

CHAPTER 52

HOSPITAL SERVICES MANUAL

Authority

N.J.S.A. 30:4D-7 and 12.

Source and Effective Date

R.2000 d.29, effective December 21, 1999.
See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 52, Hospital Services Manual, expires on June 19, 2005. See: 37 N.J.R. 436(a).

Chapter Historical Note

Chapter 52, Manual for Hospital Services, was adopted as R.1971 d.30, effective March 5, 1971. See: 3 N.J.R. 24(b), 3 N.J.R. 62(c).

Subchapter 3, Teleprocessing Procedures, was adopted as R.1975 d.230, effective August 1, 1975. See: 7 N.J.R. 316(b), 7 N.J.R. 431(b).

Pursuant to Executive Order No. 66(1978), Subchapter 1, Coverage, was readopted as R.1984 d.47, effective February 9, 1984. See: 15 N.J.R. 2125(a), 16 N.J.R. 424(b).

Pursuant to Executive Order No. 66(1978), Subchapter 2, Admissions and Billing Procedures, was readopted as R.1985 d.56, effective January 28, 1985. See: 16 N.J.R. 3159(a), 17 N.J.R. 451(a).

Pursuant to Executive Order No. 66(1978), Chapter 52, Manual for Hospital Services, was readopted as R.1990 d.157, effective February 8, 1990. See: 21 N.J.R. 3911(a), 22 N.J.R. 799(b).

Subchapter 4, HCFA Common Procedure Coding System (HCPCS), was adopted as R.1992 d.327, effective August 17, 1992, operative September 1, 1992. See: 24 N.J.R. 917(a), 24 N.J.R. 2898(a).

Subchapter 5, Procedural and Methodological Regulations, Subchapter 6, Financial Reporting Principles and Concepts, Subchapter 7, Diagnosis Related Groups (DRG), Subchapter 8, Basis of Specific Payment for Disproportionate Share Hospitals, and Subchapter 9, Review and Appeal of Rates, were adopted as Emergency New Rules R.1993 d.154, effective March 11, 1993, to expire May 10, 1993. See: 25 N.J.R. 1582(a). The provisions of R.1993 d.154 were readopted as R.1993 d.263, effective May 10, 1993, with changes effective June 7, 1993. See: 25 N.J.R. 1582(a), 25 N.J.R. 2560(a).

Pursuant to Executive Order No. 66(1978), Chapter 52, Hospital Services Manual, was readopted as R.1995 d.123, effective February 3, 1995, and Subchapter 1, Coverage, Subchapter 2, Admission and Billing Procedures, Subchapter 3, Teleprocessing Procedures, and Subchapter 4, HCFA Common Procedure Coding System (HCPCS), were repealed, and Subchapter 1, General Provisions, Subchapter 2, Policies and Procedures Related to Specific Services, Subchapter 3, Healthstart—Maternity and Pediatric Services, Subchapter 4, Basis of Payment for Hospital Services, and Subchapter 11, HCFA Common Procedure Coding System (HCPCS) for Hospital Outpatient Laboratory Services, were adopted as new rules by R.1995 d.123, effective April 17, 1995. See: 26 N.J.R. 4551(a), 27 N.J.R. 1660(a).

Subchapter 10, Charity Care, was adopted as R.1995 d.258, effective May 15, 1995. See: 27 N.J.R. 656(a), 27 N.J.R. 1995(a).

Subchapter 12, Graduate Medical Education and Indirect Medical Education, was adopted as R.1997 d.43, effective January 21, 1997. See: 28 N.J.R. 4022(a), 29 N.J.R. 350(b).

Subchapter 10A, Charity Care Component of the Disproportionate Share Hospital Subsidies, was adopted as R.1997 d.520, effective January 5, 1998. See: 29 N.J.R. 1006(a), 30 N.J.R. 232(a).

Pursuant to Executive Order No. 66(1978), Chapter 52, Hospital Services Manual, was readopted as R.2000 d.29, effective December 21, 1999, and Subchapter 8, Basis of Specific Payment for Disproportionate Share Hospitals, was recodified as Subchapter 13, Eligibility for and Basis of Payment for Disproportionate Share Hospitals, Subchapter 10, Charity Care, was recodified as Subchapter 11, Charity Care, Subchapter 10A, Charity Care Component of the Disproportionate Share Hospital Subsidies, was recodified as Subchapter 12, Charity Care Component of the Disproportionate Share Hospital Subsidies, Subchapter 11, HCFA Common Procedure Coding System (HCPCS) for Hospital Outpatient Laboratory Services, was recodified as Subchapter 10, HCFA Common Procedure Coding System (HCPCS) for Hospital Outpatient Laboratory Services, and Subchapter 12, Graduate Medical Education and Indirect Medical Education, was recodified as Subchapter 8, Graduate Medical Education and Indirect Medical Education, by R.2000 d.29, effective January 18, 2000. See: Source and Effective Date. See, also, section annotations.

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APPENDIX. FISCAL AGENT BILLING SUPPLEMENT

SUBCHAPTER 1. GENERAL PROVISIONS

10:52-1.1 Purpose and scope

(a) This chapter outlines the policies and procedures of the Division for the provision of inpatient and outpatient (including emergency room) hospital services to Medicaid and NJ KidCare fee-for service beneficiaries. The hospitals that are included in these policies and procedures are general hospitals, special hospitals, rehabilitation hospitals and psychiatric hospitals, unless specifically indicated otherwise.

(b) Unless otherwise stated, the rules of this chapter apply to Medicaid and NJ KidCare—Plan A, B and C fee-for-service beneficiaries and to Medicaid and NJ KidCare—Plan A, B, C and D fee-for-service services which are not the responsibility of the managed care organization with which the beneficiary is enrolled. Hospital services which are to be provided by the beneficiary's selected managed care organization (MCO) are governed and administered by that MCO.

Petition for Rulemaking.

See: 27 N.J.R. 1818(b), 27 N.J.R. 2014(c).
Amended by R.2000 d.29, effective January 18, 2000.
See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

In (a), substituted a reference to Medicaid and NJ KidCare fee-for service beneficiaries for a reference to Medicaid recipients, and substi-

tuted a reference to psychiatric hospitals for a reference to private psychiatric hospitals; and added (b).

10:52-1.2 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

“Base year” means the year from which historical cost data are utilized to establish prospective reimbursement in the rate year.

“Bundled drug service” means a drug that is marketed or distributed by the manufacturer or distributor as a combined package which includes in the cost of the drug, the drug product and ancillary services, such as, but not limited to, case management and laboratory services.

“Current Cost Base” means the actual costs and revenue of the hospital as identified in the Financial Elements in the base reporting period for the purposes of rate setting.

“DHSS” means the State Department of Health and Senior Services.

“Diagnosis Related Groups (DRGs)” means a patient classification system in which cases are grouped by shared characteristics of principal diagnosis, secondary diagnosis, age, surgical procedure, and other complications, and consumption of a similar amount of resources.

