



Department of Health

ANDREW M. CUOMO
Governor

HOWARD A. ZUCKER, M.D., J.D.
Commissioner

SALLY DRESLIN, M.S., R.N.
Executive Deputy Commissioner

Subject: 2017-'18 Enacted Budget Update-Reserved Bed Days

Dear Administrator:

Chapter 57 of the Laws of 2017 recently amended Public Health Law § 2808(25) relating to Medicaid reimbursement for reserved bed days due to hospitalization leaves. The intent of this amendment was to further limit Medicaid reimbursement for reserved bed days for patients age 21 and older, and not to affect the availability of Medicaid reserved bed day payments for individuals under 21. Further, with respect to patients age 21 and older who are temporarily hospitalized, the intent was to end Medicaid reimbursement to nursing facilities for reserved bed days, but not to eliminate the current regulatory requirement that Medicaid-enrolled nursing facilities hold the same bed in the same room for such hospitalized patients for a period of 14 days.

In order to clarify the meaning and intent of the statute, the Department plans to make conforming changes to its regulations, on an emergency basis, making clear that Medicaid reimbursement for reserved bed days for temporarily hospitalized patients under age 21 is still available, and that nursing homes continue to have an obligation to reserve the same bed for a temporarily hospitalized Medicaid patient who is 21 years of age or older for 14 days, regardless of the availability of Medicaid reserved bed day reimbursement.

The Department has decided to delay implementation of the recent statutory amendments, and to **continue** to reimburse nursing facilities for reserved bed days pursuant to the law as it existed before April 1, 2017, until the aforementioned emergency regulations are adopted.

Further guidance will be issued at that time.

Nursing facilities are advised to amend their bed hold policies for Medicaid patients, if necessary, to conform to the requirements set forth in this letter, and to notify affected residents. Facilities are reminded that Medicaid reserved bed day payments should be accepted as payment in full for the days in question.

If you have any questions or concerns regarding this guidance, please submit them to (insert BML), and the Department will address them in a timely manner.

Thank you,

A handwritten signature in black ink that reads "Andrew Segal". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Andrew Segal, Director

Division of Long Term Care