

Going to a Nursing Home



Public Legal Education
and Information Service
of New Brunswick

Public Legal Education and Information Service of New Brunswick (PLEIS-NB) is a non-profit organization and a registered charity. Its goal is to provide the public with information about the law. PLEIS-NB receives funding and in-kind support from the federal Department of Justice, the New Brunswick Law Foundation and the New Brunswick Department of Justice and Public Safety.

We gratefully acknowledge the contribution of members of the Law Society of New Brunswick and staff of the Department of Social Development. We also thank the Third Age Centre and the seniors who helped us to better understand the information needs of seniors in this area. The booklet does not contain a complete statement of the law or the policies in this area. Both may change from time to time and anyone needing specific legal advice should contact a lawyer.

Purpose of the Booklet

This booklet answers some questions commonly asked about entering a nursing home and applying for financial assistance. It touches on the services offered and explains how the Department of Social Development processes admissions into nursing homes. Information is based on what is available at time of print. It does not deal with other residential facilities such as community residences or special care homes.



**Public Legal Education
and Information Service
of New Brunswick**

P.O. Box 6000

Fredericton, NB E3B 5H1

Tel.: 506-453-5369

Email: pleisnb@web.ca

www.legal-info-legale.nb.ca

www.familylawnb.ca

Table of contents

Nursing Home Admission	1
Your Rights in a Nursing Home	5
Nursing Home Costs	8
The Financial Assessment	9
Applicants Living Alone.....	10
Applicants with a Spouse/Partner or Dependents at Home	11
Applicants with Spouse/Partner also Needing Long Term Care	12
Terms to Know	13
Deciding what to do with your house.....	14
OAS and GIS Payments	15
Personal Expenses	16
More Information.....	17
Appendix.....	18



Nursing Home Admission

How do I enter a nursing home?

The Department of Social Development must approve all requests for services in nursing homes, even if you pay your own way. Staff from the Department will decide your eligibility by looking at your long term health care and social needs. If these are greater than what you, your family and the community can provide, you may be eligible for nursing home care.

Going to a nursing home is just one option. The Department provides a range of long term care services for seniors and adults with disabilities who need help. Services include personal support, physical, and social services. These are not covered by Medicare. However, people who can't pay the full cost can ask the Department to assess them for financial assistance.

To ask for an assessment for long term care services or for more information, contact the New Brunswick Department of Social Development in your region.

Can someone make me go into a nursing home?

Going into a nursing home is voluntary. To get in, you must agree to an assessment. Nobody can force a competent person to have this assessment or to go to a nursing home.

What happens if I do need nursing home care?

After the Department of Social Development finds you eligible and approves your application for placement in a nursing home, they will place your name on a provincial wait list and on the wait lists of nursing homes you have selected. When a nursing home has a vacancy, prospective residents must be selected from the waitlist of the nursing home in chronological order (with some exceptions outlined in legislation) to make a bed offer. If your spouse or partner is also eligible for long term care services and you both wish to be together, you can ask the Department to consider the admission request of your spouse/partner on compassionate grounds.

Will I have a say which nursing home I go to?

Yes. When you are eligible for admission, you must select two nursing homes as your preferred nursing homes for placement. These two selections are treated as equal preferences. If you can, visit the homes in your area before you decide. Ask about their policies.



What if I'm not offered the nursing home I want?

If there's no vacancy in the nursing homes you prefer, you may be offered an interim placement. An interim placement must be at a nursing home which is 100km or less from your residence, offers services in the official language of your choice, and can meet your care needs. When you accept an offer of interim placement, your name will remain registered on the waitlists of the preferred nursing homes you selected. When a bed is available, you will be offered the choice to transfer to your preferred nursing home or you may choose to remain in the nursing home where you currently reside.

What if I don't want to go to the nursing home offered to me?

You do not have to accept the nursing home you are offered, but declining can affect how quickly you find a spot. If you are currently living at home and you decline an offer, you will be moved to the bottom of all waitlists. If you are currently in a hospital, you will keep your place on the waitlist.

If you are in the hospital waiting for a placement, be sure to ask about hospital policies.



Can I transfer from one home to another?

You can apply for a transfer to an alternate nursing home at any time. The new nursing home will put you on a list of residents who have requested transfers. When they have a vacancy, they will offer it to someone from the list in chronological order based on when the transfer request was made.

How long you wait to get in depends on the vacancy rate at that nursing home. However, before you apply, consider taking a month to get used to the nursing home you are in. After that time, if you still want to transfer, then go ahead and make the application.