“Disproportionate share hospital” means a hospital designated as such by the Commissioner of the Department of Human Services, in accordance with N.J.A.C. 10:52-13.

“Division” means the New Jersey Division of Medical Assistance and Health Services within the New Jersey Department of Human Services.

“Early and Periodic Screening, Diagnosis and Treatment (EPSDT)” means a preventive and comprehensive health program for Medicaid and NJ KidCare-Plan A beneficiaries under 21 years of age or age 19 for NJ KidCare-Plan A for the purpose of assessing a beneficiary’s health needs through initial and periodic examinations, health education and guidance, and identification, diagnosis, and treatment of health problems.

“Entity,” as used in N.J.A.C. 10:52-1.2A, means an outpatient department not contiguous to a main inpatient hospital for which that hospital is attempting to seek recognition and reimbursement as an outpatient hospital service.

“Equalization Factor” means the factor that is calculated based on defined Labor Market Areas and multiplied by hospital costs to permit comparability between differing regional salary costs in setting Statewide standard costs per case.

“Financial Elements” means the reasonable cost of items approved as reimbursable under Medicaid (see N.J.A.C. 10:52-5.10).

“Grouper” means the logic that assigns cases into the appropriate Diagnosis Related Groups in accordance with the clinical and statistical information supplied.

“Hospital” means, pursuant to section 1861(e) of the Social Security Act (42 U.S.C. § 1395x(e)), an institution which is primarily engaged in providing the following services to inpatients, by or under the supervision of physicians:

1. Diagnostic services and therapeutic services for the prevention, medical diagnosis, treatment, and care of injured, disabled or sick persons, including obstetrical services and services to the normal newborn; or,
2. Rehabilitation services for the rehabilitation of injured, disabled, or sick persons; and
3. Maintains clinical records on all patients;
4. Has by-laws in effect with respect to its staff of physicians;
5. Requires every patient to be under the care of a physician;
6. Provides 24-hour nursing services rendered or supervised by a registered professional nurse, and has a registered professional nurse or licensed practical nurse on duty at all times;
7. Has in effect a hospital utilization review plan that meets the requirement of the law (Sec. 1861(K) of the Social Security Act); and has in place a discharge planning process that meets the requirements of the law (Sec. 1861(ee)) of the Social Security Act;
8. Is licensed as a hospital in the State of New Jersey, or licensed as a hospital by the appropriate agency under the laws of the respective state in which the hospital is located, or approved by the agency of the state or locality responsible for licensing hospitals meeting the standards established for such licensing;
9. Meets any other requirements that the U.S. Secretary of Health and Human Services finds necessary in the interest of health and safety of individuals who furnished services in the institution; and
10. For the purposes of N.J.A.C. 10:52-1.2A only, is where the main inpatient hospital services are located.

“Hospital (Approved General)” means an institution which is approved to participate as a provider in the Division if it:

1. Is licensed as a general hospital by the State of New Jersey, or licensed as a hospital by the appropriate agency under the laws of the respective state in which the hospital is located; (NOTE: When only a specific identifi-

able part of a multi-service institution is licensed, only the section licensed is considered a Medicaid/NJ KidCare provider);

2. Meets the requirements for participation and certification under Medicare (Title XVIII of the Social Security Act);

3. Has in effect a hospital utilization review plan applicable to all patients who received medical assistance under Medicaid (Title XIX) and NJ KidCare (Title XXI); and

4. Has signed a provider agreement to participate in and abide by the rules of the Division and applicable Federal regulations.

“Hospital (Approved Private Psychiatric)” means an institution which is approved to participate as a provider in the Division and:

1. Is licensed by the State of New Jersey as a psychiatric (mental-non-governmental) hospital or licensed as a private psychiatric hospital (non-governmental) by the appropriate agency under the laws of the respective state in which the hospital is located;

2. Meets the requirements for participation and certification under Medicare (Title XVIII of the Social Security Act) as a psychiatric hospital;

3. Has in effect a hospital utilization review plan applicable to all patients who receive medical assistance under Medicaid (Title XIX);

4. Meets the special Medicare standards relative to staffing requirements and clinical medical records; and,

5. Has signed a provider agreement to participate in and abide by the rules of the Division and applicable Federal regulations.

“Hospital (Approved Private Psychiatric) facility that provides inpatient services to children under 21 years of age” means an institution that shall meet the requirements of 1., 2., 3., 4. and 5. above, listed in the definition of “Hospital (Approved Private Psychiatric): or in addition to 1. and 5. above, has facility accreditation by the Joint Commission on the Accreditation of Health Care Organizations (JCAHO).

“Hospital (Approved Special)” means an institution which is approved by the New Jersey State Department of Health and Senior Services as a special hospital (for definition of special hospital, see N.J.A.C. 8:43G-1.3(b)2) and which includes any hospital which assures the provision of comprehensive specialized diagnosis, care, treatment and rehabilitation, where applicable, on an inpatient basis for one or more specific categories of patients; and approved to participate as a provider in the Division if it meets the appropriate standards of participation for one of the following classifications:

1. Special (Acute care or short term) or Comprehensive Rehabilitation Hospital:

i. Licensed as a special or comprehensive rehabilitation hospital by the New Jersey Department of Health and Senior Services;

ii. Accredited by the Joint Commission on Accreditation of Health Care Organizations (JCAHO) or the Commission on Accreditation as a hospital or rehabilitation facility; and/or

iii. Meets the requirements for participation and certification under Medicare (Title XVIII of the Social Security Act) as a hospital;

iv. Has in effect a hospital utilization review plan applicable to all patients who receive medical assistance under Medicaid (Title XIX); and,

v. Has signed a provider agreement to participate in and abide by the rules of the Division and all applicable Federal regulations.

“Inliers” means inpatient cases who display common or typical patterns of resource use that are assigned to DRGs and have a length of stay within the high and low trim points.

“Inpatient” means a patient who has been admitted to an approved hospital as an inpatient on the recommendation of a physician, dentist or nurse midwife and receives room, board, and professional services in the hospital for a 24 hour period or longer, even though it later develops that the patient dies, is discharged or is transferred to another facility and does not actually stay in the hospital for 24 hours.

“Inpatient Hospital Services” means services that:

1. Are ordinarily furnished in a hospital for the care and treatment of inpatients;

2. Are furnished under the direction of a physician or dentist, except, as specified in 42 CFR 440.165 of the Social Security Act, for services provided by a certified nurse midwife;

3. Are furnished in an institution that:

i. Is maintained primarily for the care and treatment of patients with disorders including obstetrical services and services to the normal newborn;

ii. Is licensed or formally approved as a hospital by an officially designated authority for State standard-setting;

iii. Except in the case of medical supervision of nurse-midwife services, as specified in 42 CFR 440.165 of the Social Security Act, or private inpatient psychiatric facilities for children under 21 years of age, meets the requirements for participation in Medicare as a hospital; and,

iv. Has in effect a utilization review plan, applicable to all Medicaid patients, that meets the requirements of

42 CFR 482.30 of the Social Security Act, unless a waiver has been granted by the U.S. Secretary of Health and Human Services.

