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**TITLE 405 OFFICE OF THE SECRETARY OF  
FAMILY AND SOCIAL SERVICES**

LSA Document #01-214(F)

**DIGEST**

Amends 405 IAC 5-31-8 to eliminate bed hold days for Medicaid certified and enrolled nursing facilities with less than ninety percent (90%) occupancy. Effective 30 days after filing with the secretary of state.

**405 IAC 5-31-8**

SECTION 1. 405 IAC 5-31-8 IS AMENDED TO READ AS FOLLOWS:

**405 IAC 5-31-8 Reservation of nursing facility beds**

**Authority:** IC 12-8-6-5; IC 12-15-1-10; IC 12-15-1-15; IC 12-15-21-2

**Affected:** IC 12-13-7-3; IC 12-15

Sec. 8. (a) Although it is not mandatory for facilities to reserve beds, Medicaid will reimburse for reserving beds for Medicaid recipients at one-half (½) the per diem rate provided that the criteria as set out in this section are met.

(b) Hospitalization must be ordered by the physician for treatment of an acute condition that cannot be treated in the nursing facility. The total length of time allowed for payment of a reserved bed for a single hospital stay is fifteen (15) days. ~~If the recipient requires hospitalization longer than the fifteen (15) consecutive days, he or she must be discharged from the nursing facility.~~

(c) A leave of absence must be for therapeutic reasons, as prescribed by the attending physician and as indicated in the recipient's plan of care. The total length of time allotted for therapeutic leaves in any calendar year is ~~eighteen (18) days for skilled level of care and thirty (30) days for intermediate level of care.~~ The leave days need not be consecutive.

(d) Although prior authorization by the office is not required to reserve a bed, a physician's order for the hospitalization or therapeutic leave must be on file in the facility.

(e) Requests for reimbursement of nursing facility services shall be expressed in units of full days. A day begins at midnight and ends twenty-four (24) hours later. The midnight-to-midnight method must be used when reporting days of service, even if the health facility uses a different definition for statistical or other purposes. The day of discharge is not covered.

**(f) In no instance will Medicaid reimburse a nursing facility for reserving beds for Medicaid recipients when the nursing facility has an occupancy rate of less than ninety percent (90%). For purposes of this rule, the occupancy rate shall be determined by dividing the total number of residents in licensed beds, excluding residential beds, in the nursing facility taken from the midnight census as of the day that a Medicaid recipient takes a leave of absence, by the total number of licensed nursing facility beds, excluding residential beds. (Office of the Secretary of Family and Social Services; 405 IAC 5-31-8; filed Jul 25, 1997, 4:00 p.m.: 20 IR 3362; filed Sep 27, 1999, 8:55 a.m.: 23 IR 322; readopted filed Jun 27, 2001, 9:40 a.m.: 24 IR 3822; filed Mar 18, 2002, 3:36 p.m.: 25 IR 2475)**

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*Approved by Attorney General: February 14, 2002*

*Approved by Governor: March 15, 2002*

*Filed with Secretary of State: March 18, 2002, 3:36 p.m.*

*Incorporated Documents Filed with Secretary of State: None*