

ALABAMA MEDICAID AGENCY

NOTICE OF INTENDED ACTION

RULE NO. & TITLE: 560-X-51-.03 – Provider Eligibility and Certification of Terminal Illness Requirements

INTENDED ACTION: Amend 560-X-51-.03(3)

SUBSTANCE OF PROPOSED ACTION: The above-referenced rule is being amended to increase the number of days from eight to 30 that written certification must be obtained after hospice care is initiated.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Written or oral comments may be submitted to the Alabama Medicaid Agency, 501 Dexter Avenue, Post Office Box 5624, Montgomery, Alabama 36103-5624. Agency business hours are 8:00 a.m. to 5:00 p.m. Monday through Friday.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: Written/Oral comments concerning this change must be received by the Alabama Medicaid Agency no later than August 3, 2012.

CONTACT PERSON AT AGENCY: Stephanie Lindsay, Administrative Secretary, Alabama Medicaid Agency, 501 Dexter Avenue, Post Office Box 5624, Montgomery, Alabama 36103-5624.



Stephanie McGee Azar
Acting Commissioner

Rule No. 560-X-51-.03. Provider Eligibility and Certification of Terminal Illness Requirements.

(1) A provider of hospice services shall meet the definition of hospice in Rule No. 560-X-51-.02(1).

(2) The provider shall participate in Title XVIII (Medicare) and shall be certified under Medicare standards.

(3) Within two days after hospice care is initiated, the provider shall obtain terminally ill certification statements on all recipients and shall maintain them for the duration of hospice care. If the hospice does not obtain a written certification as described, verbal certification may be obtained, but written certification must be obtained no later than ~~eight~~ 30 days after care is initiated. For each subsequent period, the hospice must obtain written certification within two calendar days of the beginning of the period. **The hospice must not recertify an individual who reaches a point of stability and is no longer considered terminally ill. The individual must return to traditional Medicaid benefits.**

(4) All services shall be provided under a written plan of care established and maintained for each individual admitted to a hospice program, and the care provided shall be in accordance with the plan.

(5) In addition to the completion of a provider enrollment agreement, a hospice must also submit the following information to the Alabama Medicaid Agency or its designee:

(a) A letter from the State licensing unit showing the permit number and effective date of permit.

(b) A document from the licensing unit showing that the hospice meets requirements for the Medicare program.

(c) A signed document indicating that the hospice is in compliance with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975.

(d) A copy of the written notification to the hospice from the Medicare fiscal intermediary showing the approved reimbursement rate, the fiscal year end, and the Medicare provider number.

(6) The hospice provider must verify the recipient's Medicaid eligibility.

(7) The hospice must complete and submit to Medicaid required hospice election and physician certification documentation for Medicaid coverage of hospice care. (See Chapter 18 of the Medicaid Provider Manual Section 18.3. Medicaid Approval of Hospice Care). This information shall be kept on file and shall be made available to the Alabama Medicaid Agency for auditing purposes.

(8) The Alabama Medicaid Agency will initiate recoupment of payment for services when it determines that state and federal, medical necessity, and eligibility requirements are not met.

Author: Felicha Fisher, Administrator, LTC Provider/Recipient Services Unit, Long Term Care Division.

Statutory Authority: Title XIX, Social Security Act; 42 CFR Section 418.20 and Section 418.22; OBRA '90; State Medicaid Manual; and State Plan Attachment 3.1-A, page 7.18.

History: Rule effective February 13, 1991. Emergency Rule effective May 15, 1991. Amended August 14, 1991, January 13, 1993, and October 1, 1993. **Amended:** Filed March 20, 2001; effective June 20, 2001. **Amended:** Filed April 21, 2003; effective July 16, 2003. **Amended:** Filed May 20, 2003; effective August 21, 2003. **Amended:** Filed February 17, 2006; effective May 16, 2006. **Amended:** Filed June 20, 2008; effective September 15, 2008. **Amended:** Filed June 20, 2012

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