

**SENATE
STATE OF MINNESOTA
NINETY-SECOND SESSION**

S.F. No. 3560

(SENATE AUTHORS: BENSON)

DATE
02/28/2022

D-PG

Introduction and first reading Reformulate Health and Human

Referred to Health and Human Services Finance and Policy

OFFICIAL STATUS

1.1 A bill for an act

1.2 relating to human services; providing medical assistance coverage for swing bed
1.3 services provided in critical access hospitals; amending Minnesota Statutes 2020,
1.4 section 256B.0625, subdivision 2.

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

1.6 Section 1. Minnesota Statutes 2020, section 256B.0625, subdivision 2, is amended to read:

1.7 **Subd. 2. Skilled and intermediate nursing care.** (a) Medical assistance covers skilled
1.8 nursing home services and services of intermediate care facilities, including training and
1.9 habilitation services, as defined in section 252.41, subdivision 3, for persons with
1.10 developmental disabilities who are residing in intermediate care facilities for persons with
1.11 developmental disabilities. Medical assistance must not be used to pay the costs of nursing
1.12 care provided to a patient in a swing bed as defined in section 144.562, unless all of the
1.13 following conditions are met:

1.14 (1) the facility in which the swing bed is located is:

1.15 (i) eligible as a sole community provider, as defined in Code of Federal Regulations,
1.16 title 42, section 412.92, ~~or the facility is~~;

1.17 (ii) a public hospital owned by a governmental entity with 15 or fewer licensed acute
1.18 care beds; or

1.19 (iii) a hospital that the Centers for Medicare and Medicaid Services has both certified
1.20 as a critical access hospital and approved to provide post-hospital extended care services;

1.21 (2) the Centers for Medicare and Medicaid Services approves the necessary state plan
1.22 amendments;

2.1 (3) the patient was screened as provided by law;

2.2 (4) the patient no longer requires acute care services; and

2.3 (5) no nursing home beds are available within 25 miles of the facility.

2.4 (b) The commissioner shall exempt a facility from compliance with the sole community
2.5 provider requirement in clause (1) if, as of January 1, 2004, the facility had an agreement
2.6 with the commissioner to provide medical assistance swing bed services.

2.7 (b)(c) Medical assistance also covers up to ten days of nursing care provided to a patient
2.8 in a swing bed if: (1) the patient's physician or advanced practice registered nurse certifies
2.9 that the patient has a terminal illness or condition that is likely to result in death within 30
2.10 days and that moving the patient would not be in the best interests of the patient and patient's
2.11 family; (2) no open nursing home beds are available within 25 miles of the facility; and (3)
2.12 no open beds are available in any Medicare hospice program within 50 miles of the facility.
2.13 The daily medical assistance payment for nursing care for the patient in the swing bed is
2.14 the statewide average medical assistance skilled nursing care per diem as computed annually
2.15 by the commissioner on July 1 of each year.