



NOTICE OF RULE ADOPTION—FINAL RULE

STATE OF MISSISSIPPI
OFFICE OF THE GOVERNOR
DIVISION OF MEDICAID

Miss. Division of Medicaid
c/o Ginnie McCardle, Staff Officer
Walter Sillers Building
550 High Street
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<http://www.dom.state.ms.us>

Specific Legal Authority Authorizing the promulgation of Rule: Miss Code Ann. §43-13-121(1972), as amended

Reference to Rules repealed, amended or suspended by the Proposed Rule :
State Plan Attachment 3.1-A, Exhibit 1a

Date Rule Proposed: July 22, 2009

Explanation of the Purpose of the Proposed Rule and the reason(s) for proposing the rule:

SPA2009-001 This State Plan Amendment is to remove language which addresses the pre-certification requirements for swing bed services. To manage utilization and medical necessity, the Division of Medicaid has always required pre-certification for inpatient days during an admission to swing bed. Utilization will be monitored on a post-payment basis. The final approval from CMS allow MS DOM to remove Attachment 3.1-A, Exhibit 1a from the MS State Plan.

The Agency Rule Making Record for this rule including any written comments received during the comment period and the record of any oral proceeding is available for public inspection by contacting the Agency at the above address.

An oral proceeding was held on this rule:

Date:
Time:
Place:

An oral proceeding was not held on this rule.

The Agency has considered the written comments and the presentations made in any oral proceedings, and

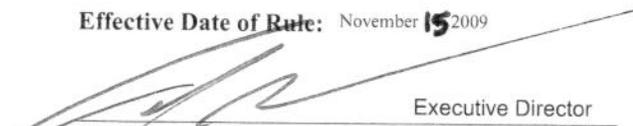
This rule as adopted is without variance from the proposed rule.

This rule as adopted differs from the proposed rule as there are minor editorial changes which affect the form rather than the substance of the rule.

The rule as adopted differs from the proposed rule. The differences however are:
Within the scope of the matters in the Notice of Proposed Rule Adoption, the logical outgrowth of the contents of the Notice of Proposed Rule Adoption and the comments submitted in response thereto, and
The Notice of Proposed Rule Adoption provided fair warning that the outcome of the proposed rule adoption could be the rule in question.

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

Effective Date of Rule: November 15 2009


Executive Director
Signature and Title of Person Submitting Rule for Filing

STATE Mississippi

DESCRIPTIONS OF LIMITATION AS TO AMOUNT, DURATION AND SCOPE OF MEDICAL CARE AND SERVICES PROVIDED

~~1a. Inpatient hospital services — Swing Bed:~~

~~Statutory Authority.~~ Provision of swing bed services is authorized by Section 1913, Title XIX of the Social Security Act, as enacted by Congress through Section 904 of Public Law 96-499 and implemented by the Department of Health and Human Services through regulations 42 CFR Parts 405, 435, 440, 442 and 447.

~~Definition of Services.~~ Swing bed services are extended care services provided in a hospital bed that has been designated as such and consist of one or more of the following:

- ~~a. Skilled nursing care and related services for patients requiring medical or nursing care.~~
- ~~b. Rehabilitation services for the rehabilitation of injured, disabled, or sick persons.~~
- ~~c. On a regular basis, health related care and services to individuals who, because of their medical status, require care and services above the level of room and board which can be made available to them only through institutional facilities.~~

~~Eligible Providers.~~ Hospitals granted an approval to participate in the swing bed program by the Health Care Financing Administration and holding a valid certificate of need to provide swing bed care from the Mississippi State Department of Health may provide swing bed services to Medicaid recipients.

~~Duration of Service.~~ Medicaid recipients will be eligible for swing bed care to the same extent allowed or provided under the Long Term Care program, except that swing bed providers will not be reimbursed for hospital leave days or therapeutic home leave days. Prior to the admission of a Medicaid recipient, the swing bed facility must call the Mississippi Foundation For Medical Care (PRO) to receive certification or non-certification for the swing bed. Seven (7) days prior to the thirtieth (30th) consecutive swing bed day, the hospital must complete the Medicaid Swing Bed Extension Form and forward it to PRO along with the entire patient record for review. PRO will notify the swing bed facility if the swing bed extension has been approved or disapproved.

TN No. 93-08Supersedes TN No. NEWDate Received _____
Date Approved April 11 1995
Date Effective July 01 1993