

October 17, 2023

To: Councilman Cedric Crear/Ward #5
James B. Louis/Deputy City Attorney
From: Lex Anderson/NARA Historian
Ref: "2024 Medicare & You - The official U.S. government Medicare handbook."

Councilman Crear/Attorney Lewis,

The new "2024 Medicare & You - The official U.S. government Medicare handbook" is out early again this year. I am sending along a copy for your review and reference. Historically it comes out around March, but since COVID it's been coming out in the Fall. We have the last 10 years of this publication on file for NARA reference. Except for the addition of the MOON, increased information about insurance matters, and content in regards to COVID, little has change. Medicare definitions on "skilled nursing", "inpatient & outpatient" status, and the 3 day (72 hour) observation criteria have remained unchanged.

By now, everyone at City Hall understands that there are three "bibles" that govern both Physical Medicine and Behavioral Medicine:

- The "Medicare & You U.S. government Medicare handbook" annual publication is a consumer "Readers Digest" version of Federal Medicare Law.
- The "International Code of Statistical Disease" (ICD-10) is the World Health Organization International legal coding for physical disease and injury identity, and with it payment justification for procedures, services, and medications.
- The "Diagnostic and Statistical Manual of Mental Disorders" (DSM-5) published in the United States for legal coding of behavioral disorders and mental disease that complements the physical medicine ICD-10 is also used worldwide and translated into some 18 different languages.

The U.S. Government does an excellent job with this annual "Medicare & You" publication. Large pica and **bold** face print for extra reinforcement is used where it's needed. And in consideration of their target audience, the wording is simple and straight forward. They do it right, and don't hesitate to come down hard for fundamental points that everyone needs to know and remember to be their own health care self advocate.

Every year, the importance of understanding "inpatient and outpatient" status, and the three day (72 hour) criteria for being officially admitted as an inpatient to an institutional general hospital or nursing home/skilled nursing facility is "drilled" into the reader. Clearly, and as stated, the goal is to make "inpatient & outpatient" terminology household words and to understand their significance for both necessary treatment and for cost reimbursement. Again, this is a big topic, but the Medicare & You official publication does a good job in doing what needs to be done at the consumer level.

The Review Journal frequently publishes Medicare articles for consumer general information, and now with the Medicare open enrollment period in progress the RJ is running these articles weekly or almost daily. Attached is a copy of Tori King's RJ "Live Well" September 17, 2023 summary, "Qualifying for skilled nursing care coverage is tricky" summary from pages 27, 28, 29 and 118 of the U.S. Government Medicare & You publication. And the message is simple:

- You are not a patient in an institutional 24/7 skilled nursing facility (hospital/nursing home) until you qualify for **inpatient** status.
- Admission to a 24/7 skilled nursing facility (hospital/nursing home) for legal **inpatient** status first requires a 72 hour observation stay in a hospital so a doctor can formally admit you with a diagnosis and ICD codes requiring 24/7 **inpatient** resources and services.
- And as a skilled nursing hospital/nursing home facility **inpatient** you have a personal responsibility to know what your ongoing **Medicare Out-patient Observation Notice** (MOON) documents, which will directly impact insurance reimbursement and your costs for your admission.

Nursing homes are institutional hospitals, and with that they are defined as 24/7 **inpatient** facilities. Already, with the flu season upon us and a possible COVID variant resurgence there are articles appearing in the RJ and other publications about **inpatient** nursing home staffing and what measures to be taken to avoid the mistakes made with the first epidemic.

With this, it should be clear that nursing homes are hospitals, they are defined by their legal **inpatient** status requirement for institutional professional "care", and they are not outpatient transitional living facilities or any variation of community housing for residential living. It's "the law".

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Atch: "Medicare & You The official U.S. government Medicare handbook."
"Qualifying for skilled nursing care coverage is tricky" - Review Journal
article by Tori Kingl, September 17, 2023.