

WHEN YOUR AGED CARE FACILITY IS CLOSING

NOTE: This is general information only. Check with Aged Rights Advocacy Service if you are unclear about any of these matters.

Can I be asked to move to another Aged Care Facility?

The provider can ask you to move to another Facility if the Facility in which you are currently living is closing.

What must the provider do if I am asked to leave?

If the provider decides to ask you to leave, the provider must give you a written notice that includes the following information:

- The decision
- The reasons for the decision
- The date on which you are to leave. The provider must give you at least 14 days notice to leave (and see further below in relation to the expiry of the 14 days)
- Your rights about leaving, including the right to access the:
 - Facility's internal complaints mechanism
 - Department of Health and Ageing, Complaints Investigation Scheme
1800 550 552
 - Advocacy service (Aged Rights Advocacy Service) (08) 8232 5377

What if the 14 days notice expires and I have not been able to find another place?

If you have not been able to find suitable alternative accommodation that meets your assessed long-term needs and is affordable by you, and the 14 days notice period has expired, the provider still cannot take action to make you leave, or imply that you must leave, until such time as you do find such **suitable, alternative accommodation**.

Your long-term needs must be assessed by either an Aged Care Assessment Team or two medical or other health practitioners. One of the medical or health practitioners must be independent of the provider and of the Facility, and must be chosen by you or your representative. Both medical and health practitioners must be competent to assess your aged care needs.

What if a new owner takes over the Aged Care Facility?

If a new owner takes over the Facility, this new owner takes on all the responsibilities of the previous owner. The Facility does **not** become a "new service".

You have all the rights of security of tenure that you had under the previous owner.

Will I have to pay extra money if I move to another Aged Care Facility?

Paying extra, or different, amounts of money in fees and/or charges will depend on a number of things, including:

- The level of care you are moving to (ie Low Care, High Care, Extra Services)
- The date you originally entered your first Residential Aged Care Facility
- Whether the new facility is certified
- The level of your assets and income
- Whether you are a former Prisoner of War

To find out if you might be paying extra money when moving please contact the Aged & Community Care Information Line 1800 500 853 for more details.

Remember that if you move to another residential aged care facility that is approved to provide "extra services", and you freely choose to receive "extra services" there, then you will be obliged to pay additional fees ("extra service" fees).

What if I can't afford to pay an accommodation charge or an accommodation bond in the new Aged Care Facility?

If your assets are below the minimum amount (\$34,500 from 20/3/08) you cannot be asked to pay either an accommodation charge or an accommodation bond.

If your assets are over the amount, but you believe that you still cannot pay the accommodation charge or the accommodation bond, you should contact the Department of Health and Ageing to enquire about whether you can be exempted from paying on the ground of financial hardship - contact Aged & Community Care Information Line 1800 500 853 for details.

Will I be asked to sign anything if I move to a new service?

Yes. If you move to a new service, you will be offered a new resident agreement. You can choose whether or not you want to sign that agreement.

FURTHER INFORMATION

For more information or support about protecting your rights please contact: ARAS, 16 Hutt St, Adelaide on 82325377 or 1800 700 600 (*toll free for country callers*)

Email: aras@agedrights.asn.au **Website:** www.sa.agedrights.asn.au

OR:

Department of Health and Ageing Aged Care Complaints Investigation Scheme 1800 550 552.

Seniors Information Service 8232 1441 **Website:** www.seniors.asn.au

If you are eligible to pay either an accommodation bond or accommodation charge in the new service, the new provider must offer either an accommodation bond agreement or an accommodation charge agreement to you before, or within 21 days of, your entry to the new service (this time period is extended if certain legal processes relating to your cognitive impairment are in progress).

If the new service is approved to provide extra care services and you have freely chosen to receive extra care services there, then the provider must enter an extra services agreement with you.

Do the same care and accommodation standards apply if I move to another Aged Care Facility?

Yes, if it is a Commonwealth funded Aged Care Facility

The care and accommodation standards are set by the Commonwealth Government and apply to the care and accommodation of all residents who live in any Commonwealth funded Aged Care Facility.

However, if you move to another Facility and you freely choose to receive extra care services there, then you should receive a significantly higher standard of accommodation, services and food, in return for the additional fees that you pay.

ARAS is funded by the Commonwealth Department of Health & Ageing and the Home and Community Care (HACC) Program, Department for Families and Communities.

Disclaimer

Note: The information on this fact sheet is intended to provide general information and it is not intended to substitute for legal advice. Whilst care has been taken to ensure the accuracy of the material contained in this fact sheet, no responsibility can be taken for any errors or omissions.