

+-----+
| LOCAL COMMISSIONERS MEMORANDUM |
+-----+

Transmittal No: 90 LCM-163

Date: October 12, 1990

Division: Commissioner's
Office

TO: Local District Commissioners

SUBJECT: Filed Regulation 360-7.10 and 505.9
Filed Regulation 485.13 and 486.7

ATTACHMENTS: Attachment I - 360-7.10 and 505.9 (available on-line)

Attachment II - 485.13 and 486.7 (available on-line)

The following changes to the Official Regulations of the State Department of Social Services have been filed for adoption with the Secretary of State.

18 NYCRR 360-7.10 and 505.9 relating to payment for reserved bed days.

Filed as an emergency rule - 10/11/89 - effective 10/11/89.

Refiled as an emergency rule - 1/9/90 - effective 1/9/90.

Refiled as an emergency rule - 3/9/90 - effective 3/9/90.

Refiled as an emergency rule - 5/8/90 - effective 5/8/90.

Refiled as an emergency rule - 7/6/90 - effective 7/6/90.

Refiled as an emergency rule - 10/5/90 - effective 10/5/90.

The final rule - Filed: 10/5/90 - Effective: 10/5/90.

18 NYCRR 485.13 and 486.7 relating to certified long-term care ombudsmen.

The final rule - Filed: 10/9/90 - Effective: 10/24/90.

Michael J. McNaughton
Director, Local District
Policy Communications

STATE DEPARTMENT OF SOCIAL SERVICES

ALBANY, NEW YORK

Pursuant to the provisions of Sections 20(3)(d), 34(3)(f), 363-a(2), 364(1)(d), 367-a(1) and 367-b(2), of the Social Services Law, I Cesar A. Perales, Commissioner of Social Services, do hereby amend Sections 360-7.10(h)(4)(i), 360-7.10(i)(1) and 505.9, of the Official Regulations of the State Department of Social Services, being Chapter II of Title 18 NYCRR, effective when the Notice of Adoption is published in the New York State Register.

Dated: October 5, 1990

Signed: _____
Commissioner

This is to certify that this is the original of an order of the State Department of Social Services made on, October 5, 1990

amending Sections 360-7.10(h)(4)(i), 360-7.10(i)(1) and 505.9 of the Official Regulations of the State Department of Social Services, being Title 18 NYCRR, the express terms of which were published in the New York State Register on July 25, 1990

Dated: October 5, 1990

Signed: _____
Commissioner

A new subdivision (d) is added to section 505.9 to read, as follows:

(d) Reserved Bed Days-Payment. Payments necessary to reserve a bed for a medical assistance recipient who is temporarily hospitalized or on leave of absence from an SNF or ICF, as permitted by section 360-7.10 of this Title, will be made at a rate which is 85 percent of the reimbursement rate established for the facility by the Commissioner of the Department of Health and approved by the Director of the Division of the Budget. Payments to reserve a bed in any other medical facility listed in subdivision (b) of section 360-7.10 of this Title, as permitted by that section, will be at the full rate established for the facility.

Clause (i) of paragraph (4) of subdivision (h) of section 360-7.10 is amended to read as follows:

(4) Other payment standards for leave of absence reserved bed days.

(i) [Payment for reserved bed days is made at the institution's full per diem rate.] When a recipient incurs expenses, such as room and board, while on leave of absence and the institution's per diem rate already reimburses the institution for these expenses, the institution must pay their cost. The recipient's social services district must give prior approval for an exception to this requirement. The social services district must [make sure] ensure that costs included in the institution's per diem rate are reconciled with the institution's claim for payment of reserved bed days.

Paragraph (1) of subdivision (i) of Section 360-7.10 is amended to read as follows:

(1) Payment for reserved bed days [under this section will be at the rates payable to those institutions for patient care.] will be made in accordance with section 505.9 of this Title.

STATE DEPARTMENT OF SOCIAL SERVICES

ALBANY, NEW YORK

Pursuant to the provisions of Sections 460 and 461-a(3) of the Social Services Law, I, Cesar A. Perales, Commissioner of Social Services, do hereby amend the title of Section 485.13, and Sections 485.13(a)(1) and 486.7(a) and add Section 485.13(a)(5) to the Official Regulations of the State Department of Social Services, being Chapter II of Title 18 NYCRR, effective upon publication of the Notice of Adoption in the State Register.

Dated: October 4, 1990

Signed: _____

Commissioner

This is to certify that this is the original of an order of the Department of Social Services made on Oct. 9, 1990 amending the title of Section 485.13, 485.13(a)(1) and 486.7(a) and adding Section 485.13(a)(5) of the Official Regulations to the State Department of Social Services, the express text of which was published in the New York State Register on May 30, 1990 .

Dated: October 4, 1990

Signed: _____

Commissioner

The title of section 485.13 is amended to read as follows:

[Access for certified] Certified long-term care ombudsman.

Paragraph (1) of subdivision (a) of section 485.13 is amended to read as follows:

(1) An operator [shall] must not restrict or prohibit the access to the residents of the facility nor interfere with the performance of the official duties of by a duly authorized ombudsman certified by the State Office for the Aging.

Subdivision (a) of section 485.13 is amended by adding a paragraph (5) to read as follows:

(5) An operator may not retaliate nor take reprisals against any resident, employee or other person for having filed a complaint with or having provided information to a duly authorized ombudsman.

Subdivision (a) of section 486.7 is amended to read as follows:

485.13

(a) (5) 100

(Deleted material [brackets]; new material underlined.)