

HOUSE BILL NO. 772

2/11 Introduced
2/11 Referred to Human Services & Aging
2/20 Hearing
Died in Committee

HOUSE BILL NO. 772

INTRODUCED BY Campbell NATHⁿ Austin Jenkins Compton
Asay Manuel Hand

A BILL FOR AN ACT ENTITLED: "AN ACT DIRECTING AN AMENDMENT TO RULES 46.12.512 AND 46.12.513 OF THE ADMINISTRATIVE RULES OF MONTANA TO PERMIT A SWING-BED HOSPITAL TO KEEP CERTAIN MEDICAID PATIENTS IN THE HOSPITAL INSTEAD OF DISCHARGING THEM TO A NURSING HOME; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. The Department of Social and Rehabilitation services shall amend Rule 46.12.512, Administrative Rules of Montana, to read:

"46.12.512 SWING-BED HOSPITALS, PROCEDURES (1) The swing-bed hospital will have the responsibility of determining whether a skilled or intermediate nursing care bed is available to the medicaid patient within a ~~one hundred--(100)~~ twenty-five (25) mile radius of the hospital before admitting a medicaid patient to a swing-bed. The hospital will be required to maintain written documentation consisting of written inquiries to nursing homes inquiring as to the present and future availability of a nursing home bed and indicating that if a bed is not available, the hospital will provide swing-bed services to the patient.

(2) A medicaid patient admitted to a swing-bed must be discharged to an appropriate nursing home bed within a ~~one hundred--(100)~~ twenty-five (25) mile radius of the swing-bed hospital within 72 hours of an appropriate nursing home bed becoming available.

(3) The department may retrospectively review the use of swing-bed services provided to medicaid patients and may deny payments when it is determined that a nursing home bed was available within ~~one--hundred--(100)~~ twenty-five (25) miles of the hospital that provided the swing-bed service."

Section 2. The Department of Social and Rehabilitation Services shall amend Rule 46.12.513, Administrative Rules of Montana, to read:

"46.12.513 SWING-BED HOSPITALS, REIMBURSEMENT (1) Reimbursement for hospitals that provide swing-bed services will be based on the current medicare swing-bed rate.

(2) Reimbursement to swing-bed hospitals will only be made for medicaid patients when appropriate skilled or intermediate nursing care is not available within a ~~one hundred--(100)~~ twenty-five (25) mile radius of the hospital from which the patient is discharged.

(3) Reimbursement for swing-bed services will only be granted for eligible medicaid recipients occupying beds certified for swing-bed use through the certificate of need process by the Montana department of health and

1 environmental sciences.

2 (4) Costs associated with swing-beds shall be
3 allocated on the medicare "carve out" method in which the
4 revenues from swing-beds will be subtracted from the cost of
5 routine hospital care in accordance with part 1, section
6 2230.4 of the health insurance manual HIM-15, which is a
7 manual published by the United States department of health
8 and human services, social security administration, which
9 provides guidelines and policies for determining the
10 reasonable cost of provider services furnished under the
11 Health Insurance for the Aged Act of 1965 as amended. A copy
12 of HIM-15, Part 1, [section] 2230.4 may be obtained from the
13 Department of Social and Rehabilitation Services, P.O. Box
14 4210, 111 Sanders, Helena, Montana 59604.

15 (5) Reimbursement for ancillary services provided to
16 medicaid patients in swing-beds will be based on direct
17 costs incurred by the hospital to provide these services
18 with no additional indirect costs added on. Ancillary
19 services shall be those services defined in ARM
20 46.12.1205(2)(a) and routine services shall be those
21 services defined in ARM 46.12.1202(2)(a)."

22 NEW SECTION. Section 3. Effective date. This act is
23 effective on passage and approval.

-End-