



Catherine B. Templeton, Director

Promoting and protecting the health of the public and the environment

September 18, 2014

Memorandum

To: Administrators of Community Residential Care Facilities

From: Gwen C. Thompson, Bureau Chief
Bureau of Health Facilities Licensing

Subject: Relating to the Rights of Long-Term Care Facility Residents

On May 16, 2014, the Governor signed into law 2014 S.C. Act No. 170 (“the Act”), which amended Section 44-81-40, Code of Laws of South Carolina, 1976, relating to the rights of long-term care facility residents. Section 44-81-40 was amended so as to require a resident or his representative to provide the administrator of the facility 14 days written notice of voluntarily relocation to another facility, to allow the facility to charge the resident the equivalent of 14 days occupancy for failure to give this notice, and to require the facility to cease charging a resident 14 days after giving notice or when the bed is filled.

Specifically, S.C. Code Ann. § 44-81-40(B)(2) was amended to read:

(B) Each resident and the resident’s representative must be informed in writing, before or at the time of admission, of:

...

(2) the facility’s refund policy which must be adopted by each facility and which must be based upon the actual number of days a resident was in the facility and any reasonable number of bed-hold days, except when the provisions of subsection (E) apply.

Section 44-81-40(E) was amended to read:

(E)(1) If a community residential care facility resident or a resident’s representative chooses to voluntarily relocate from the resident’s current facility, the resident or the resident’s representative must give the facility administrator written notice of this intent to relocate not less than fourteen days before the resident’s relocation becomes effective. Voluntary relocation does not occur when a resident of a community residential care facility seeks to be discharged because a higher level of care is required or because the resident’s health, safety, or welfare is endangered.

(2) If a community residential care facility resident or a resident’s representative fails to give timely notice as required by this subsection, the facility administrator may charge the resident the equivalent of fourteen days occupancy from the earlier of the date of the relocation or the date the facility administrator received proper notice of the resident’s intent to relocate. However, if the facility is able to fill the bed vacated by the resident, the facility shall cease charging the resident regardless of the notice given. The facility shall notify the previous resident in writing as soon as it fills the bed with a new resident.

(3) Residents participating in the Optional State Supplementation Program are excluded from the requirements of items (1) and (2).

The Act became effective on May 16, 2014.

If there are any questions, you may call Angie Smith at (803) 545-4370.

CC: Angie Smith