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State/Territory Name: Mississippi

State Plan Amendment (SPA) #: 18-0005

This file contains the following documents in the order listed:

- 1) Approval Letter
- 2) CMS 179 Form
- 3) Approved SPA Pages



Financial Management Group

October 11, 2018

Drew L. Snyder
Executive Director
Office of the Governor, Division of Medicaid
Walter Sillers Building
550 High Street, Suite 1000
Jackson, Mississippi 39201

Re: Mississippi State Plan Amendment 18-0005

Dear Mr. Snyder:

We have reviewed the proposed amendment to Attachments 4.19-C and 4.19-D of your Medicaid State plan submitted under transmittal number 18-0005. Effective July 1, 2018, this amendment proposes to:

1. Revise the number of allowed therapeutic leave days per SFY for NFs from 52 to 42 and ICF/IIDs from 84 to 63 as required by the state legislature;
2. Remove stock transactions as a change in ownership assets;
3. Clarify the provider appeals process to include reconsideration prior to an administrative appeals request,
4. Remove MDS submissions as appealable, and
5. Restrict providers from entering or modifying hospital and therapeutic leave days via the web portal after the corresponding quarter close cutoff.

We conducted our review of your submittal according to the statutory requirements at sections 1902(a)(2), 1902(a)(13), 1902(a)(30), and 1903(a) of the Social Security Act and the implementing Federal regulations at 42 CFR Part 447. We have found that the proposed reimbursement methodology complies with applicable requirements and therefore have approved them with an effective date of July 1, 2018. We are enclosing the CMS-179 and the amended approved plan pages.

If you have any questions, please call Anna Dubois at (850) 878-0916.

Sincerely,

//s//

Kristin Fan
Director

TRANSMITTAL AND NOTICE OF APPROVAL OF STATE PLAN MATERIAL		1. TRANSMITTAL NUMBER: 18-0005	2. STATE MS
FOR: CENTERS FOR MEDICARE AND MEDICAID SERVICES		3. PROGRAM IDENTIFICATION: TITLE XIX OF THE SOCIAL SECURITY ACT (MEDICAID)	
TO: REGIONAL ADMINISTRATOR CENTERS FOR MEDICARE AND MEDICAID SERVICES DEPARTMENT OF HEALTH AND HUMAN SERVICES		4. PROPOSED EFFECTIVE DATE 07/01/2018	
5. TYPE OF PLAN MATERIAL (<i>Check One</i>): <input type="checkbox"/> NEW STATE PLAN <input type="checkbox"/> AMENDMENT TO BE CONSIDERED AS NEW PLAN <input checked="" type="checkbox"/> AMENDMENT			
COMPLETE BLOCKS 6 THRU 10 IF THIS IS AN AMENDMENT (<i>Separate Transmittal for each amendment</i>)			
6. FEDERAL STATUTE/REGULATION CITATION: 42 C.F.R. §§ 430.12, 489.18		7. FEDERAL BUDGET IMPACT: FFY 18: (\$1,875) FFY 19: (\$7,500)	
8. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT: Attachment 4.19-D Pages 7, 25, 36, 37, 38, 80, 83, 84, and 86		9. PAGE NUMBER OF THE SUPERSEDED PLAN SECTION OR ATTACHMENT (<i>If Applicable</i>): Attachment 4.19-D Pages 7, 25, 36, 37, 38, 80, 83, 84, and 86	
10. SUBJECT OF AMENDMENT: State Plan Amendment (SPA) 18-0005 Long-Term Care (LTC) Updates #2 is being submitted to allow the Division of Medicaid to (1) revise the number of allowed therapeutic leave days for nursing facilities (NFs) and intermediate care facilities for individuals with intellectual disabilities (ICF/IIDs), (2) remove stock transactions as a change in ownership assets, (3) clarify the provider appeals process to include reconsideration prior to an administrative appeals request, (4) remove MDS submissions as appealable, (5) restrict providers from entering or modifying hospital and therapeutic leave days via the web portal after the corresponding quarter close cutoff and (6) update the table of contents to reflect changes in MS SPA 15-004.			
11. GOVERNOR'S REVIEW (<i>Check One</i>): <input checked="" type="checkbox"/> GOVERNOR'S OFFICE REPORTED NO COMMENT <input type="checkbox"/> OTHER, AS SPECIFIED: <input type="checkbox"/> COMMENTS OF GOVERNOR'S OFFICE ENCLOSED <input type="checkbox"/> NO REPLY RECEIVED WITHIN 45 DAYS OF SUBMITTAL			
12. SIGNATURE OF STATE AGENCY OFFICIAL: /s/		16. RETURN TO: Drew L. Snyder Miss. Division of Medicaid Attn: Margaret Wilson 550 High Street, Suite 1000 Jackson, MS 39201-1399	
13. TYPED NAME: Drew L. Snyder			
14. TITLE: Executive Director			
15. DATE SUBMITTED: 08/22/2018			
FOR REGIONAL OFFICE USE ONLY			
17. DATE RECEIVED: 08/22/18		18. DATE APPROVED: 10/11/18	
PLAN APPROVED – ONE COPY ATTACHED			
19. EFFECTIVE DATE OF APPROVED MATERIAL: 07/01/18		20. SIGNATURE OF REGIONAL OFFICIAL:	
21. TYPED NAME: Kristin Fan		22. TITLE: Director, FMG	
23. REMARKS: Approved with the following changes to block 8 and 9 as authorized by state agency: Block # 8 changed to read: Attachment 4.19-D Pages 7, 25, 36, 37, 38, 80, 83, 84, and 86; Attachment 4.19-C pages 1 and 2. Block # 8 changed to read: Attachment 4.19-D Pages 7, 25, 36, 37, 38, 80, 83, 84, and 86; Attachment 4.19-C page 1.			

