

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.03.09 - MEDICAID BASIC PLAN BENEFITS

DOCKET NO. 16-0309-1801

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2019 Idaho State Legislature for final approval. The pending rule becomes final and effective *Sine Die*, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to [Section 56-202\(b\), Idaho Code](#).

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

These rule changes will allow eligible Critical Access Hospitals to designate additional acute care beds as swing beds to provide necessary care for individuals, without having to place them in facilities outside of their community and away from their support system. These rules would only apply to those Critical Access Hospitals, who do not have a skilled nursing facility within 35 miles of their facility, and have been approved by Medicare to offer swing-beds.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the [October 3, 2018, Idaho Administrative Bulletin, Vol. 18-10, pages 175 through 184](#).

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:

The fiscal impact in SFY2020 of allowing Critical Access Hospitals who meet the special requirements to request additional swing-bed days from the Department would be a savings of \$87 per person, per day. The savings to the state general fund would be \$25 per person, per day, and the Federal savings would be \$62 per person, per day. This rule change would only allow those Critical Access Hospitals who do not have nursing facilities in their communities to provide additional hospital swing beds that provide the level of care that individuals need to receive care in their local communities. A detailed breakdown can be found in Addendum A: Fiscal Impact for Docket No. 16-0309-1801.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact [William Deseron at \(208\) 287-1179](#).

DATED this _____ day of _____, 2018.

Tamara Prisock
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Negotiated Rulemaking Meeting and Comment Summary

June 26, 2018 11AM – 12PM (MDT) 10AM – 11AM (PDT)
Negotiated Rulemaking DOCKET NO. 16-0309-1801

Facilitator: William Deseron, Policy Analyst
Bureau of Long Term Care – Alexandra Fernandez, Bureau Chief
Bureau of Long Term Care – Alexandria Childers-Scott, Medicaid Policy Analyst

Call to Order and Outline Meeting Format

I. Purpose of Meeting

- a. Introduction to administratively necessary days and swing beds
 - i. Administratively necessary days (AND) are intended to allow a hospital the time for an orderly transfer or discharge of inpatients who are no longer in need of a continued acute level of care. Administratively necessary days may be authorized for inpatients that are awaiting placement in a skilled nursing facility (SNF), Intermediate Care Facility for Individuals with Intellectual Disabilities (ICF/IID), in-home services that are not available, or when catastrophic events prevent the scheduled discharge of an inpatient.
 - ii. Swing beds are allowed for certain small, rural hospitals under the Social Security Act to use its beds, as needed, to provide either acute or care that would be received in a Skilled Nursing Facility.

II. Discussion Points

- a. Removal of the limitation of swing days allowed over a fiscal period.
- b. Use of administratively necessary days in conjunction with swing beds.

III. Follow Up

- a. Written comments for Docket No. 16-0309-1801 are to be submitted on or before Friday, June 29, 2018 to:

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