“Labor Market Area” means counties and municipalities in the State that are grouped in accordance with similar labor costs.

“Neonate” means a newborn less than 29 days of age.

“Nontherapeutic sterilization” means any procedure or operation, the purpose of which is to render an individual permanently incapable of reproducing and which is not either a necessary part of the treatment of an existing illness or injury, or medically indicated as an accompaniment of an operation on the female genitourinary tract. For the purpose of this definition, mental incapacity is not considered an illness or injury.

“Outliers” means patients who display atypical characteristics relative to other patients in a DRG and have lengths of stay either above or below the established trim points.

“Outpatient” means a patient registered in the outpatient department of a hospital or in a distinct part of that hospital who is expected to receive and who does receive professional services for less than a 24 hour period, regardless of the hour of admission; or whether or not a bed is used; or whether or not the patient remains in the hospital past midnight.

“Outpatient hospital services” means medically necessary items or services (preventive, diagnostic, rehabilitative, therapeutic, or palliative) provided to an outpatient by or under the direction of a physician or dentist, except for the medical supervision of nurse midwife services; and/or by a psychiatric hospital or an excluded unit of a general hospital and the institution is licensed or formally approved as a hospital by the New Jersey State Department of Health and Senior Services, or certified by the officially designated authority in the state in which the hospital is located; meets the requirements for participation in Medicare (Title XVI-II) as a hospital; and meets the criteria for participation as stated in N.J.A.C. 10:52-1.3.

“Patient” means an individual who is receiving needed professional services that are directed by a licensed practitioner of the healing arts toward the maintenance, improvement, or protection of health, or lessening of illness, disability, or pain.

“Physician” means a doctor of medicine (M.D.) or osteopathy (D.O.) licensed to practice medicine and surgery by the New Jersey State Board of Medical Examiners, or similarly licensed by comparable agencies of the state in which he or she practices.

“Physician services” means those services provided within the scope of practice of a doctor of medicine (M.D.) or osteopathy (D.O.) as defined by the laws of New Jersey, or if in practice in another state by the laws of that state, and which services are performed by or under the direction and/or personal supervision of the physician. (See also N.J.A.C. 10:54-1.2.)

“Preliminary Cost Base (PCB)” means the estimated revenue a hospital may collect based on an approved schedule of rates which includes DRG rate amounts and indirect costs not included in the all-inclusive rate. Those indirect costs will either be the dollar amount specified or the estimated amount determined by a specific percentage adjustment to the rate.

“Rate year” means the year in which current reimbursement takes place.

“Trim points” means the high and low length of stay cutoff points assigned to each DRG.

“Uniform Bill—Patient Summary (UB-92)” means the common billing and reporting form used by the hospital for each Medicaid inpatient.

Amended by R.1997 d.396, effective September 15, 1997.

See: 29 N.J.R. 1003(a), 29 N.J.R. 4132(b).

Added “Entity”; and amended “Hospital” and “Outpatient hospital services”.

Amended by R.2000 d.29, effective January 18, 2000.

See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

Deleted “Adjusted admissions” and “Informed Consent”; inserted “DHSS”; in “Early and Periodic Screening, Diagnosis and Treatment (EPSDT)”, substituted references to Medicaid and NJ KidCare—Plan A beneficiaries for references to Medicaid recipients, and inserted “or age 19 for NJ KidCare—Plan A beneficiaries” following “age”; in “Hospital”, inserted a reference to 42 U.S.C. § 1395x(e) in the introductory paragraph; in Hospital (Approved General), inserted references to NJ KidCare in 1 and 3; in “Hospital (Approved Special)”, made internal designation changes; in “Inpatient”, inserted a reference to nurse midwives; in “Outpatient hospital services”, substituted “a psychiatric hospital or an excluded unit of a general hospital and the institution” for “private inpatient psychiatric facility for patients under 21 and over 65 years of age; and the institution that” following “and/or by”, and changed N.J.A.C. reference; and changed “Uniform Bill—Patient Summary (UB-PS or UB-92)” definition to “Uniform Bill—Patient Summary (UB-92)”.

Amended by R.2003 d.485, effective December 15, 2003.

See: 35 N.J.R. 509(a), 35 N.J.R. 5568(a).

Added “Disproportionate share hospital”.

Case Notes

No reimbursement for inpatient services provided while patient awaiting placement in skilled nursing care facility. *Monmouth Med. Center v. State*, 158 N.J.Super. 241 (App.Div.1978), affirmed 80 N.J. 299 (1979), certiorari denied 444 U.S. 942 (1979).

Consent; bilateral salpingectomy and hysterectomy; purposes of Medicaid Reimbursement. *Centra State Medical Center v. Division of Medical Assistance and Health Services*, 93 N.J.A.R.2d (DMA) 65.

10:52-1.2A (Reserved)

Recodified to N.J.A.C. 10:52-1.3 by R.2000 d.29, effective January 18, 2000.

See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

10:52-1.3 Criteria for participation: outpatient hospital services

(a) The Division shall reimburse approved hospitals to provide covered outpatient hospital services, where applicable, in accordance with all the provisions of this chapter. In order to be approved and reimbursed as an outpatient hospital service, effective in accordance with the dates in (c)

below, each site that provides an outpatient hospital service for which the hospital bills the Medicaid or NJ KidCare fee-for-service program as an outpatient hospital service shall have been approved by the Division of Medical Assistance and Health Services (known as the "Division"), in accordance with this rule. Such approval shall include sites located in the main inpatient hospital, and both the contiguous and non-contiguous sites.

(b) Each site shall meet all of the following criteria prior to receiving reimbursement from the Medicaid or NJ FamilyCare fee-for-service programs as an outpatient hospital service, effective in accordance with the dates in (c) below:

1. The entity shall be physically located in close proximity to the hospital, and both the entity and the hospital shall service the same patient population (such as from the same service or catchment area);

i. In determining close proximity, the following factors will be considered:

(A) The distance between the entity and the inpatient hospital facility;

(B) The physical location (inner-city, urban, suburban or rural area) of the inpatient hospital facility and the entity; and

(C) The availability of other inpatient hospital facilities providing the same services located closer to the entity than the hospital requesting the outpatient designation.

ii. Pursuant to P.L. 2001, c.393, specialized pediatric facilities licensed to provide pediatric comprehensive rehabilitation services shall not be subject to the close proximity criterion contained in (b)1 above. However, such pediatric facilities shall be subject to all other criteria set forth in (b)2 through 8 below.

