

## **IC 16-28-16**

### **Chapter 16. Moratorium on Medicaid Certification of Comprehensive Care Beds**

#### **IC 16-28-16-1**

##### **Application**

Sec. 1. This chapter does not apply to the conversion of acute care beds to comprehensive care beds under IC 16-29-3.

*As added by P.L.229-2011, SEC.163.*

#### **IC 16-28-16-2**

##### **"Comprehensive care bed"**

Sec. 2. As used in this chapter, "comprehensive care bed" means a bed that:

- (1) is licensed or is to be licensed under IC 16-28-2;
- (2) functions as a bed licensed under IC 16-28-2; or
- (3) is subject to this article.

The term does not include a comprehensive care bed that will be used solely to provide specialized services and that is subject to IC 16-29.

*As added by P.L.229-2011, SEC.163.*

#### **IC 16-28-16-3**

##### **"Replacement bed"**

Sec. 3. As used in this chapter, "replacement bed" means a comprehensive care bed that is relocated to a health facility that is licensed or is to be licensed under this article. This term includes comprehensive care beds that are certified for participation in:

- (1) the state Medicaid program; or
- (2) both the state Medicaid program and federal Medicare program.

*As added by P.L.229-2011, SEC.163.*

#### **IC 16-28-16-4**

##### **Prohibition; certification of new or converted comprehensive care beds; exceptions**

Sec. 4. (a) Except as provided in subsection (b), the state department may not approve the certification of new or converted comprehensive care beds for participation in the state Medicaid program unless the statewide comprehensive care bed occupancy rate is more than ninety-five percent (95%), as calculated annually on January 1 by the state department of health.

(b) This section does not apply to the following:

- (1) A comprehensive care health facility that:
  - (A) seeks a replacement bed exception;
  - (B) is licensed or is to be licensed under this article;
  - (C) applies to the state department of health to certify a comprehensive care bed for participation in the Medicaid program if the comprehensive care bed for which the health facility is seeking certification is a replacement bed for an

- existing comprehensive care bed;
- (D) applies to the division of aging in the manner:
  - (i) described in subsection (c); and
  - (ii) prescribed by the division; and
- (E) meets the licensure, survey, and certification requirements of this article.
- (2) A small house health facility approved under section 6 of this chapter.
- (c) An application made under subsection (b)(1) for a replacement bed exception must include the following:
  - (1) The total number and identification of the existing comprehensive care beds that the applicant requests be replaced by health facility location and by provider.
  - (2) If the replacement bed is being transferred to a different comprehensive care health facility with the same ownership, a provision that provides the division of aging written verification from the health facility holding the comprehensive care bed certification that the health facility has agreed to transfer the beds to the applicant health facility.
  - (3) If the replacement bed is being transferred to a different comprehensive care health facility under different ownership, a provision that provides the division of aging a copy of the complete agreement between the comprehensive care health facility transferring the beds and the applicant comprehensive care health facility.
  - (4) Any other information requested by the division of aging necessary to evaluate the transaction.

*As added by P.L.229-2011, SEC.163.*

#### **IC 16-28-16-5**

##### **Transfer of Medicaid bed from one facility to another**

Sec. 5. Except in the case of an emergency or a disaster, Medicaid certification of an existing comprehensive care bed may not be transferred to a new location until the new facility is seeking certification of the bed.

*As added by P.L.229-2011, SEC.163.*

#### **IC 16-28-16-6**

##### **Small house health facilities**

Sec. 6. (a) A person planning to construct a small house health facility shall apply to the state department for a license under this article.

(b) An applicant under this section, including an entity related to the applicant through common ownership or control, may apply to the state department for Medicaid certification of not more than fifty (50) comprehensive care beds for small house health facilities per year.

(c) The state department may not approve certification of more than one hundred (100) new comprehensive care beds designated for small house health facilities per year.

(d) The state department shall approve an application for Medicaid certification for a small house health facility:

- (1) in the order of the completed application date; and
- (2) if the applicant meets the definition of a small house health facility and the requirements of this section.

(e) A person that fails to complete construction and begin operation of a small house comprehensive care health facility within twelve (12) months after the state department's approval of the application forfeits the person's right to the Medicaid certified comprehensive care beds approved by the state department if:

- (1) another person has applied to the state department for approval of certified comprehensive care beds for participation in the state Medicaid program at least one (1) small house health facility; and
- (2) the person's application was denied for the sole reason that the maximum number of Medicaid certified comprehensive care beds specified in subsection (c) had been approved for small house health facilities.

*As added by P.L.229-2011, SEC.163.*

#### **IC 16-28-16-7**

##### **Expiration**

Sec. 7. This chapter expires June 30, 2014.

*As added by P.L.229-2011, SEC.163.*