

## **Be An Advocate When Your Parent Is Hospitalized!**

*By Jane M. McNamara, Elder Law Attorney*

My mother spent several days in a hospital recently. She recovered, and her discharge home was timely and appropriate. Thankfully, she is doing well. But, there are many patients who are not so lucky. Many are discharged from the hospital too early, and their health suffers. It is important to remember that hospitals have a strong financial incentive to discharge Medicare patients as quickly as possible. Medicare generally pays hospitals flat rates based on the type of medical problem being treated. If the hospital spends less money on your care than Medicare pays, it makes money. So, there is a reason why hospitals may want to quickly discharge some patients.

To protect your parent from being discharged too quickly, Medicare gives you the right to appeal hospital discharge decisions. At or near admission, and usually again before discharge, a hospital must give you a Notice titled “**Important Message from Medicare.**” This Notice explains that the patient may appeal if the patient (or their representative) believes they are being discharged too soon. The notice also explains how to file an appeal.

If you think your parent is not ready to leave the hospital, discuss your concerns with the doctor and the hospital staff. Be an informed and effective advocate – be involved in their care. You should request an appeal if your concerns about early discharge are not resolved. File an appeal on or before the planned discharge date, and ask of an “immediate review”. Importantly, if a hospital proposes an inappropriate discharge, the patient may refuse to go. But, make sure you read and understand the Important Message from Medicare, and follow the appeal instructions. Although the patient cannot stay in a hospital indefinitely, the hospital cannot unsafely discharge a patient. Federal and state law support this, and you should know your rights. If you are an adult child or a spouse, remember that YOU need to be an effective advocate for your loved one.

*For more information, please call the Law Office of Jane M. McNamara. (661) 287-3260*