2. The entity shall be an integral and subordinate part of the hospital, and as such, shall be operated with other departments of that hospital under the common hospital licensure issued by the New Jersey Department of Health and Senior Services, in accordance with N.J.A.C. 8:43G, or under the certification provisions of the appropriate State agency, in accordance with N.J.A.C. 10:52-1.2;

3. The entity shall be included under the accreditation of the hospital as specified by N.J.A.C. 10:52-1.2 and that accrediting body shall have recognized the entity as part of the hospital;

4. The entity shall be operated under common ownership and control (such as common governance) by the hospital, as evidenced by the following:

i. The entity shall be subject to common bylaws and operating decisions of the hospital's governing body;

ii. The hospital shall have final responsibility for administrative decisions, final approval for personnel actions, and final approval for medical staff appointments in the entity; and

iii. The entity shall function as a department of the hospital with significant common resource usage of buildings, equipment and service personnel on a daily basis;

5. The entity director shall be under the direct day-to-day supervision of the hospital, as evidenced by the following:

i. The entity director or individual responsible for the day-to-day operations at the entity shall maintain a daily reporting relationship and be accountable to the chief executive officer of the hospital, and report through that individual to the governing body of the hospital; and

ii. Administrative functions of the entity, such as, but not limited to, records, billing, laundry, housekeeping, and purchasing shall be integrated with those of the hospital;

6. Clinical services of the entity and the hospital shall be integrated as evidenced by the following:

i. Professional staff of the entity shall have clinical privileges in the hospital;

ii. The medical director of the entity, if the entity has a medical director, shall maintain a day-to-day reporting relationship to the chief medical officer or similar official of the hospital;

iii. All medical staff committees or other professional committees at the hospital shall be responsible for all medical activities in the entity;

iv. Medical records for patients treated in the entity shall be integrated into the unified records system of the hospital;

v. Patients treated at the entity shall be considered patients of the hospital and have full access to all hospital services; and

vi. Patient services provided in the entity shall be integrated into corresponding inpatient and/or outpatient services, as appropriate, by the hospital;

7. The entity shall be held out to the public as a part of the hospital, such that patients shall know that they are entering the hospital and shall be billed accordingly; and

8. The entity and the hospital shall be financially integrated as evidenced by the following:

i. The entity and the hospital shall have an agreement for the sharing of income and expenses; and

ii. The entity shall report its costs in the cost report of the hospital using the same accounting system for the same cost reporting period as the hospital's.

(c) In order for a service provided at the site to be reimbursed as an outpatient hospital service, effective on the date indicated in (c)2 and 3 below, the following reporting requirements shall be met for approval by the Division:

1. If the location in which the services are provided is located in or contiguous to the main inpatient hospital, the Division shall assume that these outpatient hospital

services meet the criteria for participation pursuant to (b) above; therefore, the reporting requirements in (c)2 and 3 below shall not be required for these services. However, even though the services are located contiguous to the main inpatient hospital, (d) below shall apply.

2. All hospitals with existing entities as defined in this section, which do not meet the requirements in (c)1 above, shall submit a report to the Division no later than October 15, 1997 indicating each location, the type of services provided, and how each entity meets the criteria for participation set forth in (b) above. The Division shall review each hospital's submission and determine whether or not the service provided at the entity is reimbursed appropriately as an outpatient hospital service in accordance with (b) above. A determination of and notification of the approval or denial for reimbursement as an outpatient hospital service shall be issued by the Division.

i. Pending the Division's review process, the entity shall be reimbursed at the interim rate, as specified by N.J.A.C. 10:52-4.3(a).

ii. If the entity is approved to be reimbursed for a specific outpatient hospital service, the service shall continue to be reimbursed as an outpatient hospital service in accordance with N.J.A.C. 10:52-4.3, effective on the date of approval.

iii. If the entity is denied approval for reimbursement of a specific outpatient service, the reimbursement for that service as an outpatient hospital service shall be discontinued 20 days after the date on the determination letter. However, for services provided prior to the date that reimbursement as an outpatient hospital service is discontinued, adjustments shall be made to the cost report for entities that are not considered hospital-based, in accordance with N.J.A.C. 10:52-4.3(a).

3. After September 15, 1997, all hospitals which intend to provide a new outpatient hospital service or existing service at a new location which is not contiguous to the inpatient hospital shall request and obtain approval from the Division before receiving Medicaid/NJ KidCare fee-for service reimbursement as an outpatient hospital service.

i. The hospital shall report to the Division the location of each entity, the type of service provided, and how each entity meets the criteria for participation set forth in (b) above.

ii. The Division shall review each hospital's submission and determine whether or not the service provided by the entity shall be reimbursed as an outpatient hospital service. A determination of and notification of the approval or denial as an outpatient hospital service shall be issued by the Division and include the effective date of the notification of the approval or denial.

4. All information necessary, as specified in (c)3i above, for the Division to determine whether or not the services provided at the entity are approved as outpatient hospital services shall be sent to the following address:

Division of Medical Assistance and Health Services
 Provider Enrollment Unit
 PO Box 712, Mail Code #9
 Trenton, New Jersey, 08625-0712

5. In the event information is not submitted as required by (c)2 and 3 above, the service provided at the entity shall be neither approved nor reimbursed as an outpatient hospital service for services provided on or after September 15, 1997.

(d) Once the Division approves the entity to be reimbursed as an outpatient hospital service, the Division or its settlement agent, as specified in N.J.A.C. 10:52-4.7, shall ensure that the information submitted is in compliance with (b) above. A review may occur at any time at the Division's discretion, including, but not limited to, the time of the audit of the hospital's cost report. If it is determined that the service provided by the entity is not provided consistent with the criteria for participation, as specified in (b) above, the Division shall notify the hospital of its denial of the service and disallow the costs and the related reimbursement for any time that service or entity was not in compliance with these rules.

(e) Close proximity means the minimum distance between a hospital and an entity which will produce unduplicated services sufficient to meet the access and service needs of the population being served. The Division shall grant an exception to the close proximity requirement in (b)1 above on a case-by-case basis, if the exception provides access to the service by the population being served where access to the service has been limited. If an exception is granted for a specific service at an entity and that service changes, or the entity changes location, a hospital shall reapply for an exception. Requests for exceptions for entities existing prior to September 15, 1997 shall be sent to the Division in accordance with (c)2 above. A request for an exception for new entities attempting to be reimbursed as a hospital outpatient service after September 15, 1997 shall be sent to the Division in accordance with (c)3 above.

1. The following are examples of when the Division will grant an exception to the close proximity criterion stated in (b)1 above.

i. When access and/or availability to a particular service within a particular geographic area is limited; or

ii. When the availability of transportation to a particular service within a particular geographical area is limited.

(f) If the services provided at the entity are not approved by the Division as an outpatient hospital service, the entity may apply as a provider of another type of service to the Provider Enrollment Unit of the Division or the fiscal agent, as appropriate, consistent with N.J.A.C. 10:49-3 and 4, and the procedures for enrollment as indicated in the appropriate provider services manuals, such as for clinics, in N.J.A.C. 10:66, Independent Clinic Services, or in N.J.A.C. 10:54, Physician Services.

