

# LK Alert

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Large Firm Service,  
Small Firm Attention

655 Third Avenue  
New York, NY 10017  
Phone: 212-490-2020  
Fax: 212-490-2990

399 Knollwood Road  
White Plains, NY 10603  
Phone: 914-684-2100  
Fax: 914-684-9865

300 Westage Business  
Center Drive  
Fishkill, NY 12524  
Phone: 845-896-1106  
Fax: 845-896-1107

## CHANGES IN BED HOLD REIMBURSEMENT TO RESIDENTIAL HEALTH CARE FACILITIES

The New York State Department of Health (“DOH”) recently issued a Dear Administrator Letter (“DAL”) on July 19, 2010 (DAL/DRS: 10-08) and a supplemental DAL dated August 13, 2010, which include details of the new law (Chapter 109 of the Laws of 2010) regarding reserved bed day (“bed hold”) reimbursement to residential health care facilities (“RHCF”) for Medicaid eligible individuals ages 21 or over. The new law changes the Medicaid reimbursement rate for bed hold days and limits the number of bed hold days for which an RHCF will be reimbursed.

In particular, effective April 1, 2010:

- Reserved bed days will be reimbursed at ninety-five percent (95%) of the Medicaid rate otherwise payable to the RHCF for services provided on behalf of the resident.

In addition, effective July 19, 2010:

- Reserved bed days for temporary hospitalizations are limited to fourteen (14) days in a twelve (12) month period.
- Reserved bed days for non-hospitalization (therapeutic) leaves of absence are limited to ten (10) days in a twelve (12) month period.

The RHCF procedures regarding determining patient census and vacancy rate for these residents remain in effect. The new law does not affect transfer and discharge rights. RHCF residents under age 21 and residents of OMH and OMRDD facilities are not affected by these changes.

The DALs referenced in this LK Alert also include some informative Questions and Answers regarding the implementation and impact of this new law. If you would like a full copy of the DALs with the accompanying Questions and Answers, please contact Nicole Garcia or Valarie Chessler in our White Plains office.

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