

AUGMENTATIVE COMMUNICATION DEVICES FOR NURSING FACILITY RESIDENTS

Prepared by the Disability Rights Network of Pennsylvania

This fact sheet provides a brief overview of your right to get an augmentative communication device (speech generating device) if you are a nursing facility resident.

PLEASE NOTE: THIS INFORMATION IS NOT INTENDED TO BE LEGAL ADVICE APPLICABLE TO SPECIFIC FACTUAL SITUATIONS.

Does the nursing facility have to provide an augmentative communication device?

Yes, if the device is medically necessary. If you are in a nursing facility that participates in Medical Assistance (Medicaid), the nursing facility must provide services and activities that will achieve your highest practicable physical, mental, and psychosocial well-being. The nursing facility must assess your communication abilities and address your communication needs in your care plan. The nursing facility must maintain or improve your ability to use speech, language, or other ways to communicate. The nursing facility must keep your ability to communicate from diminishing. Thus, the nursing facility must provide you with a speech-language assessment, speech therapy, and an augmentative communication device where medically necessary. Once these services and devices are prescribed by a doctor, they are considered to be medically necessary and must be included in your care plan. You or your representative has the right to participate in this process.

Who pays for the augmentative communication device?

If Medical Assistance (Medicaid) pays for you to stay in the nursing facility, the nursing facility must pay for the device with the money that it receives from Medical Assistance. The nursing facility can also ask the Department of Public Welfare to pay for the device through the Exceptional DME program. To do so, the nursing facility must submit to the Department a doctor's written prescription and Letter of Medical Necessity. For more information on applying for Exceptional DME, including appeal rights, please review the Disability Rights Network of Pennsylvania's brochure called, "How Nursing Facility Residents Can Get Assistive Technology: 5 Simple Steps."

Can I keep the augmentative communication device if I leave the nursing facility?

Even though equipment generally belongs to the nursing facility, you can ask the Department of Public Welfare to allow you to keep the augmentative communication device if you go to another facility or go to live in the community.

Who can I contact for help?

Please contact the Disability Rights Network of Pennsylvania at 800-692-7443 (voice) or 877-375-7139 (TTY). You can also contact an advocate who visits the nursing facility. You can also contact the Department of Health Nursing Facility Complaint Hotline at 800-254-5164 (voice).