

## **Medicare Skilled Nursing Facility Coverage In Light of *Jimmo v. Sebelius***

### **YOU DO NOT HAVE TO IMPROVE TO QUALIFY FOR MEDICARE COVERAGE**

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#### **Medicare Beneficiaries Who Receive Daily Skilled Nursing and/or Skilled Therapy Can Qualify For Medicare Coverage of Skilled Nursing Home Care If:**

- The skilled nursing facility care was ordered by a physician;
- The individual had a prior three-day inpatient hospital stay (not counting the day of discharge), before the nursing home admission. (Medicare Advantage plans may not include this requirement.) Generally, this means the individual must have been formally admitted to the hospital as an *inpatient*, not as what's known as an "outpatient" on Observation Status, and must be an inpatient for a period that spans at least three midnights. Usually, the nursing home admission must be within thirty days of leaving the hospital;
- The individual must need and receive daily skilled nursing and/or therapy which must be provided by, or under the supervision of, qualified personnel in order to be safe and effective. To meet the daily requirement, the individual must receive skilled nursing care seven days a week, skilled therapy services five days a week, or a combination of both skilled nursing care and skilled therapy seven days a week;
- The skilled nursing and skilled therapy must be necessary to improve, maintain, prevent, or slow the decline of the individual's condition;
- The skilled nursing facility care must be for a condition for which the individual was hospitalized or that arose at the skilled nursing facility while being treated for a condition for which s/he was hospitalized;
- As a practical matter, the skilled services must be required to be provided on an inpatient basis.

**Patients who meet these Medicare criteria can qualify for coverage.**

**Remember:** Skilled nursing or therapy services needed to maintain the individual's condition, or prevent or slow decline, meet the skilled service requirement just as much as skilled services to improve a condition.