»» Your Rights in a Nursing Home

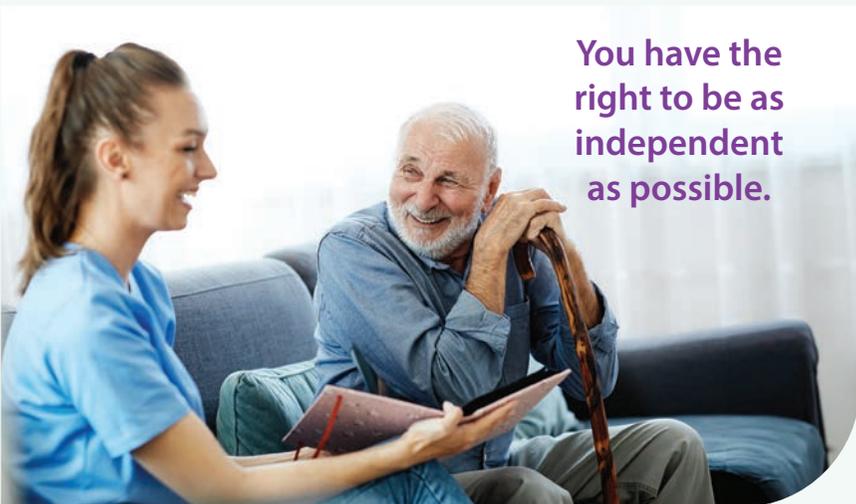
What rights do I have in a nursing home?

Your rights are much the same as your rights in the community. You may have to get used to living with other people who have their own likes and dislikes. However, you should expect certain basic rights such as privacy, dignity, and individuality.

For example, the staff should knock before entering your room and you should be able to have private visits with your family. You should be allowed to come and go, if you can do so safely.

Can I expect the nursing home to be safe and clean?

Yes. The provincial government has set standards for nursing homes. By law, the operator must keep the buildings, equipment and surroundings of the home clean, neat and safe. There are also standards regulating the services that homes must give the residents.



You have the right to be as independent as possible.

What can I bring with me to a nursing home?

Before going to the nursing home, ask the administration what you can take along. For various reasons, they may restrict what you can bring. For the safety of all residents and staff, the nursing home must check any equipment, furniture and electrical appliances that you wish to bring. They need to be in good condition. Be sure to bring personal items such as clothes and toiletries.

Must a nursing home give me notice that they plan to discharge me?

According to the *Nursing Homes Act* of New Brunswick, nursing homes may only discharge you for 4 reasons which are outlined in the regulation:

1. You pose a safety threat to yourself, other residents, or staff, and the nursing home cannot provide the necessary level of care;
2. The nursing home is no longer able to meet your needs;
3. The nursing home can't agree with you (or your next of kin) on your care; or
4. You have not paid your residence fees in full, and you and the nursing home can't agree on how to resolve it.

The operator of a nursing home must give notice at least **30 days before the date of discharge**. They must give notice to you, your next of kin or legal representative. If there is no next of kin or legal representative, the nursing home may give notice to you and to the Director of Nursing Home Services, and the Minister of Social Development.

A nursing home can discharge you without notice if they have a good reason to believe that it's necessary for safety reasons. But, the nursing home must make every effort to ensure that residents' needs are met; a discharge is the exception and only occurs when all other options have been exhausted.





Nursing Home Costs

How much does it cost to live in a nursing home?

The amount you may have to pay to cover the costs of the nursing home, including room and board services, can vary depending on your income. Currently, the maximum amount is \$113 per day. On a monthly basis, this would amount to about \$3,437. This amount may be adjusted from time to time. The Department of Social Development will cover the costs of your nursing and rehabilitation services in a nursing home.

Can I get financial assistance to help pay the costs?

If you can afford to pay your nursing home room and board costs from income, you must do so. If you feel you cannot afford the costs, you can apply to the Department for a financial subsidy. The first step in getting a subsidy is to ask for a financial assessment. You can do this any time before or after the Department has evaluated your situation.

What if I need help right away?

Until the Department completes your financial assessment, you must pay your nursing home room and board costs.

»» The Financial Assessment

How do I get a financial assessment?

To get a financial assessment, you will need to complete the Financial Application Form for CRA Process.

Social Development and the Canada Revenue Agency (CRA) have a partnership to make it easier to provide financial information needed to assess eligibility for financial support. All information provided by CRA will remain confidential and will only be used to determine eligibility for financial support for services.

You must complete and return the Financial Application for CRA Process within 30 days. You then send it to the Financial Needs Assessor whose name and address are at the bottom of the form or you may bring them in person to your local Social Development Office. Include all the documents and information requested on that form. (*See the list of documents needed for the Financial Application for CRA Process in the Appendix.*)

The Financial Needs Assessor will review your application and let you know if you are eligible for a subsidy.



