

This Document can be made available in alternative formats upon request

State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 3613

03/24/2016 Authored by Dean, M.; Liebling; Pierson; Norton and Christensen
The bill was read for the first time and referred to the Committee on Aging and Long-Term Care Policy

1.1 A bill for an act
1.2 relating to health; modifying swing bed approval; amending Minnesota Statutes
1.3 2014, section 144.562, subdivision 2.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. Minnesota Statutes 2014, section 144.562, subdivision 2, is amended to read:

1.6 Subd. 2. **Eligibility for license condition.** (a) A hospital is not eligible to receive a
1.7 license condition for swing beds unless (1) it either has a licensed bed capacity of less
1.8 than 50 beds defined in the federal Medicare regulations, Code of Federal Regulations,
1.9 title 42, section 482.66, or it has a licensed bed capacity of 50 beds or more and has
1.10 swing beds that were approved for Medicare reimbursement before May 1, 1985, or it has
1.11 a licensed bed capacity of less than 65 beds and the available nursing homes within 50
1.12 miles have had, in the aggregate, an average occupancy rate of 96 percent or higher in
1.13 the most recent two years as documented on the statistical reports to the Department of
1.14 Health; and (2) it is located in a rural area as defined in the federal Medicare regulations,
1.15 Code of Federal Regulations, title 42, section 482.66.

1.16 (b) Except for those critical access hospitals established under section 144.1483,
1.17 clause (9), and section 1820 of the federal Social Security Act, United States Code, title
1.18 42, section 1395i-4, that have an attached nursing home or that owned a nursing home
1.19 located in the same municipality as of May 1, 2005, eligible hospitals are allowed a total
1.20 of 2,000 days of swing bed use per year. Critical access hospitals that have an attached
1.21 nursing home or that owned a nursing home located in the same municipality as of May 1,
1.22 2005, are allowed swing bed use as provided in federal law. Swing bed days classified
1.23 as charity care according to Minnesota Rules, part 4650.0115, or for which the hospital
1.24 determines after billing for the services that there is a demonstrated inability to pay are

2.1 excluded from the total allowable swing bed day use per year. Critical access hospitals
2.2 must maintain documentation for swing bed days classified as charity care.

2.3 (c) Except for critical access hospitals that have an attached nursing home or
2.4 that owned a nursing home located in the same municipality as of May 1, 2005, the
2.5 commissioner of health may approve swing bed use beyond 2,000 days as long as there
2.6 are no Medicare certified skilled nursing facility beds available within 25 miles of that
2.7 hospital that are willing to admit the patient. Critical access hospitals exceeding 2,000
2.8 swing bed days must maintain documentation that they have contacted skilled nursing
2.9 facilities within 25 miles to determine if any skilled nursing facility beds are available that
2.10 are willing to admit the patient. Skilled nursing facilities that are contacted must accept
2.11 the patient or deny admission within 24 hours of being contacted by the critical access
2.12 hospital. Failure to respond within 24 hours is deemed a denial of admission.

2.13 (d) After reaching 2,000 days of swing bed use in a year, an eligible hospital to
2.14 which this limit applies may admit six additional patients to swing beds each year without
2.15 seeking approval from the commissioner or being in violation of this subdivision. These
2.16 six swing bed admissions are exempt from the limit of 2,000 annual swing bed days
2.17 for hospitals subject to this limit.

2.18 (e) A health care system that is in full compliance with this subdivision may allocate
2.19 its total limit of swing bed days among the hospitals within the system, ~~provided that no~~
2.20 ~~hospital in the system without an attached nursing home may exceed 2,000 swing bed~~
2.21 ~~days per year.~~