

Medicare law leaves nursing homes guessing

By Ralph R. Echlin
staff writer

Some Michigan nursing home patients on Medicare can't go to the hospital and return to the same nursing home because federal bureaucrats can't decide what one of their laws means.

A federal law is preventing some nursing homes from holding beds for Medicare patients who go to the hospital, forcing families to find other accommodations for infirm relatives.

Yet even federal government officials say they don't know for sure what the law in question means, although it has been in effect since 1966.

Federal Medicare regulations say nursing homes can only hold beds for Medicare patients requiring hospitalization if they charge for it, the idea being not to charge Medicare for a hospital bed and a nursing home bed simultaneously.

Although federal regulations don't specifically prohibit charging third parties, such as families, for holding beds, some people interpret the law that way.

HEALTH CARE Financing Administration Supervisory Policy Specialist Mike Spilger, who specializes in Medicare regulations, said he doesn't know which interpretation of the law is correct.

"That is a question we have ad-

dressed to our bureau policy development department in Baltimore," he said, adding that he doesn't have any idea when a judgment will be issued.

Meanwhile, the federal law is in conflict with the Michigan Public Health Code, which says nursing homes must hold beds for up to 10 days for patients requiring emergency medical treatment. If the patient privately pays for the hold.

The Connecticut-based Travelers Insurance Company, an intermediary for many Michigan, New York and Connecticut nursing homes, issued a letter in March telling nursing homes about the federal law. Like the law, the Travelers letter doesn't say if third parties can pay for bed holds.

Travelers Fraud and Abuse Officer Robert Elbertson said the letter was written because 12 people in three states complained to the insurance company in December about being charged for bed holds.

NURSING HOMES have been put in the position of interpreting the federal law for themselves and/or deciding whether they want to obey the state law or the federal law. Even so, a nursing home can violate government regulations and will only get in trouble if someone complains, Elbertson said.

Peachwood Inn, a Rochester Hills nursing home, goes along with the

federal law interpretation that no one can pay to hold a Medicare patient's bed.

Since Peachwood Inn doesn't hold beds, its Medicare patients who go to the hospital must be discharged entirely from the nursing home. All personal effects must be removed. When they leave the hospital they may or may not get their bed back, may or may not get back in the same nursing home.

"It just stinks," spokesperson Renee Mahler said. "It's traumatic to the resident patients and their families. One of the most difficult things to do to older adults is change. The people in the middle are the older adults."

Michael Connors, project director of Citizens for Better Care, has asked Carol A. Resmeyer, a federal government Medicare official, to clarify the Health Care Financing Administration's position on the conflicting laws. At press time, Resmeyer was writing a letter to Connors. She declined to answer the Eccentric's questions, referring them to Spilger.

NOT ALL nursing home administrators agree with Mahler that third parties can't pay to hold a bed.

Paul Holliday, administrator of Cambridge South Nursing Center of Birmingham, will hold a bed as long as payment doesn't come from a Medicare account. "The law doesn't say the beneficiary's family can't pay for it," he said. "It just can't come from the patient's (Medicare) account."

Karl Bartsch, administrator of Bedford Villa Nursing Care Center of Southfield, said people in his position simply must roll with the punches as far as government regulations are concerned. He believes the law prohibits anyone from paying for a Medicare patient's bed hold.

"If that's the way the law is going to be interpreted, that's the way you

play the game," he said. But most Medicare patients don't have a problem getting back to Bedford Villa after a hospital stay, Bartsch added.

As to the conflict between federal and state regulations, Bartsch said "50 percent of the rules and regulations are different. We comply with whatever the stricter rule is."

However, "if the feds say they're not going to pay (for something) we're not going to do it."

HAVEN receives state grant

HAVEN, an agency providing emergency housing in Pontiac, is one of 25 nonprofit agencies to share in \$1.3 million in grants from the state of Michigan.

The grants are made to help cover operating expenses, expand the number of available beds or to provide counseling or day care services for residents.

HAVEN, or Help Against Violent Encounters Now, at 92 Whitmore St., Pontiac, will receive \$42,500.

HAVEN provides temporary shelter for homeless men, women and children.

Since 1987, Michigan has allocated \$4.3 million in state and federal funds to aid the homeless.

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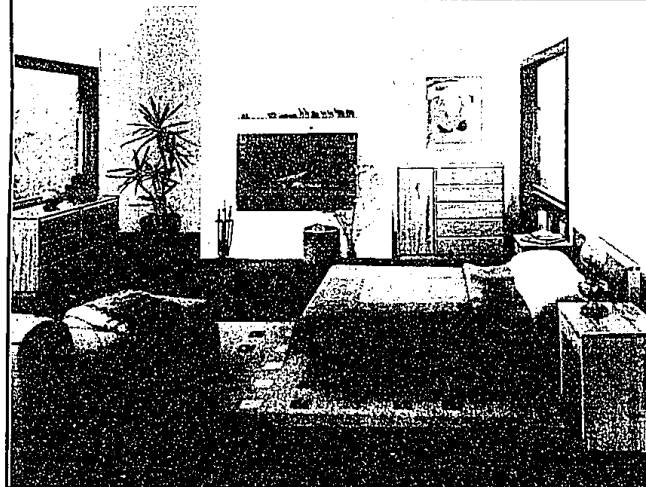
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