How is my ability to pay assessed?

The Financial Needs Assessor uses the net income to calculate the financial contribution toward your nursing home room and board costs. (see *Terms to Know*). What is considered depends on whether you:

- 1 Live alone
- 2 Live with a spouse/partner or a dependent(s)
- 3 Have a spouse/partner who also needs long term care services

1

Applicants Living Alone

Your contribution is calculated by:

1. Calculating your **monthly net income**
2. **Subtracting this amount** from the monthly room and board costs for nursing home services.

OUTCOME:

If the amount you **are able to** pay each month is **less than** the monthly cost of the room and board services, the government can give you a subsidy to offset the full cost of the services.

If the amount you **are able to** pay each month is **more than** the monthly cost of room and board at the nursing home, you will have to pay these costs.

2

Applicants with a Spouse/Partner or Dependents at Home

The Department decides how much you must pay by looking at your **net family income**. Your contribution to the nursing home is based on a graduated income scale reflecting your spouse/partner and the number of dependents.

OUTCOME:

If your contribution from net family income is **not enough** to cover nursing home room and board costs, you **may be eligible for a subsidy**. This method protects a portion of the net family income to support your spouse/partner and dependents at home.



Applicants with Spouse/Partner also Needing Long Term Care

If your spouse/partner or dependent is already getting, or later qualifies for approved **long term care services**, the cost of their services will be added to your nursing home costs.

OUTCOME:

The Department would calculate only **one** family contribution on the total cost of all services. Generally, you would pay the amount of your contribution directly to the nursing home.

What if my financial situation changes after the financial assessment?

A change in your financial situation could affect your eligibility for a government subsidy. For example, if you enter the nursing home as a private payer, you could become eligible for financial assistance if your income decreases. If you are already subsidized, the Department will have to reassess you if your income increases or decreases.

It is your responsibility to let the Department know if your financial situation changes. If it does, please contact the Department of Social Development and ask to speak to the Financial Needs Assessor.



Terms to Know

Net Income/Net Family Income

This is your total income from all eligible sources, whether taxable or non-taxable. Net income is calculated by subtracting all allowable deductions from your total income. This includes statutory and other employer deductions such as CPP, EI, Income Tax, and health insurance premiums.

If you are single, the Department considers 100% of your net income after deductions. If you have a spouse/partner (married or common-law) or dependents, the Department considers the net income of the family unit on a graduated scale. In either case, you are allowed a monthly comfort and clothing allowance.

Income includes: wages, allowances, income from investments, pensions (ex. Old Age Security (OAS) and Canada Pension), etc. **Fixed or liquid assets are not included in the financial assessment.**

Dependent

A dependent is a financially dependent child of, or a person under the guardianship of, the client entering the nursing home or that person's spouse. The dependent must be under 19 years of age, or under 25 years of age and enrolled full-time in an educational institution, or over 18 years and disabled.

»» Deciding what to do with your house

Must I sell my house when I enter the nursing home?

What you do with your house is your decision. The value of your house is not included when the financial needs assessor calculates your contribution to your nursing home costs. **Fixed or liquid assets are not included in the financial assessment.**

What if I rent my house?

If the government is subsidizing your nursing home room and board costs and you decide to rent your house, even to a family member, you must contribute 75% of the rental income toward your room and board at the nursing home. You can use the remainder for the upkeep of the house.

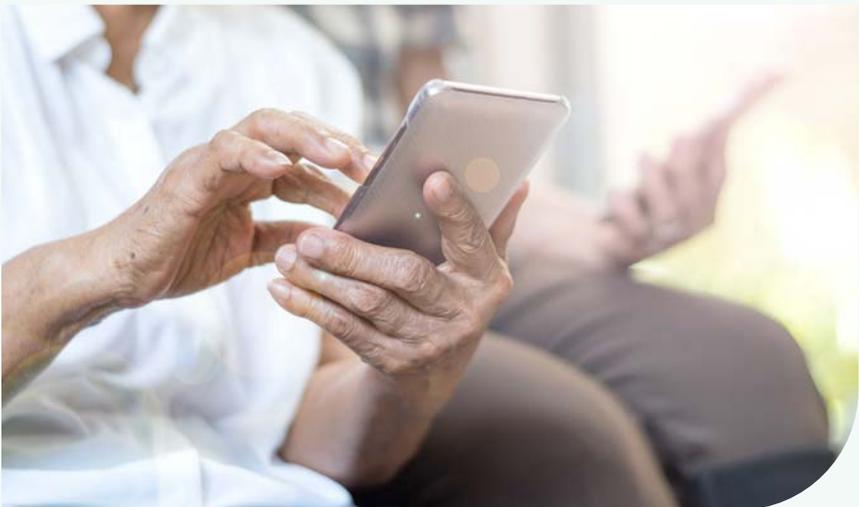


»» OAS and GIS Payments

What happens to our OAS and GIS payments if only one spouse enters a nursing home?

