resident 4 - 5 days / week?	_____	_____	_____	_____
Ratio of CNAs to residents:	_____	_____	_____	_____
Residents appropriately dressed, well groomed	_____	_____	_____	_____
Registered Nurse (RN) in the NH at all times	_____	_____	_____	_____
NH Administrator has been here how long?	_____	_____	_____	_____
Nursing Home did background checks on all staff	_____	_____	_____	_____
Active volunteer program	_____	_____	_____	_____



Will the resident's current doctor(s) be willing to visit the resident at the nursing home on a regular basis? Can you transport the resident to the doctor's office if the doctor will not visit the nursing home?

Name of staff Physician: _____

Is Physician here daily? _____

Staff Physician reachable? _____

Care plan meetings convenient for family _____

	3. Nursing Home environment	
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3. Consider the overall environment of the Nursing Home.

If the staff is qualified and providing good care, it may not matter if the nursing home flunks the *wallpaper test* of décor and decorating. But you still must consider basic standards of the facility's environment.

The building is clean and well-kept	_____	_____	_____	_____
No overwhelming, unpleasant odors	_____	_____	_____	_____
Good lighting	_____	_____	_____	_____
Hallway and stair exits are clearly marked	_____	_____	_____	_____
Handrails in the hallways	_____	_____	_____	_____
Pleasant dining room	_____	_____	_____	_____
Unpleasant noise level in dining room?	_____	_____	_____	_____
Quiet areas where resident can visit family	_____	_____	_____	_____
Pleasant common areas	_____	_____	_____	_____
Unpleasant noise level in common areas?	_____	_____	_____	_____
Furnishings are sturdy and comfortable	_____	_____	_____	_____
Outdoor areas for resident use	_____	_____	_____	_____
Staff help residents go outside	_____	_____	_____	_____
Comfortable indoor air temp for residents	_____	_____	_____	_____



4. Will daily activities, menu and room environment be optimal for the Resident's needs and personality?

Resident has a choice of food items at each meal	_____	_____	_____	_____
Nutritious snacks are available upon request	_____	_____	_____	_____
Resident may have personal belongings in the room	_____	_____	_____	_____
Resident may have own furniture in the room	_____	_____	_____	_____
Storage space in room: closet? Drawers?	_____	_____	_____	_____
Procedures to protect resident's possessions	_____	_____	_____	_____
Window in room	_____	_____	_____	_____
Grab bars in the bathroom	_____	_____	_____	_____
Access to telephone	_____	_____	_____	_____
Access to television	_____	_____	_____	_____
Choice of roommate	_____	_____	_____	_____
Needs of each resident are unique. Note whether the facility will meet these needs:				

Activities: _____

Activities: _____

Rehabilitation: _____

Therapy: _____



5. Compare and understand Room Rates and Billing policies

Daily/monthly rate for room with roommate _____

Daily/monthly rate for room with 2 roommates _____

Daily/monthly rate for quad room _____

Here is a list of billing items to review with the Nursing Home business office:

Conditions for collections and non-payment _____

Room rates and what they include _____

Expenses Medicare and Medicaid do not cover _____

Bed holding policy if resident is hospitalized _____

Daily bed hold charge _____

Who provides therapy _____

Who provides medical equipment _____

Who provides pharmacy items _____

Laundry _____

Beautician or barber _____

Telephone and cable rates and services _____

Transportation services such as ambulances _____

Advance payment requirements _____

Refund policy for private pay residents _____



6. Understand sources of payment: your ability to pay privately, or with coverage from Medicare, Medicaid and Veterans Benefits

Nursing homes may often make decisions based on reimbursement, rather than clinical guidelines, when they decide to terminate skilled services paid by [Medicare](#). You have appeal rights that could continue Medicare coverage.

A nursing facility must have identical policies and practices for transfer, discharge, and services, regardless of source of payment. [42 U.S.C. §1396\(c\)\(4\)](#). Massachusetts law prohibits nursing homes that accept Medicaid from discriminating based on a person's source of anticipated payment. [940 CMR 4.03\(1\)](#). Medicaid reimbursement to the nursing home may be lower than if you privately pay, but the nursing home cannot require a resident to waive their right to Medicaid benefits.

A nursing home may be motivated to give preference to people who can pay privately, but they are not permitted to require a resident to give up the right to [Medicaid](#) benefits by requiring private payment for a time before the resident applies for Medicaid.

You must honestly list all assets and income on the nursing home application. The nursing home business office does not represent your financial interests. It is important that you obtain independent counsel to protect your interests. The items on this list, and other factors, may allow you to be immediately eligible for Medicaid coverage:

If you are married, the [Community Spouse Resource Allowance \(CSRA\)](#),
If you are married, the [Minimum Monthly Maintenance Needs Allowance \(Minimum MMNA\)](#)
[MassHealth Financial Eligibility Regulations](#) that:

- protect your home
- protect your retirement accounts
- provide you with supplemental care in the nursing home
- allow resources to be set aside for disabled children and grandchildren

[Veterans Benefits](#) may provide reimbursement for medical expenses of the nursing resident or spouse.



□ 7. Admission Process

Families are often overwhelmed by numerous admissions documents. Family members cannot be required to sign as a “Responsible Party” for payment, [42 USC §1396r\(c\)\(5\)\(A\)\(ii\)](#), although some facilities have asked family members to “volunteer” to act as a responsible party. The federal law says: “a nursing facility must (ii) not require a third party guarantee of payment to the facility as a condition of admission (or expedited admission) to, or continued stay in, the facility.”

You do not have to sign an “Arbitration Agreement.”

Agreements signed during the admissions process involve thousands of dollars. More important, these agreements affect the care of your loved one.



□ 8. Resident Rights after admission

Under Federal Law, [42 USC 1395i-3](#), the resident has a right to:

- choose a personal attending physician (a doctor other than the medical director of the nursing home)
- be fully informed in advance about care and treatment and changes in care or treatment
- participate in planning care and treatment or changes in care
- be free from seclusion, physical or chemical restraints not required to treat medical symptoms
- reside and receive services with reasonable accommodation
- participate in social, religious, and community activities
- receive notice before the room or roommate is changed

The nursing home is required to make a written plan of care to provide services and activities to attain or maintain the highest practicable physical, mental, and psychosocial well-being of each resident. [42 U.S.C. §1396r \(b\)\(4\)](#) lists what must be included in the plan:

- i) nursing and related services and specialized rehabilitative services
- ii) medically-related social services
- iii) pharmaceutical services
- iv) dietary services
- v) on-going program of activities designed to meet the interests and the physical, mental, and psychosocial well-being of each resident;
- vi) routine dental services (to the extent covered under the State plan) and emergency dental services to meet the needs of each resident; and
- vii) treatment and services required by mentally ill



□ 9. Post admission payment arrangements.

Nursing facilities are required to allow residents to manage their own financial affairs, and the facility cannot require that the resident deposit their monthly income directly with the nursing home. [940 CMR 4.07](#). Even if most of the resident's income is subject to Medicaid's Patient Paid Amount, the resident or their agent is entitled to control and disburse the income. This control is very important when a resident's spouse is entitled to a [Minimum Monthly Maintenance Needs Allowance \(Minimum MMNA\)](#) from the resident's income.

In other cases when the resident is a single individual, a family or resident may decide that it is more convenient for monthly income to be directed to the nursing home if the income is subject to Medicaid's Patient Paid Amount. The nursing home is then responsible to maintain and account for the resident's [personal needs allowance](#).

