

## Nursing home admission contracts

A person who enters a nursing home is called a resident. A nursing home admission contract is the agreement between a nursing home and a resident. It lists what care and services are provided, the basic monthly fee and all items that cost extra. It includes how much has to be paid to hold a bed if the resident has to go to the hospital. Sometimes the document is called an agreement, a residency agreement, or a contract.

### Who signs the contract?

If possible, the resident signs the contract. If the resident is unable or not competent to sign the contract, someone else can sign on the resident's behalf. An agent is the person who signs a nursing home contract on behalf of a resident.

If a resident understands the contract, the nursing home can't require someone else to sign instead. If the resident's doctor states that the resident is not capable of understanding the contract, an agent must sign. A resident that has a legal guardian needs the guardian to sign.

### Who may be an agent?

Many types of people can act as an agent for a nursing home resident. An agent may be a court-appointed guardian, a person

authorized to make health care decisions as next-of-kin, or a person acting under a power of attorney granted by the resident.

### What are my duties as an agent?

As an agent, you represent the rights of the resident and act on the resident's behalf. You have a duty to do what the resident wishes. If his or her wishes are unknown, you must act in the resident's best interest. The type of agent you are also defines some of your duties. For example, a guardian has special duties from the court. If the resident has given you power of attorney because it is convenient, the resident decides how much authority you have and directs you.

### What are my financial duties in signing a nursing home contract as an agent?

- If you have authority to manage, use, or control the resident's funds, you must pay the nursing home out of the resident's funds. If you don't pay, you could be liable for mishandling the resident's funds.
- The nursing home can't require you to pay for the resident's care from your own personal funds.
- You can voluntarily agree to be personally responsible to pay for the resident's care, but you don't have to do so. If you agree, you could be liable for all nursing home expenses even after the resident dies.

### What are my responsibilities as a financial agent regarding Medical Assistance?

- You must seek Medical Assistance for the resident if he or she can't afford to pay the nursing home without it.
- You must gather all the information the resident needs to apply for Medical Assistance. This includes information about the resident's income and assets.
- You must follow Medical Assistance rules about using the resident's funds. This includes paying most of the resident's monthly income to the nursing home.
- If you don't apply for Medical Assistance or don't cooperate fully in the application process, a court could order you to do so.

### Before you sign the contract

- Talk about any questions you have with a trusted advisor before you sign the contract. For example, you could talk to the local Long Term Care Ombudsman or a lawyer who handles elder law.
- Review the entire contract before you sign it. You have a right to take the contract home to review it in private, or you can ask for a copy of the contract to review before the resident enters the nursing home.

- The state of Maryland has a model nursing home admission contract. Compare your contract to the State's model nursing home admission contract. Call the Office of Health Care Quality at 410-402-8000 to get the model contract. Or, you can find it at <http://dhmh.maryland.gov/ohcq/LTC/Docs/resident%27s%20agent%20agreement%202012.pdf>.
- Ask about any part of the contract you find confusing or unfair. If you and the nursing home agree to any changes, make sure you and the nursing home administrator initial the changes in the margin. All changes must be in writing.
- Make sure you understand all of your obligations under the contract as the resident's agent.

### When you sign the contract

- Make sure the entire contract is complete before you sign it. There should be no blank spaces. If there are choices, make sure it is clear which one applies to you.
- Get a complete copy of the signed contract, including any appendices, attachments, or exhibits.

## Maryland Legal Aid: Who We Are

This brochure was prepared by Maryland Legal Aid, a non-profit organization dedicated to providing high quality legal advocacy to protect and advance human rights for individuals, families, and communities.

### Long Term Care Assistance Project

Maryland Legal Aid's Long Term Care Assistance Project provides free legal help for low-income persons to get the long-term health care they need in the setting of their choice, whether that is at home, in the community through assisted living, or in a nursing home.

### Know your rights

This brochure is for Maryland residents and contains general information about your rights, but is not meant to be legal advice. Every effort is made to keep this information up to date. However, the law sometimes changes. If you need information about your specific situation, or if you have a pending legal case, you should seek legal counsel from Maryland Legal Aid or another legal resource.

