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

**Coverage Criteria → You do not have to improve to qualify!**

- **3-Day Inpatient Hospital Stay**
  - You must have a qualifying three-day inpatient (as opposed to outpatient) hospital stay. Medicare Advantage plans might not have this requirement.
  - Generally, a transfer to a skilled nursing facility must be made within 30 days of leaving the hospital.

- **Physician’s Order**
  - Your care at the skilled nursing facility must have been ordered by a physician and must relate to a condition for which you received inpatient hospital services or that arose at the skilled nursing facility while being treated for a condition for which you received inpatient hospital services.
  - As a practical matter, the care must only be available on an inpatient basis.

- **Daily Skilled Care**
  - You must require and receive skilled nursing seven days a week, skilled therapy five days a week, or a combination of both skilled nursing and therapy services seven days a week.
  - Skilled care means that services must be provided by, or under the supervision of, a skilled professional in order to be safe and effective.

- **No Improvement Standard**
  - Medicare coverage “does not turn on the presence or absence of a beneficiary’s potential for improvement, but rather on the beneficiary’s need for skilled care. Skilled care may be necessary to improve a patient’s condition, to maintain a patient’s current condition, or to prevent or slow further deterioration of the patient’s condition.” *CMS Transmittal 179, Pub 100-02, 1/14/2014;* Medicare Benefit Policy Manual, Chapter 8, Sections 30.2, 30.3.

- **100-Day Benefit Period**
  - Your maximum benefit period is 100 days. It is possible to have more than one benefit period during the calendar year.
  - You are entitled to notice and to file an appeal when your Medicare-covered skilled nursing facility care is terminated before the end of your benefit period.

For additional information, see the Center for Medicare Advocacy’s Improvement Standard Homepage.