(g) If the hospital is not satisfied with the Division's determination, all appeals shall meet the requirements of the administrative hearing process in accordance with N.J.A.C. 10:49-10.3.

New Rule, R.1997 d.396, effective September 15, 1997.

See: 29 N.J.R. 1003(a), 29 N.J.R. 4132(b).

Recodified from N.J.A.C. 10:52-1.2A and amended by R.2000 d.29, effective January 18, 2000.

See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

In (a) and (b), inserted references to NJ KidCare fee-for-service programs; and in (c)3, inserted a reference to NJ KidCare fee-for-service reimbursement. Former N.J.A.C. 10:52-1.3, Eligibility; claims procedures, recodified to N.J.A.C. 10:52-1.4.

Amended by R.2002 d.378, effective November 18, 2002.

See: 34 N.J.R. 2246(a), 34 N.J.R. 2549(b), 34 N.J.R. 3980(a).

Added (b)1ii.

10:52-1.4 Use of PA-1C for applying for benefits for a hospital patient

(a) A hospital shall adhere to the following procedure for completing the form, the "Public Assistance Inquiry (PA-1C)" to inform the appropriate agency that an individual intends to file a Medicaid application:

1. For those aged, blind or disabled persons with limited income and resources who appear to be eligible for Supplemental Security Income (SSI)/Medicaid, a hospital shall complete the form PA-1C and send it to the Social Security Administration (SSA) District Office serving their locale to initiate the eligibility process. The date of the inquiry shall protect the application date provided that the individual follows through with filing of an application.

2. For the aged, blind and/or disabled individuals, and/or pregnant women and/or children who do not qualify or who do not want an SSI money payment from the Social Security Administration and/or do want to be a Medicaid beneficiary through "Medicaid Only" or New Jersey Care . . . Special Medicaid Programs, a hospital shall complete the form PA-1C and send it to the appropriate county board of social services (CBOSS).

3. A hospital shall submit the form PA-1C to the county board of social services (CBOSS) immediately after the birth of a newborn of a mother who is or may become eligible for Medicaid. (Information on the newborn shall be included in item 1, 2, 4, 11a and 15 only. The mother's signature shall be included in Item 23.)

i. There shall be no requirement for joint hospitalization of a mother and newborn as the sole condition

for which claims for services to the newborn may be submitted using the mother's Person Number.

ii. A mother who is a Medicaid beneficiary and her newborn shall have the same Medicaid Eligibility Identification Number when they are a part of the same household, but each shall be assigned his or her own Person Number.

iii. A hospital shall be permitted to submit a claim for services to a newborn for 60 days from the date of the birth through the end of the month in which the 60th day occurs or until the newborn is assigned his or her own Person Number, whichever happens first.

iv. After the extended time frame of 60 days from the date of birth through the end of the month in which the 60th day occurs or upon the assignment of the newborn's Person Number, the newborn's personal data shall be used on the claim form as soon as it is available to the hospital. The mother's personal data shall not be used on the claim form after this time frame or after the newborn's Person Number is available to the hospital.

4. Previously submitted PA-1C forms shall be updated by the hospital if subsequent facts emerge that alter the original referral.

i. When it is determined that the original referral to the Social Security Administration was incorrect, the hospital shall forward a copy of the original PA-1C to the CBOSS with a note of explanation (see also N.J.A.C. 10:49-2 in Administration for further information on Medicaid eligibility).

Recodified from N.J.A.C. 10:52-1.3 and amended by R.2000 d.29, effective January 18, 2000.

See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

In (a), substituted references to beneficiaries for references to recipients and substituted references to CBOSS for references to CWA throughout, and substituted a reference to Medicaid Eligibility Identification Numbers for a reference to HSP (Medicaid) Case Numbers in 3ii. Former N.J.A.C. 10:52-1.4, Eligibility of recipient for hospital services, recodified to N.J.A.C. 10:52-1.5.

10:52-1.5 Eligibility of beneficiary for hospital services

(a) Hospital services shall not be reimbursed by Medicaid or NJ KidCare fee-for-service programs when hospital services were rendered prior to and after period of beneficiary eligibility, as determined in accordance with N.J.A.C. 10:49-2.7; except that, when a Medicaid beneficiary in an acute care general hospital loses eligibility during an inpatient hospital stay, but was eligible on the date of admission, eligibility shall continue for hospital inpatient services for the entire length of that hospital stay.

(b) When a patient is admitted to a hospital and is determined Medicaid eligible subsequent to the date of admission, charges incurred during the ineligible period of the hospital stay shall not be reimbursable, unless coverage is pursued and approved under retroactive eligibility.

(c) For coverage of services rendered prior to date of application for Medicaid, the beneficiary shall apply for retroactive eligibility, in accordance with N.J.A.C. 10:49-1.1.

Recodified from N.J.A.C. 10:52-1.4 and amended by R.2000 d.29, effective January 18, 2000.

See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

Substituted references to beneficiaries for references to recipients throughout; and in (a), inserted a reference to NJ KidCare fee-for-service programs, and changed N.J.A.C. reference. Former N.J.A.C. 10:52-1.5, Covered Services (Inpatient and Outpatient), recodified to N.J.A.C. 10:52-1.6.

10:52-1.6 Covered services (inpatient and outpatient)

(a) Inpatient services which shall be covered by the Division are those services ordinarily furnished by an approved hospital maintained for the treatment and care of patients and provided to any Medicaid or NJ KidCare fee-for-service beneficiary for whom professionally developed criteria and standards of care were used to determine that the beneficiary warranted an appropriate hospital level of care for a given diagnosis and/or problem.

1. Inpatient psychiatric services in approved beds in a general hospital for patients of any age shall be covered services.

2. Inpatient room and board service shall be provided in a semi-private accommodation. Accommodations other than semi-private require certification of medical necessity or lack of availability of semi-private accommodations.

3. Inpatient services in an acute general hospital rendered the day after acute care is no longer medically necessary shall be covered only under specified conditions. (See Social Necessity Days in N.J.A.C. 10:52-1.14 and Administrative Days in N.J.A.C. 10:52-1.9.)

4. Non-physician services, supplies and equipment supplied by an out-side vendor to Medicaid beneficiaries who are receiving inpatient acute care hospital services shall be covered directly under the hospital reimbursement system. Vendor claims for these services are the responsibility of the acute care hospital where the beneficiary is a patient and shall not be billed directly to the Medicaid or NJ KidCare fiscal agent.

5. For beneficiaries in the Medically Needy Program, inpatient hospital services shall be available only to pregnant women. For information on how to identify a Medicaid beneficiary in the Medically Needy Program, refer to N.J.A.C. 10:49-2.3(c)4, Administration.

