

# SIGNING A NURSING HOME CONTRACT for Someone Else



## Who We Are

Established in 1911, Maryland Legal Aid is a statewide private, nonprofit law firm that provides free, civil legal services to low-income and vulnerable people to address their most fundamental legal problems. From our 12 offices throughout the state, we help our clients preserve and access safe and affordable housing, maintain and regain custody of their children, and be safe from domestic violence. Maryland Legal Aid increases our clients' economic security by defending against consumer debt, including foreclosures and tax sales, removing barriers to employment, and accessing critical income supports such as unemployment, food stamps and other vital public benefits. Through special projects, we represent elder adults, nursing home residents, migrant farm workers, and children in alleged abuse and neglect cases. In its advocacy, Maryland Legal Aid seeks systemic change through impact litigation, in our advocacy, and by storytelling.

## 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 current. However, the law sometimes changes. If you need information about your specific situation, or if you have a pending legal case, you should seek counsel from Maryland Legal Aid or another legal resource.

## What is a Nursing Home Admission Contract?

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 to be provided, the basic monthly fee, and all items that cost extra fees. 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.

The nursing home can't require someone else to sign the admission contract if a resident understands the contract and is able to enter into a contract. 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 or a person authorized to make health care decisions, such as a health care agent or a next-of-kin.

## 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 assigned by the court. If the resident has appointed a health care agent under an advance directive, the agent should review the resident's advance directive.

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

- If you have the authority to manage, use, or control the resident's funds, you must pay the nursing home out of those 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 Long-Term Care Medical Assistance?**

- You must seek Long-Term Care Medical Assistance, also called "Medicaid," 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 nursing home admission contract**

- Before signing the contract, you may want to talk to a trusted advisor. 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 request a copy of the model contract or you can view the model contract at: <https://health.maryland.gov/ohcq/ltc/docs/Resident%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 the resident.
- Get a complete copy of the signed contract, including any appendices, attachments, or exhibits.

## **WHERE CAN I GET HELP?**

### **Contact an Attorney**

Maryland Legal Aid may be able to assist you, or you can contact a private attorney. Contact the Maryland Legal Aid office serving your county. A list of those offices and the counties they serve is provided on the back of this brochure. The Lawyer Referral Service in your county can help you find a private attorney.

### **Maryland Legal Aid's Statewide 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 be at home, in the community through assisted living, or in a nursing home. You can contact the Long-Term Care Assistance project by calling 1-866-635-2948 or go to [www.mdlab.org](http://www.mdlab.org).

### **Lawyer Referral Service**

Contact the Maryland State Bar Association at 1-800-492-1964.

## Long-Term Care Ombudsman

The Long-Term Care Ombudsman (“Ombudsman”) is a free advocate for residents who will try to help you resolve your concerns. The Ombudsman will assist you with voicing complaints to nursing home staff and to the Maryland Office of Health Care Quality and can help you find an attorney or other resource to assist you. The Ombudsman keeps your information confidential and will not act without your permission. The Ombudsman makes regular visits to nursing homes. To find your local Ombudsman, call the statewide office at 1-800-243-3425.

## Contact the Office of Health Care Quality

The Maryland Office of Health Care Quality (OHCQ) investigates complaints about nursing homes. Call 1-877-402-8219.

## Resources for more information about Nursing Home residents’ rights and Nursing Homes generally:

- National Consumer Voice for Quality Long-Term Care: [www.theconsumervoice.org](http://www.theconsumervoice.org)
- AARP: <https://www.aarp.org/>
- <http://www.medicareadvocacy.org/>

# Maryland Legal Aid Offices

**Centralized Intake:** 1-888-465-2468  
is now serving all jurisdictions:

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## Offices

### **Allegany/Garrett**

138 Baltimore Street  
Suite 204  
Cumberland, MD 21502

### **Anne Arundel/Howard**

2024 West Street  
Suite 204  
Annapolis, MD 21401  
3451 Court House Drive  
2nd Floor  
Ellicott City, MD 21043

### **Baltimore City**

500 E. Lexington Street  
Baltimore, MD 21202

### **Baltimore County**

215 Washington Avenue  
Suite 305  
Towson, MD 21204

### **Cecil/Harford**

103 S. Hickory Avenue  
Bel Air, MD 21014

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

101 Broad Street,  
Salisbury, MD 21801

### **Midwestern Maryland Carroll, Frederick, Washington**

22 S. Market Street  
Suite 11  
Frederick, MD 21701

### **Montgomery County**

600 Jefferson Plaza  
Suite 430  
Rockville, MD 20852

### **Prince George's County**

8401 Corporate Drive  
Suite 200  
Landover, MD 20785

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

15045 Burnt Store Road  
Hughesville, MD 20637

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

106 N. Washington Street  
Suite 101  
Easton, MD 21601

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

**[www.mdlab.org](http://www.mdlab.org)**

For more information

**[www.peoples-law.org](http://www.peoples-law.org)**

For self-help legal information and  
community resources

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