State of Mississippi

**POLICY REGARDING PAYMENT FOR RESERVING BEDS DURING A RECIPIENT'S
ABSENCE FROM A LONG-TERM CARE FACILITY**

Reserved Bed Days Payments

The Division of Medicaid will reimburse a long-term care facility for bed days held for Title XIX beneficiaries under the following conditions and limitations.

A. Hospital Leave

Facilities will be reimbursed a maximum of fifteen (15) days for each hospital stay for residents requiring acute hospital care. Residents must receive continuous acute care during acute hospital leave. Should a resident be moved from an acute care hospital bed to a bed in the hospital that is certified for a less than acute care service, the Medicaid program may not be billed for any period of time in which services other than acute care services are received by the resident. The period of leave will begin the calendar day the resident was admitted to an inpatient hospital for continuous acute care. A new leave of absence for hospitalization does not begin until the resident returns to the facility for a period of twenty-four (24) hours or longer.

The facility must reserve the hospitalized resident's bed in anticipation of his/her return. The bed may not be filled with another resident during the covered period of hospital leave. Facilities which submit hospital bed hold may not refuse to readmit a resident from the hospital when the resident has not been hospitalized for more than fifteen (15) consecutive days and still requires nursing facility services.

Each facility must establish and follow a written bed-hold and resident return policy which conforms to requirements of the Medicaid State Plan and other state and federal regulations. Hospital leave days may not be billed if the facility refuses to readmit the resident under their resident return policy. Repayment will be required of a facility which bills Medicaid for fifteen (15) consecutive days of hospital leave, discharges the resident, and subsequently refuses to readmit the resident under their resident return policy when a bed is available. Leave days must be billed in accordance with the applicable Mississippi Division of Medicaid Provider Billing Handbook and Administrative Code.

B. Home/Therapeutic Leave

The Division of Medicaid will reimburse long-term care facilities for home/therapeutic leave days with limits per resident, per state fiscal year (July 1 - June 30), as determined by the Mississippi State Legislature. Nursing Facility residents are allowed forty-two (42) days per state fiscal year in addition to Christmas Day, the day before Christmas, the day after Christmas, Thanksgiving Day, the day before Thanksgiving and the day after Thanksgiving. Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICF/IID) residents are allowed sixty-three (63) days per state fiscal year in addition to

State of Mississippi

**POLICY REGARDING PAYMENT FOR RESERVING BEDS DURING A RECIPIENT'S
ABSENCE FROM A LONG-TERM CARE FACILITY**

Christmas Day, the day before Christmas, the day after Christmas, Thanksgiving Day, the day before Thanksgiving and the day after Thanksgiving. Psychiatric Residential Treatment Facility (PRTF) residents are allowed eighteen (18) days per state fiscal year. Leave days must be determined, authorized and billed in accordance with the applicable Mississippi Division of Medicaid Provider Billing Handbook and Administrative Code. Therapeutic leave days must be included in the resident's plan of care in accordance with 42 C.F.R § 447.40.