(b) The Division shall pay for eligible ancillary services provided during a non-covered period in an acute care hospital for the following situations:

1. When the Utilization Review Organization (URO) denies the entire admission for acute level of care; and,

2. When the URO certifies the admission as acute but "carves out" days from the approved continued stay. For eligible ancillary services that were provided during days that were "carved out" or "non-covered" and occurring in an inlier stay, no additional reimbursement by Medicaid or NJ KidCare-Plan A, B, or C fee-for-service shall be made, since the services are already included in the DRG reimbursement rate; and

3. When the URO certifies that only part of the stay is acute.

(c) Medically necessary inpatient psychiatric services provided in an approved private psychiatric hospital shall be covered by the Division for any Medicaid beneficiary age 65 or older; or for any other Medicaid or NJ KidCare beneficiary before attaining the age of 21, except that a Medicaid beneficiary receiving the services immediately before attaining age 21 may continue to receive the services until they are no longer needed or until the beneficiary reaches age 22, whichever occurs first.

(d) Outpatient services include those medically necessary items or services (preventive, diagnostic, therapeutic, rehabilitative, or palliative) provided to an outpatient, by or under the direction of a physician or dentist, except for the supervision of the certified nurse midwife services, pursuant to the rules of the Division and applicable Federal regulations, including those services listed below:

1. Outpatient psychiatric services in general hospitals and private psychiatric hospitals for patients of all ages;

2. Same day surgery shall be:

i. Identified on the UB-92 claim form as a 131 or 136 bill type in accordance with N.J.A.C. 8:31B-3.11(a)1;

ii. The patient shall be discharged before midnight of the day of admission so the admission date and discharge date are the same;

iii. The patient shall have had surgery performed in a fully equipped operating room, for example, one routinely equipped and capable of providing general anesthesia, and identified by an operating room charge on the claim; and

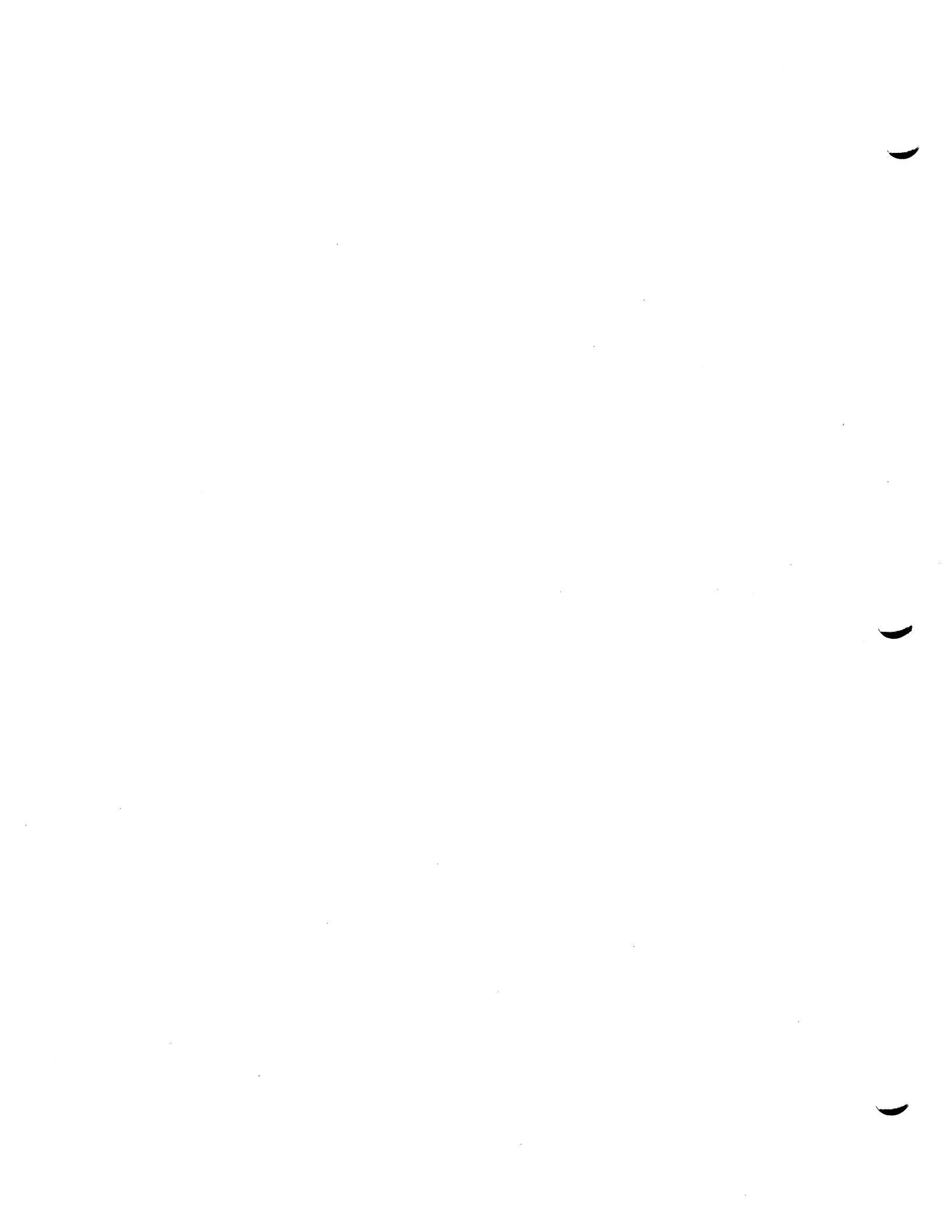
iv. The patient shall have had a normal discharge, for example was not transferred, did not leave "against medical advice," and was not discharged dead. (See N.J.A.C. 8:31B-3.11 Same day surgery.)

3. Physician services in hospitals (that is, specifically unbundled physicians): A physician practicing in a hospital out-patient department whose reimbursement is not part of the hospital's cost may bill fee-for-service if the arrangement with the hospital permits it.

(e) Transfer from one outpatient facility to another outpatient facility, or a change from an outpatient facility to a private practitioner's care is allowable; however, effort shall be made to avoid duplication of diagnostic tests or services.

(f) For policies and procedures for Ambulatory Surgical Centers, see N.J.A.C. 10:52-2.1 and N.J.A.C. 10:66-5, Independent Clinic Services.

(g) For policies and procedures for hospital-affiliated home health agencies, see N.J.A.C. 10:52-2.6 and N.J.A.C. 10:60, Home Care Services.



(h) For policies and procedures for Medical Day Care Centers (Hospital Affiliated), see N.J.A.C. 10:52-2.7 and N.J.A.C. 10:65, Medical Day Care Services.

(i) For policies and procedures for HealthStart (Comprehensive Maternity and Pediatric Care Services), see N.J.A.C. 10:52-3. For policies and procedures for Early and Periodic Screening Diagnostic and Treatment, see N.J.A.C. 10:52-2.4.

