

A Note Concerning Legacy (pre-1992) Medicare Supplement Policies

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Having dealt with nursing homes, Medicare, and supplemental policies for my parents, I was surprised when I discovered in a client's Medicare supplement policy that she had extended coverage for nursing home confinement – for up to 265 days beyond the 100 days paid (in part) by Medicare. This was a Medicare supplement policy that was issued in 1990. One hundred days has always been the full extent of Medicare coverage for a stay in a nursing home, unless interrupted by a hospitalization of certain duration. Every Medicare supplement policy that I had ever seen likewise ended its skilled nursing facility coverage after 100 days. In researching Medicare supplement policies, I discovered that they had been standardized by federal legislation. In 1992, federal legislation was implemented that required all new Medicare supplement policies to conform exactly to one of ten standardized forms, labeled A through J, providing a prescribed set of benefits. Since 1992, additional standardized forms have been added by regulation, and some forms have been discontinued. However, under all standardized Medicare supplement policies issued since 1992, the most coverage offered for skilled nursing facility care is coverage of the patient's Medicare co-insurance obligation and, thus, does not extend beyond the 100-day period of nursing home coverage under Medicare. In contrast, 66% of Medicare supplement policies issued prior to 1992 provided skilled nursing facility coverage for stays exceeding 100 days. Rice T., Thomas K., "Evaluating the New Medigap Standardization Regulations," *Health Affairs*, 11, no. 1 (1992): 194-207, 200. Under my client's 1990 policy, there was coverage for her Medicare co-insurance obligation during the first 100 days of her confinement at the nursing home *plus* coverage for the 101st through the 365th day. This was extremely valuable for her and her family, representing about \$60,000 in benefits for the 265 days of her stay that she and her family otherwise would have had to pay.

My advice to practitioners with elderly clients in nursing homes is to get a copy of your client's Medicare supplement policy. Do not accept at face value EOBs and communications from the insurer or nursing home that all Medicare and Medicare supplement coverage will end after the 100th day of confinement. It is possible that your client has a legacy Medicare supplement policy (that is, issued before 1992) that provides extended coverage.