

Nursing home cannot deny care for individual with “intermediate care” requirement versus “skilled nursing care”.

The California Department Of Health Care Services has clarified there is no distinction for care requirements in a nursing facility from intermediate care versus skilled nursing care in qualifying for Medi-Cal.

In the past, many nursing homes will discharge patients based on the fact they no longer require “skilled care”. This clarification does allow patients to remain in a nursing facility under Medi-Cal even if they only require “intermediate care”.

Therefore, if you have a family member in a nursing facility and rehabilitation has ended and the nursing home states that they must leave because they no longer require “skilled care”, if they qualify for “intermediate care”, they can remain in the facility on Medi-Cal.

The doctor will determine the level of care the individual requires, not the nursing home.

The following is an alert issued by the California Department of Health care services.

Clarification of Skilled Nursing and Intermediate Care Facilities Services

September 3, 2019

Code of Federal Regulations (CFR), Title 42, Section 440.155(a)(1) defines nursing facility services as those provided in a facility that “fully meets the requirements for a State license to provide, on a regular basis, health-related services to individuals who do not require hospital care, but whose mental or physical condition requires services that – (i) are above the level of room and board; and (ii) can be made available only through institutional facilities.”

Under federal law, there is no distinction between a Skilled Nursing Facility (SNF), referred to as a Nursing Facility Level B (NF-B), and an Intermediate Care Facility (ICF), referred to as a Nursing Facility Level A (NF-A). Ultimately, federal law allows continuity of care protections for individuals to receive medically necessary intermediate care services at the NF-B where they are receiving medically necessary skilled nursing services. If a Medi-Cal recipient needs NF-A care, the recipient should be allowed to remain at the facility until intermediate care services are no longer needed or transfer to another care setting is selected by the recipient that is appropriate for their medical condition.