(j) For other policies and procedures related to specific services, both inpatient and outpatient, see N.J.A.C. 10:52-2.

Recodified from N.J.A.C. 10:52-1.5 and amended by R.2000 d.29, effective January 18, 2000.

See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

Substituted references to beneficiaries for references to recipients throughout; in (a), inserted a reference to NJ KidCare fee-for-service beneficiaries in the introductory paragraph, changed N.J.A.C. references in 3 and 5, and inserted a reference to NJ KidCare fiscal agents in 4; in (b)2, inserted a reference to NJ KidCare—Plan A, B, or C fee-for-service; in (c), inserted a reference to NJ KidCare beneficiaries; rewrote (d); and in (g) through (i), changed N.J.A.C. references. Former N.J.A.C. 10:52-1.6, Disproportionate share of adjustments, recodified to N.J.A.C. 10:52-1.7.

10:52-1.7 Offset of disproportionate share hospital payments

The Department of Human Services/Division of Medical Assistance and Health Services shall, upon receipt of documentation from the Department of Health and Senior Services, apply an offset to a hospital's disproportionate share hospital and/or Medicaid or NJ KidCare beneficiary care payments to collect delinquent statutory and /or regulatory debts arising under the Health Care Facilities Planning Act, N.J.S.A. 26:2H-1 et seq., and the implementing regulations, owed by the hospital to the State.

New Rule, R.1998 d.564, effective December 7, 1998.

See: 30 N.J.R. 1257(a), 30 N.J.R. 4225(a).

Former N.J.A.C. 10:52-1.6, Non-Covered Services (Inpatient and Outpatient), recodified to N.J.A.C. 10:52-1.7.

Recodified from N.J.A.C. 10:52-1.6 and amended by R.2000 d.29, effective January 18, 2000.

See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

Former N.J.A.C. 10:52-1.7, Non-Covered Services (Inpatient and Outpatient), recodified to N.J.A.C. 10:52-1.8.

10:52-1.8 Non-covered services (inpatient and outpatient)

(a) Non-covered services (inpatient and outpatient) that shall not be eligible for payment by the Division are as follows:

1. Hospital admissions of the following description:
 - i. Admission for any condition for which hospitalization is not medically necessary;
 - ii. Admission primarily for rest cure, custodial care, convalescent care, or diet therapy for exogenous obesity;

iii. Admission for illnesses which, according to generally accepted professional standards, are not amenable to favorable modification. However, psychiatric services in a general hospital shall be covered for the purpose of determining that such disorders or illness (such as senility) are not amenable to favorable modification;

iv. Admission for diagnostic procedures which may be done on out-of-hospital basis, including but not limited to laboratory tests, electrocardiograms, and diagnostic radiological services;

v. Admission or extension of hospital stay solely for research or teaching studies;

vi. Admission for inpatient services provided in an approved private psychiatric hospital unless:

(1) The Medicaid beneficiary is age 65 or over;

(2) The Medicaid beneficiary has not attained age 21, except that an individual receiving such services immediately preceding the date on which he or she attained age 21 will continue to be covered until the date the individual no longer requires such services or the date the individual reaches age 22, whichever occurs first; or

(3) The NJ KidCare—Plan A, B or C beneficiary has not attained the age of 19; and

vii. Admission of beneficiaries in the Medically Needy Program, except for pregnant women. For information on how to identify a Medically Needy beneficiary, see N.J.A.C. 10:49-2.3(c), Administration.

2. Any service or item requiring prior authorization (see N.J.A.C. 10:52-1.10, Prior authorization) which has been performed without prior authorization.

3. Medically unnecessary items and services, as follows:

i. Any service or item which is not medically necessary for the prevention, diagnosis, palliation, rehabilitation, or treatment of a disease, injury or condition;

ii. Inpatient hospital services rendered prior to the day it is medically necessary for the diagnostic services and/or surgical or medical treatment for which the patient is admitted.

iii. Inpatient hospital services rendered after the day it is medically necessary in a general hospital, except when special circumstances, that is, "social necessity," to prevent the discharge or transfer of the patient or when an inpatient is eligible for "administrative days" (see N.J.A.C. 10:52-1.14, Social Necessity and N.J.A.C. 10:52-1.9, Administrative Days).

iv. Inpatient hospital services denied for lack of medical necessity shall not be covered.

4. Private duty nursing services in the hospital inpatient setting;
5. Research or Teaching Studies;
6. Surgery (Elective), as follows:
 - i. Cosmetic Surgery, except that the Division shall consider authorization of a request from the patient's physician for elective cosmetic surgery, if a significant redeeming medical necessity can be demonstrated; and,
 - ii. Second Opinion Elective Procedures without meeting the Second Opinion requirement (see N.J.A.C. 10:52-1.13 Second Opinion Program);
7. Transportation, except as in N.J.A.C. 10:52-2.15—Transportation Services (Hospital-based);
8. Fee-for-service billed by a hospital-based physician who is salaried and whose services are reimbursed as part of the hospital's cost;
9. Other services and items not directly related to the care of the patient, such as:
 - i. Inpatient items and services including guest meals and accommodations, television, telephone, and similar items and services. Personal items shall be billed to the patient directly, provided the patient is informed and agrees to accept responsibility for personal items; and,
 - ii. Outpatient items and services which are not usually part of the outpatient service; for example, eyeglasses, custom-made limbs and braces, or surgical supplies.
10. Services and items that are billed by, and payable to, another vendor;
11. Services and items furnished by the hospital, for which the hospital does not normally charge;
12. Services and items not medically required for the diagnosis or treatment of a disease, injury or condition; and,
13. Services provided to a patient during the same period for the same condition by both private practitioner and outpatient facility, or by two different facilities, shall not be covered. Payment shall be made for only one service, except in an emergency. (For definition of an emergency, see N.J.A.C. 10:49-6.1, Administration.)

Recodified from N.J.A.C. 10:52-1.6 by R.1998 d.564, effective December 7, 1998.

See: 30 N.J.R. 1257(a), 30 N.J.R. 4225(a).

Former N.J.A.C. 10:52-1.7, Administrative Days (Nursing Facility Level of Care)—General, Special (Classification A & B) and Private Psychiatric Hospitals, recodified to N.J.A.C. 10:52-1.8.

Recodified from N.J.A.C. 10:52-1.7 and amended by R.2000 d.29, effective January 18, 2000.

See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

In (a), substituted references to beneficiaries for references to recipients and changed N.J.A.C. references throughout, inserted 1vi(3), deleted a former 9, and recodified former 10 through 14 as 9 through 13. Former N.J.A.C. 10:52-1.8, Administrative Days (Nursing Facility Level of Care)—General, Special (Classification A & B) and Private Psychiatric Hospitals, recodified to N.J.A.C. 10:52-1.9.

