



State of New Mexico
Human Services Department
Human Services Register



I. DEPARTMENT

NEW MEXICO HUMAN SERVICES DEPARTMENT

II. SUBJECT

NURSING FACILITY RESERVE BED DAYS

III. PROGRAM AFFECTED

(TITLE XIX) MEDICAID

IV. ACTION

PROPOSED REGULATIONS

V. BACKGROUND SUMMARY

In an effort to control costs, the Medical Assistance Division (MAD) will no longer continue to hold or reserve a bed for a resident in a nursing facility for any other reason other than for hospitalization. These proposed rules also contain some changes due to the implementation of CoLTS as well as a new third-party assessor (TPA).

VI. REGULATIONS

These proposed regulation changes refer to MAD 731 (8.312.2 NMAC) of the Medical Assistance Program Manual. This register and the proposed changes are available on the Medical Assistance Division web site at <http://www.hsd.state.nm.us/mad/register/>. If you do not have Internet access, a copy of the regulations may be requested by contacting the Medical Assistance Division at 827-3156.

VII. EFFECTIVE DATE

The Department proposes to implement these regulations effective March 15, 2010.

VIII. PUBLIC HEARING

A public hearing to receive testimony on these proposed regulations will be held at 9:00 a.m., on January 13, 2010 in the ASD conference room of Plaza San Miguel, 729 St. Michael's Drive, Santa Fe, New Mexico.

If you are a person with a disability and you require this information in an alternative format or require a special accommodation to participate in the public hearing, please contact the Division toll free at 1-888-997-2583 and ask for extension 7-3156. In Santa Fe call 827-3156. The Department's TDD system may be accessed toll-free at 1-800-659-8331 or in Santa Fe by calling

827-3184. The Department requests at least ten (10) days advance notice to provide requested alternative formats and special accommodations.

IX. ADDRESS

Interested persons may address written or recorded comments to:

Kathryn Falls, Secretary-Designate
Human Services Department
P.O. Box 2348
Santa Fe, New Mexico 87504-2348

These comments must be received no later than 5:00 p.m. on January 13, 2010. Written and recorded comments will be given the same consideration as oral comments made at the public hearing. Interested persons may also address comments via electronic mail to: Magdalena.Romero@state.nm.us.

X. PUBLICATIONS

Publication of these regulations approved by:

KATHRYN FALLS, SECRETARY-DESIGNATE
HUMAN SERVICES DEPARTMENT

TITLE 8 SOCIAL SERVICES
CHAPTER 312 LONG TERM CARE SERVICES - NURSING SERVICES
PART 2 NURSING FACILITIES

8.312.2.5 EFFECTIVE DATE: February 1, 1995, unless a later date is cited at the end of a section.
 [2/1/95; 8.312.2.5 NMAC - Rn, 8 NMAC 4.MAD.000.5 & A, 3/15/10]

8.312.2.6 OBJECTIVE: The objective of ~~[these regulations]~~ this rule is to provide policies for the service portion of the New Mexico medicaid program. These policies describe eligible providers, covered services, noncovered services, utilization review, and provider reimbursement.
 [2/1/95; 8.312.2.6 NMAC - Rn, 8 NMAC 4.MAD.000.6 & A, 3/15/10]

8.312.2.8 MISSION STATEMENT: ~~[The mission of the New Mexico medical assistance division (MAD) is to maximize the health status of medicaid eligible individuals by furnishing payment for quality health services at levels comparable to private health plans.]~~ To reduce the impact of poverty on people living in New Mexico and to assure low income and disabled individuals in New Mexico equal participation in the life of their communities.
 [2/1/95; 8.312.2.8 NMAC - Rn, 8 NMAC 4.MAD.002 & A, 3/15/10]

8.312.2.16 RESERVE BED DAYS: Medicaid pays to hold or reserve a bed for a resident in a nursing facility ~~[to allow for the residents to make a brief home visit, for acclimation to a new environment or]~~ for hospitalization.

~~[A. Coverage of reserve bed days: Medicaid covers six (6) reserve bed days per calendar year for every long term care resident for any reason without prior approval. Medicaid covers an additional six (6) reserve bed days per year with prior approval to enable residents to adjust to a new environment, as part of the discharge plan.~~

~~————— (1) — A resident's discharge plan must clearly state the objectives, including how the home visits or visits to alternative placement relate to discharge implementation.~~

~~————— (2) — The prior approval request must include the resident's name, medicaid number, requested approval dates, copy of the discharge plan, name and address for individuals who will care for the resident during the visit or placement and a written physician order for trial placement.]~~

~~[B.]~~ **A. Documentation of reserve bed days:** When a resident leaves the NF for any reason, appropriate documentation must be placed in the resident's chart. A physician order must be obtained if residents are hospitalized, request home visits or trial placement.

~~[C.]~~ **B. Level of care determinations:** A new level of care determination must be performed by the MAD utilization review (UR) contractor if a resident is gone from the NF for more than three ~~[(3)]~~ midnights. An abstract must be completed, including information on the reason for the resident's absence, outcome of the leave and any other pertinent information concerning the leave.

~~[D.]~~ **C. Reimbursement and billing for reserve bed days:** Reimbursement for reserve bed days to the NF is limited to the rate applicable for the level of care medically necessary for the eligible resident, as determined and approved by MAD or its designee. The reserve bed day reimbursement is equal to ~~[fifty percent (50%)]~~ 50 percent of the regular payment rate. Billing for reserve bed days is based on the nursing census, which runs from midnight to midnight. Under normal circumstance, medicaid pays for the admission day but not for the discharge day. To receive payment for the additional reserve bed days which require prior approval, the provider must attach a copy of the written notification of approval to the claim.

[2/1/95; 8.312.2.16 NMAC - Rn, 8 NMAC 4.MAD.731.7 & A, 3/15/10]