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

LSA Document #01-302(F)

DIGEST

Amends 405 IAC 5-34-12 to eliminate bed hold days for hospice recipients when Medicaid certified and enrolled nursing facility occupancy for all residents is less than 90%. Effective 30 days after filing with the secretary of state.

405 IAC 5-34-12

SECTION 1. 405 IAC 5-34-12 IS AMENDED TO READ AS FOLLOWS:

405 IAC 5-34-12 Reservation of beds for hospice recipients in nursing facilities

Authority: IC 12-8-6-5; IC 12-15-1-10; IC 12-15-21-2; IC 12-15-40

Affected: IC 12-15

Sec. 12. (a) Although it is not mandatory for providers to reserve beds, Medicaid will reimburse for reserving nursing facility beds for hospice recipients at one-half (½) the room and board payment ~~determined under 405 IAC 1-16-4~~, provided that the criteria **as set out** in this section are met.

(b) Hospitalization must be ordered by the hospice physician for treatment of an acute condition that cannot be treated in the nursing facility by the hospice provider. The ~~total maximum~~ length of time allowed for payment of a reserved bed for a single hospital stay is fifteen (15) days.

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

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

(e) In no instance will Medicaid reimburse a nursing facility for reserving nursing facility beds for hospice 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 hospice 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 5-34-12; filed Mar 9, 1998, 9:30 a.m.: 21 IR 2383; readopted filed Jun 27, 2001, 9:40 a.m.: 24 IR 3822; filed Mar 18, 2002, 3:34 p.m.: 25 IR 2476)

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Approved by Governor: March 15, 2002

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Incorporated Documents Filed with Secretary of State: None