When you enter a nursing home and your spouse or partner does not, Service Canada may find that you and your spouse or partner are each eligible for the same monthly financial benefits as single pensioners. You will have to fill out a form **“Spouses or Common-law Partners Living Apart for Reasons Beyond their Control”**. This allows both of you to possibly receive an increase in your Guaranteed Income Supplement (GIS) monthly pension amounts.

Contact the Service Canada office. The toll free number is 1-800-277-9914. Explain your situation and ask about getting an increase in your OAS/GIS benefit. Do not press any buttons after you dial, just wait and the operator will eventually come online and talk to you.



Personal Expenses

Can I keep some money for personal expenses if I get assistance?

Yes. You can keep your GST rebate and your Low-Income Seniors Benefit. You can also keep your comfort and clothing allowance each month from your OAS and GIS. These amounts may change. If you have no income, the Department will give you a comfort and clothing allowance.

If I get a subsidy, will all my expenses be covered?

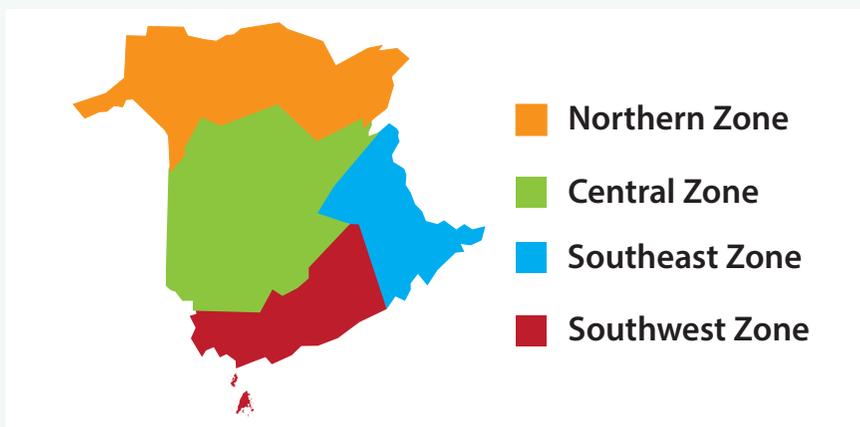
You will still be responsible for some personal expenses. For example, everyone must arrange their own transportation when they enter the nursing home. Residents in a nursing home, even those on financial assistance, are responsible for:

- clothing and personal items, such as dry cleaning, barber/hairdresser
- telephone and cable TV expenses
- participation fees for eye glasses/examinations and dentures/dentist
- cost of certain personal care items if the brand is not provided by the nursing home
- cost of any medication not covered by the Prescription Drug Program or by your private drug plan
- cost of transportation, other than to the hospital
- making funeral and burial arrangements

More Information

Where can I get more information?

To get more information about nursing homes and their policies in your area, call them and arrange to visit. Ask about their policies. To find out more about programs, nursing home admissions and government subsidies, contact the Department of Social Development at 1-833-733-7835 in your region.



You can also find the full details about nursing home legislation, regulations and policies free online at:

- [Standard Family Contribution policy](#)
- [Nursing Homes Act](#)
- [Nursing Homes Act Regulations](#)
 - [General Regulations](#)
 - [Contribution Regulation](#)
- [Licensed Nursing Homes - Inspection, Standards and Management Directives](#)

Appendix

Documents needed for a Financial Assessment for a Nursing Home subsidy:

Completed **Financial Application Form for CRA Process** application form. Make sure you (and your spouse or partner if applicable) sign, witness and date at the bottom of the form and on the Consent Form for CRA as it is required.

If any of the following applies to your and your spouse/partner's (if applicable) situation, you may need to provide copies of these as well. *Please check the boxes that apply to you:*

- Proof of cost of health insurance premiums
- Power of Attorney document
- Proof of income from Veterans Affairs Canada
- Proof of any pensions from any other country
- Proof of rental income, if not declared on your income tax
- Last month's pay stubs (if employed)
- Proof of Long Term Disability payments
- Proof of Private Coverage for Long Term Care Services
- Proof of current income if you (or your spouse) have turned 65 in last year
- Proof of current income if you have become widowed in the last year