TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control No: 560 . Department or Agenda	cy: <u>Alabama Medicaid Agency</u>
Rule No:560-X-5103(3)	
Rule Title: Provider Eligibility and Cert	tification of Terminal Illness Requirements
New Rule;X Amend;	Repeal; Adoption by Reference
Would the absence of the proposed rule sthealth, welfare, or safety?	ignificantly harm or endanger the public No
Is there a reasonable relationship between of the public health, safety, or welfare?	the state's police power and the protection Yes
Is there another, less restrictive method of protect the public?	f regulation available that could adequately No
Does the proposed rule have the effect of of any goods or services involved and, if	
Is the increase in cost, if any, more harmf result from the absence of the proposed r	
Are all facets of the rulemaking process d they have, as their primary effect, the prot	
Does the proposed rule have any economi	
by a fiscal note prepared in accordance with Alabama 1975.	act, the proposed rule is required to be accompanied ith subsection (f) of Section 41-22-23, Code of
Certification of Authorized Official	
requirements of Chapter 22, Title 41, Cod	as been proposed in full compliance with the le of Alabama 1975 and that it conforms to all ministrative Procedure Division of the Legislative
Signature of certifying officer: Stepha	nie Lindsay

PUBLISHED IN VOLUME	ISSUE NO
EDITED AND APPROVED BY	

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)

<u>SUBSTANCE OF PROPOSED ACTION</u>: 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

$\label{lem:Rule No. 560-X-51-.03.} Provider\ Eligibility\ and\ Certification\ of\ Terminal\ Illness\ Requirements.$

- (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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Rule No:560-X-5103(3)	
Rule Title: Provider Eligibility and Certification of Terminal Illness Requirements	
New Rule; X Amend; Repeal; Adoption by Reference	
Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety?No	
Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes	
Is there another, less restrictive method of regulation available that could adequately protect the public? No	
Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No	
Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? No	
Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? ***********************************	***
Does the proposed rule have any economic impact? No	
If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975. ***********************************	***
I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, <u>Code of Alabama 1975</u> and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.	
Signature of certifying officer: Stephanie Lindsay	
Date: <u> </u>	

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