C. Bed Hold Days Payment

A facility will be paid its per diem rate for the allowed bed hold days. For purposes of calculating the case mix average of the facility, residents on allowable leave will be classified at the lower of the case mix weight as computed for the resident on leave using the assessment being utilized for payment at the point in time the resident starts the leave, or a case mix score of 1.000.

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L. Failure to File a Cost Report

Providers that do not file a required cost report within six (6) months of the close of the reporting period will be subject to sanctions as described in Sanctions, Chapter 1 Section 7-C.

M. Change of Ownership

For purposes of this plan, a change of ownership of a facility includes, but is not limited to, inter vivos gifts, purchases, transfers, lease arrangements, cash transactions or other comparable arrangements whenever the person or entity acquires a majority interest of the facility operations. The change of ownership must be an arm's length transaction consummated in the open market between non-related parties in a normal buyer - seller relationship.

Costs attributable to the negotiation or settlement of the sale or purchase of any capital asset whether by acquisition or merger for which any payment has previously been made shall not be considered reasonable in the provision of health care services and, therefore, shall not be included in allowable costs. These costs include, but are not limited to, legal fees, accounting and administrative costs, travel costs, and the costs of feasibility studies.

F. Credit Balances

A credit balance, or negative balance, on a provider's account is an amount which is due to the Division of Medicaid. The credit balance is treated as an overpayment by the Division of Medicaid and is subject to the rules described above for overpayments.

1-7 Appeals and SanctionsA. Appeal Procedures - Desk and Field Reviews

Long-term care providers who disagree with an adjustment to their allowable costs made as a result of a desk review or an audit may request a reconsideration in writing and must include the reason for the reconsideration and any supporting documentation, and must be made within thirty (30) calendar days after receipt of the notification of the adjustment. If the provider disagrees with the reconsideration decision, the provider may file a request for an administrative hearing to the Division of Medicaid. The hearing request must be in writing, must include the reason for the appeal and any supporting documentation, and must be made within thirty (30) calendar days after receipt of the notification of the final reconsideration letter. The Division of Medicaid shall respond within thirty (30) calendar days after the receipt of the reconsideration request or administrative hearing request. If the provider does not request a reconsideration, the Division of Medicaid will consider the provider's nonresponse as acceptance of the adjustments made. Therefore, no administrative hearing request will be considered.

Notices and responses shall be delivered by certified mail, return receipt requested, overnight delivery by a private carrier, or by hand delivery, and shall be deemed to have been received (a) if by certified mail or overnight mail, on the day the delivery receipt is signed, or (b) if by hand delivery, on the date delivered.

Long-term care providers who disagree with an adjustment to the Minimum Data Set (MDS) that changes the classification of the resident to a different MDS RUG IV group than the MDS RUG IV group originally determined by the facility may request a reconsideration in writing and must include the reason for the reconsideration, and must be made within thirty (30) calendar days after the date of the notification of the final case mix review findings report. This request must contain the specific classification adjustment(s) in dispute and the reason(s) the provider believes his/her documentation complies with the Mississippi Supportive Documentation Requirements. If the provider disagrees with the reconsideration decision, the provider may file a request for an administrative hearing to the Division of Medicaid. These adjustments may have been made by either a desk review or an on-site visit. The hearing request must be in writing, must contain the reason for the appeal, and must be made within thirty (30) calendar days after the provider was notified of the final reconsideration letter. The Division of Medicaid shall respond within thirty (30) calendar days after the receipt of the reconsideration request or administrative hearing request. If the provider does not request reconsideration, the Division of Medicaid will consider the provider's nonresponse as acceptance of the final case mix review findings report. Therefore, no administrative hearing request will be considered.

Notices and responses shall be delivered by certified mail, return receipt requested, overnight delivery by a private carrier, or by hand delivery, and shall be deemed to have been received (a) if by certified mail or overnight mail, on the day the delivery receipt is signed, or (b) if by hand delivery, on the date delivered.

The provider may appeal the decision of the Division of Medicaid in matters related to cost reports, including, but not limited to, allowable costs and cost adjustments resulting from desk reviews and audits in accordance with Medicaid policy.

