

## **907 KAR 1:037. Hospital furnished nursing facility services.**

RELATES TO: KRS 205.520

STATUTORY AUTHORITY: KRS 194A.030(2), 194A.050(1), 205.520(3), 42 C.F.R. 440.140, 42 U.S.C. 1396a, b, d, EO 2004-726

NECESSITY, FUNCTION, AND CONFORMITY: EO 2004-726, effective July 9, 2004, reorganized the Cabinet for Health Services and placed the Department for Medicaid Services and the Medicaid Program under the Cabinet for Health and Family Services. The Cabinet for Health and Family Services has responsibility to administer the program of Medical Assistance. KRS 205.520(3) empowers the cabinet, by administrative regulation, to comply with any requirement that may be imposed, or opportunity presented, by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This administrative regulation sets forth the provisions relating to nursing facility services furnished by a licensed hospital for which payment shall be made by the Medicaid Program in behalf of both the categorically needy and the medically needy.

Section 1. Definition. "Hospital furnished nursing facility services" means nursing facility services provided in a licensed hospital bed by a facility which has entered into an agreement with the secretary, Department of Health and Human Services, pursuant to Section 1883 of the Social Security Act, or nursing facility services provided in a hospital bed which is licensed (in accordance with KRS Chapter 216B) for provision of acute care and is appropriately certified for provision of nursing facility services if the beds qualify for participation in the Medicaid Program in accordance with usual Medicaid requirements for participation.

Section 2. Participation Requirements. The hospital must be licensed and certified to participate in the Medicaid Program, and any beds to be used for hospital furnished nursing facility services must be appropriately certified. The requirements for Medicare participation shall be the same as those Medicare participation requirements specified in 907 KAR 1:022.

Section 3. Provision of Service. Payment for services shall be limited to those services provided to eligible individuals meeting the criteria for provision of nursing facility services as determined in accordance with 907 KAR 1:022.

Section 4. Utilization Review. The facility shall have in place a program of utilization review which meets the requirements specified in 42 CFR 456, subparts C, E, and F, for hospitals, skilled nursing facilities, and intermediate care facilities. The facility shall be responsible for cooperating with the cabinet or its designated agents in the establishment of patient status and performance of utilization review and control. (9 Ky.R. 99; eff. 8-11-1982; Recodified from 904 KAR 1:037, 5-2-1986; 14 Ky.R. 310; eff. 9-10-1987; 18 Ky.R. 1624; 2346; eff. 2-7-1992; Crt eff. 12-6-2019.)