## Where can I get help?

### Contact an Attorney

Nursing home contracts can be complex. Maryland Legal Aid may be able to help, or you can contact a private elder law attorney. Maryland Legal Aid's Long Term Care Assistance Project can be reached at 1-866-635-2948.

To find a private lawyer in your area, contact the Maryland State Bar Association at 1-800-492-1964, or [www.msba.org/public/referral.asp](http://www.msba.org/public/referral.asp).

### Long Term Care Ombudsman

The Long Term Care Ombudsman is a free advocate for residents. The Ombudsman will try to help you address resident concerns. To locate your local Ombudsman, call the statewide office at 1-800-243-3425 or go to [www.aging.maryland.gov/Ombudsman.html](http://www.aging.maryland.gov/Ombudsman.html).

### Contact the Office of Health Care Quality

The Office of Health Care Quality investigates complaints about nursing homes. Call 1-877-402-8219 to file a complaint or go to <http://dhmh.maryland.gov/ohcq/SitePages/Complaint%20Form.aspx>.



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## Maryland Legal Aid Offices

### Anne Arundel County

229 Hanover St  
Annapolis, MD 21401  
(410) 972-2700  
(800) 666-8330

### Baltimore City

500 East Lexington St  
Baltimore, MD 21202  
**Telephone Intake Lines:**  
(410) 951-7750  
(866) MD LAW 4U  
(or 866-635-2948)

### Business Line:

(410) 951-7777  
(800) 999-8904

### Baltimore County

29 W. Susquehanna Ave  
Ste 305  
Towson, MD 21204  
(410) 427-1800  
(877) 878-5920

### District Court Self-Help

**Resource Centers**  
**Glen Burnie**  
7500 Gov. Ritchie Highway  
Room 206  
Glen Burnie, MD 21061  
(410) 260-1392  
**Upper Marlboro**  
14735 Main St  
Room 069B  
Upper Marlboro, MD 20772  
(410) 260-1392

### Lower Eastern Shore Dorchester, Somerset, Wicomico, Worcester

111 High St  
Salisbury, MD 21801  
(410) 546-5511  
(800) 444-4099

### Metropolitan Maryland Prince George's

8401 Corporate Drive  
Ste 200  
Landover, MD 20785  
(301) 560-2100  
(888) 215-5316

### Howard

3451 Court House Dr  
2nd Floor  
Ellicott City, MD 21043  
(410) 480-1057

### Midwestern Maryland Carroll, Frederick, Washington

22 S. Market St, Ste 11  
Frederick, MD 21701  
(301) 694-7414  
(800) 679-8813

### Montgomery County

600 Jefferson Plaza  
Ste 430  
Rockville, MD 20852  
(240) 314-0373  
(855) 880-9487

### Northeastern Maryland Cecil, Harford

103 S. Hickory Ave  
Bel Air, MD 21014  
(410) 836-8202  
(800) 444-9529

### Southern Maryland Calvert, Charles, St. Mary's

15364 Prince Frederick Rd  
P.O. Box 249  
Hughesville, MD 20637  
(301) 932-6661  
(877) 310-1810

### Upper Eastern Shore Caroline, Kent, Queen Anne's, Talbot

106 N. Washington St  
Ste 101  
Easton, MD 21601  
(410) 763-9676  
(800) 477-2543

### Western Maryland Allegany, Garrett

110 Greene St  
Cumberland, MD 21502  
(301) 777-7474  
(866) 389-5243

### Statewide Farmworker Program

(800) 444-4099

### Foreclosure Legal Assistance Project

(888) 213-3320

### Long Term Care Assistance Project

(866) 635-2948

### Maryland Senior Legal Helpline

(866) 635-2948

### Veterans' Hotline

(443) 863-4040

### TTY Users: Call Maryland Relay, Dial 7-1-1

Visit [www.peoples-law.org](http://www.peoples-law.org)  
for self-help legal information  
and community resources.

For more information visit  
[www.mdlab.org](http://www.mdlab.org).

Nursing  
Home  
Residents

# Signing a Nursing Home Admission Contract for Someone Else