The provider may appeal the decision of the Division of Medicaid in matters related to the Minimum Data Set (MDS) including but not limited to reviews and classifications in accordance with Medicaid policy. Final Roster Reports upon the close of the quarter are not subject to an informal reconsideration or an appeal.

resident at the time of his/her admission of the amount of the charge. Semi-private room accommodations are covered by the Medicaid reimbursement rate.

2-5 Reserved Bed Days Payments - Refer to Attachment 4.19-C

A. Hospital Leave - Refer to Attachment 4.19-C

B. Home/Therapeutic Leave - Refer to Attachment 4.19-C

TN NO 18-0005
SUPERSEDES
TN NO 18-0001

DATE RECEIVED
DATE APPROVED 10/11/2018
DATE EFFECTIVE 07/01/2018

C. Bed Hold Days Payment - Refer to Attachment 4.19-C2-6 Feeding Assistant Training

Reasonable costs of training feeding assistants in order to meet the requirements necessary to certify feeding assistants in accordance with 42 CFR, Section 483.35 (4) (2) are to be billed directly to the Division of Medicaid. Nursing facilities must account for and request reimbursement of training costs in accordance with policies and procedures adopted in the Mississippi Medicaid Nursing Facility Manual. The nursing facility will be directly reimbursed by the Division of Medicaid. The expenses will be subject to verification prior to processing the payment. Payments made by Medicaid will be based on the facility's Medicaid utilization percentage used for nurse aide training and testing reimbursement. The Division of Medicaid shall claim these expenses as administrative costs on the CMS-64 Quarterly Statement of Expenditures report.

A. Submission of MDS Forms and Bed Hold Days Information.

Assessments of all residents must be submitted electronically in accordance with CMS requirements. Bed hold day information must be submitted electronically to the Division of Medicaid's designee.

Data processing on all assessments and bed hold days started within a calendar quarter will be closed on the fifth (5th) day of the second (2nd) month following the quarter, e.g., the MDS's with start

dates between July 1, 1996 and September 30, 1996 will be closed out for the final calculations on November 5, 1996. This allows a full month for the submission and correction of all MDS's begun in a calendar quarter and the submission of bed hold day information. Assessments and bed hold day information for a specific quarter which are received after the file has been closed will not be entered for previous quarterly calculations except as a result of a Division of Medicaid case mix review. If the quarter close date is on a weekend, a state of Mississippi holiday, or a Federal holiday, the data must be submitted on or before the first business day following such weekend or holiday. Final Roster Reports upon the close of the quarter are not subject to an informal reconsideration or an appeal.

The submission schedule may be extended as deemed necessary by the Division of Medicaid for extenuating circumstances.

B. Assessments Used to Compute a Facility's Average Case Mix Score.

All resident assessments completed per a calendar quarter will be used to compute the quarterly case mix average for a facility. These will include the last assessment from the previous calendar quarter. Bed Hold days, which are therapeutic leave and hospital leave days, will be calculated

Policies adopted by the Division of Medicaid will be used as a basis for changes in reviews of the MDS, the sample selection process, and the acceptable error rate. If MDS data is not available, the Division may temporarily cease performing reviews.

- D. Roster Reports. Roster reports are used for reporting each beneficiary's MDS RUG classification with assigned case mix index (CMI) for all days within the report period. Bed hold days are reflected on the roster reports. The facility's weighted average index, or score, is also reported. Roster reports are run for each calendar quarter (quarterlies) and for each cost report period (annuals). The annual rosters are used to set base per diem rates each January 1. The quarterlies are used in setting the direct care per diem rate each quarter. Roster reports are made available to all facilities electronically. Interim roster reports should be checked by the facilities to confirm assessments completed by the facility have been submitted to the QIES ASAP System used by the Division of Medicaid case mix database and to confirm discharge assessments are reflected on the report. Facilities should also use the interim roster reports and bed hold reports to confirm all hospital and home/therapeutic leave has been properly reported. Missing assessments, discharge assessments, and bed hold day information should be submitted electronically prior to the close of the quarter. If the quarter close date is on a weekend, a state of Mississippi holiday, or a Federal holiday, the data should be submitted on or before the first business day following such weekend or holiday. Final Roster Reports upon the close of the quarter are not subject to an informal reconsideration or an appeal.