



**ALABAMA MEDICAID AGENCY**

**NOTICE OF INTENDED ACTION**

**RULE NO. & TITLE:** 560-X-51-.05 – Election Procedures

**INTENDED ACTION:** Amend 560-X-51-.05(1)

**SUBSTANCE OF PROPOSED ACTION:** The above-referenced rule is being amended to provide a two day time frame for an individual to file a written election certification statement after meeting eligibility requirements for hospice.

**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-.05. Election Procedures.**

(1) If an individual meets the eligibility requirements for hospice care, he or she must file ~~an~~ a written election certification statement (Medicaid Hospice Election and Physician's Certification, Form 165) with a particular hospice within two calendar days after hospice care begins. An election may also be filed by a representative as defined in Rule No. 560-X-51-.02(9).

(2) An election to receive hospice care will be considered to continue through the initial election period and through the subsequent election periods without a break in care as long as the individual:

- (a) Remains in the care of a hospice.
- (b) Does not revoke the election provisions under Rule No. 560-X-51-.07.
- (c) ~~Is recertified when there is a break in care~~ Remains eligible for full Medicaid benefits in Alabama.

(3) An individual or representative may designate an effective date that begins with the first day of hospice care or any subsequent day of hospice care. The two 90-day election periods must be used before the 60-day subsequent benefit periods. If an individual revokes the hospice election, any days remaining in that election period are forfeited.

(4) An individual or representative may not designate an effective date that is earlier than the date that hospice care begins.

(5) A Medicaid beneficiary who resides in a nursing home may elect hospice services. The hospice must have a contract with the nursing home to delineate which services each has responsibility to provide. A contract is necessary to clarify the details of how the nursing home and hospice will work together.

(6) If an individual is eligible for Medicare as well as Medicaid, the Medicare election form will serve as election for both hospice programs. If an individual eligible for Medicare and Medicaid enters the nursing home, is discharged from the nursing home to the hospital, is readmitted to the nursing home following hospitalization, is discharged from the nursing home to the community, or expires; the hospice provider must complete and return the Change in Status of Hospice Recipient, Form 165B, to the Medicaid Agency or its designee.

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

**Statutory Authority:** Title XIX, Social Security Act; 42 CFR Section 418.24; 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 and October 1, 1993. **Amended:** Filed March 20, 2002; effective June 14, 2002. **Amended:** Filed March 21, 2005; effective June 16, 2005.

**Amended:** Filed June 20, 2012