

CMS ISSUES FINAL CAH PROVIDER-BASED REGULATIONS

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CAH TYPES

- ✓ CAHs THAT MEET FEDERAL DISTANCE REQUIREMENTS
- ✓ CAHs (NECESSARY PROVIDER) MET STATE REQUIREMENTS BEFORE 1-1-06
- ✓ CAHs THAT MET OLD FEDERAL REQUIREMENTS BUT DO NOT MEET THE CURRENT DISTANCE REQUIREMENTS

WHAT ARE THE DISTANCE CURRENT FEDERAL REQUIREMENTS?

- ✓ **OVER 35 MILE DRIVE TO NEXT NEAREST HOSPITAL OR CAH**
- ✓ **15 MILE DRIVE TO NEXT NEAREST HOSPITAL OR CAH ON SECONDARY ROADS AND/OR THROUGH MOUNTAINOUS TERRAIN
(MEASURE ONLY DISTANCE ON SECONDARY ROAD OR MOUNTAINOUS ROAD)**

**WHAT IS SECONDARY ROAD?
ANY ROAD EXCEPT THE
FOLLOWING**

NUMBERED FEDERAL HIGHWAY

**STATE HIGHWAY WITH TWO
OR MORE LANES EACH WAY**

**ROAD ON US GEOLOGICAL SURVEY MAP (FGDC) WITH
SYMBOL FOR PRIMARY HIGHWAY
OR DIVIDED BY MEDIAN STRIP**

WHAT IS MOUNTAINOUS TERRAIN?

**IDENTIFIED AS MOUNTAINOUS TERRAIN BY
ANY OFFICIAL MAPS
OR
OTHER DOCUMENTS
PREPARED FOR AND ISSUED TO THE PUBLIC
BY THE STATE AGENCY
RESPONSIBLE FOR HIGHWAYS
IN THE STATE
(DEPARTMENT OF TRANSPORTATION)
OR
US GEOLOGICAL SURVEY**

NECESSARY PROVIDER

NEW PROVIDER-BASED
LOCATIONS

WE BELIEVE CMS IS
TRYING TO LIMIT
YOUR ABILITY
TO SERVE YOUR COMMUNITY

NECESSARY PROVIDER

NEW PROVIDER-BASED LOCATIONS

“WE (CMS) BELIEVE THE NECESSARY PROVIDER DESIGNATION CANNOT BE CONSIDERED TO EXTEND TO ANY NEW FACILITIES NOT IN EXISTENCE WHEN THE CAH RECEIVED ITS ORIGINAL NECESSARY PROVIDER DESIGNATION”

NECESSARY PROVIDER

NEW PROVIDER-BASED LOCATIONS

“WE (CMS) BELIEVE THE CREATION OF ANY NEW LOCATION THAT WOULD CAUSE ANY PART OF THE CAH TO BE SITUATED AT A LOCATION NOT IN COMPLIANCE WITH THE FEDERAL DISTANCE REQUIREMENTS WOULD CAUSE THE ENTIRE CAH TO VIOLATE THE DISTANCE REQUIREMENT”

NECESSARY PROVIDER

NEW PROVIDER-BASED LOCATIONS

INITIALLY CMS INDICATED THAT PROVIDER-BASED RHCs ARE INCLUDED IN THESE PROVIDER-BASED REQUIREMENTS

THE FINAL REGULATIONS CLEARLY EXCLUDE PROVIDER-BASED RHCs FROM ALL NEW CAH PROVIDER-BASED REGULATIONS.

NECESSARY PROVIDER

NEW PROVIDER-BASED
LOCATIONS

EFFECTIVE JANUARY 1, 2008

NECESSARY PROVIDER

NEW PROVIDER-BASED LOCATIONS

INITIALLY “THE NECESSARY PROVIDER FOUND IN VIOLATION OF THESE PROVIDER-BASED REGULATIONS CAN AVOID TERMINATION ACTION BY CONVERTING TO PPS.”

NECESSARY PROVIDER

NEW PROVIDER-BASED LOCATIONS

FINAL REGULATION SAME EXCEPT

CAH WILL BE GIVEN 90 DAYS TO “come back into compliance and meet all of the conditions of participation.” This may include changing a recently established provider-based location to a freestanding location.

NECESSARY PROVIDER

NEW PROVIDER-BASED LOCATIONS

CAN CMS REQUIRE ANY PROVIDER-BASED SERVICES ESTABLISHED AFTER CAH ESTABLISHED AND AT NEW LOCATION TO BE ELIMINATED?

FINAL REGULATIONS GRANDFATHERED IN ALL SUCH LOCATIONS.

NECESSARY PROVIDER

NEW PROVIDER-BASED LOCATIONS

“WE (CMS) BELIEVE THE NECESSARY PROVIDER DESIGNATION CANNOT BE CONSIDERED TO EXTEND TO ANY NEW FACILITIES NOT IN EXISTENCE WHEN THE CAH RECEIVED ITS ORIGINAL NECESSARY PROVIDER DESIGNATION”

NECESSARY PROVIDER

NEW PROVIDER-BASED
LOCATIONS

FINAL REGULATIONS –
EXPANSION OF NECESSARY
PROVIDER CAMPUS ASTER
CAH CERTIFICATION AND
BEFORE JANUARY 1, 2008 WILL
ALSO BE GRANDFATHERED IN

NECESSARY PROVIDER

NEW PROVIDER-BASED LOCATIONS

FINAL REGULATIONS – PROVIDER-
BASED PROJECTS STARTED BEFORE
JANUARY 1, 2008 MAY QUALIFY FOR AN
“UNDER DEVELOPMENT” EXCEPTION
FROM THE CMS REGIONAL OFFICE

NECESSARY PROVIDER

NEW PROVIDER-BASED LOCATIONS

FINAL REGULATIONS –

CMS REGIONAL OFFICE SHOULD CONSIDER:

1. DOCUMENTATION OF ARCHITECTURAL PLANS
2. CONSTRUCTION BIDS
3. CONSTRUCTION EXPENDITURES
4. CON APPLICATION
5. OTHER ISSUES INDICATING EXTENT OF PROGRESS ON PROJECT

NECESSARY PROVIDER

NEW PROVIDER-BASED
LOCATIONS

CAN UNDER DEVELOPMENT BE
CONSIDERED FOR
RELOCATION PROJECTS?

MAY BE YES

MAY BE NO

NECESSARY PROVIDER

NEW PROVIDER-BASED LOCATIONS

NECESSARY PROVIDERS CAN ESTABLISH AS
MANY NON-PROVIDER BASED

(FREESTANDING) SERVICES AS DESIRED:

1. SERVICES NOT BILLED UNDER CAH
PROVIDER NUMBER AND REIMBURSED
BASED ON COST
2. SEPARATELY LICENSED
3. MAY BE DEPARTMENTS OF CAH

NECESSARY PROVIDER

NEW PROVIDER-BASED LOCATIONS

SEVERAL COMMENTERS TRIED TO GET CMS TO DEFINE CAMPUS; HOWEVER, NO CLEAR DEFINITION WAS OFFERED BY CMS INCLUDING THE 250 YARD RULE.

CMS INDICATED THAT CAMPUS COULD BE DEFINED ON A CAH BY CAH BASIS

ANY QUESTIONS?

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