Case Notes

No reimbursement for inpatient services provided while patient awaiting placement in skilled nursing care facility. *Monmouth Med. Center v. State*, 158 N.J. Super. 241 (App. Div. 1978), affirmed 80 N.J. 299 (1979), certiorari denied 444 U.S. 942 (1979).

10:52-1.9 Administrative days (nursing facility level of care)—general, special (Classification A & B) and private psychiatric hospitals

(a) For a patient who is no longer in need of inpatient acute level of care and who is awaiting placement in a nursing facility, payment shall be made for "administrative days" if the general, special, rehabilitation, or the private psychiatric hospital is able to demonstrate that:

1. All other possible health insurance benefits have been utilized;

2. Discharge planning was initiated upon admission of the patient to the hospital, reviewed, and updated regularly. Within one working day of identifying a Medicaid or NJ KidCare-Plan A beneficiary as being at risk for nursing facility placement, the hospital notified the Medicaid District Office and the county board of social services (CBOSS). See N.J.A.C. 10:52-1.11 Pre-admission screening for nursing facility placement;

3. The care and services provided are medically necessary, that is, the attending physician wrote a discharge order from acute care or made a written entry in the medical record that the patient could be transferred to a nursing facility (NF); and a Pre-Admission Screening Evaluation (PAS) confirmed the necessity for nursing facility services; and

4. Placement could not be made in a NF, as substantiated by documentation of timely and continuous contact (at a minimum, twice a week) with family members, nursing facilities (NFs), and placement agencies.

(b) Upon satisfaction of all the conditions listed under (a)1 through 4 above, payment will be made at the statewide weighted average per diem rate paid to Medicaid participating NFs, as determined on January 1 of each year;

(c) N.J.S.A. 30:4D-6.7 and 6.8 requires every nursing facility in the State to reserve a Medicaid beneficiary's bed up to 10 days when the beneficiary is transferred from the nursing facility to a general or private psychiatric hospital. This requirement is applicable to NJ KidCare beneficiaries also. If the discharged Medicaid or NJ KidCare-Plan A beneficiary is unable to return to the nursing facility before the end of the 10 day period, the discharged beneficiary shall have priority for the next available Medicaid bed in the facility. When the beneficiary is admitted to the hospital under the bed reserve policy, the hospital shall:

1. Involve the NF in the preparation of the hospital's discharge planning;
2. Advise the NF of an anticipated discharge date;
3. Keep the NF informed of the patient's progress, particularly if something unexpected happens which causes a revision to the discharge plan; and
4. Give the NF as much advanced notice as possible to prepare for the return of the patient.

(d) When the 10 day bed reserve is exceeded and no bed is available in the NF from which the beneficiary was transferred, the hospital must provide the level of NF care determined by the Department of Health and Senior Services designated Staff Nurse during the Pre-Admission Screening Evaluation until such time as a bed is available to the Medicaid or NJ KidCare-Plan A beneficiary. (See N.J.A.C. 10:52-1.11.)

(e) For the information of hospital staff assisting in the discharge of a patient to an NF, N.J.S.A. 30:4D-17.3 prohibits, in general, a NF from requiring private pay contracts or donations under certain conditions on behalf of Medicaid beneficiaries. To enforce this prohibition, the law establishes both criminal and civil penalties.

(f) N.J.S.A. 10:5-12.2 of the New Jersey Civil Rights Act prohibits a NF from discriminating against Medicaid eligible persons and beneficiaries of municipal general assistance by denying them admission when the NF's Medicaid occupancy level is below the Statewide occupancy level.

(g) Provisions for reimbursement of administrative days (nursing facility level of care) shall not apply to special hospitals (Classifications A and B).

Recodified from N.J.A.C. 10:52-1.7 by R.1998 d.564, effective December 7, 1998.

See: 30 N.J.R. 1257(a), 30 N.J.R. 4225(a).

Former N.J.A.C. 10:52-1.8, Prior Authorization, recodified to N.J.A.C. 10:52-1.9.

Recodified from N.J.A.C. 10:52-1.8 and amended by R.2000 d.29, effective January 18, 2000.

See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

Substituted references to beneficiaries for references to recipients throughout; in (a), rewrote 2; in (c), inserted a new second sentence, and inserted a reference to NJ KidCare-Plan A beneficiaries in the third sentence in the introductory paragraph; rewrote former (c)5 as (d); recodified former (d) through (f) as (e) through (g); and in the new (e), deleted a former third sentence. Former N.J.A.C. 10:52-1.9, Prior authorization, recodified to N.J.A.C. 10:52-1.10.

10:52-1.10 Prior authorization

(a) Prior authorization shall be required for certain dental procedures (see N.J.A.C. 10:56, Dental Services) and partial hospitalization provided in the outpatient department of an acute care hospital beyond exempt time frames (see N.J.A.C. 10:52-2.10(c).)

(b) Other services require adherence to special procedures, such as the requirements of the Second Opinion

Program, before certain elective surgical procedures are performed. Specific services are described in the "Policies and Procedures for Providing Specific Services" in N.J.A.C. 10:52-2. Hospital entitlement to Medicaid or NJ KidCare reimbursement is subject to providing these services in accordance with the policies and procedures as outlined. For general information about prior and retroactive authorization, see N.J.A.C. 10:49-6.1, Administration.

(c) For out-of-State services, see 42 CFR 431.52. Prior authorization as out-lined in (d) below shall be required for inpatient and outpatient hospital services provided to a beneficiary outside the State of New Jersey, except as provided in (e) below. Hospital covered services for a beneficiary with an Eligibility Identification Number with the 1st and 2nd digits of 90 or the 3rd and 4th digits of 60, residing out-of-State at the discretion of the New Jersey Department of Human Services, shall not require prior authorization. However, any covered service that requires prior authorization as a prerequisite for payment to New Jersey Medicaid providers also requires prior authorization if it is to be reimbursed by the Division in any other State, except that prior authorization is not required for emergency and interstate transfers.

(d) A request for authorization for reimbursement for out-of-State services shall be directed to the Medicaid District Office (MDO) in the area where the beneficiary resides except as listed in (d)1 below. For a listing of MDOs, see the Directory at the end of the N.J.A.C. 10:49, Administration.

1. Exception: Prior authorization of out-of-State psychiatric services shall be directed to the psychiatric consultant in the Office of Medical Affairs and Provider Relations of the Division of Medical Assistance and Health Services, in accordance with N.J.A.C. 10:54, Physician Services.

2. For a beneficiary who resides in New Jersey in other than a hospital and who is to be admitted or referred to an out-of-State hospital for elective inpatient or outpatient services, the physician planning such action shall sign a statement that the medically necessary service is not available at a reasonable distance within the State of New Jersey; and

3. For a beneficiary who is traveling outside New Jersey and who is to be admitted to an out-of-State hospital for elective surgery, the attending physician shall justify by a signed statement that an attempt to return to a New Jersey hospital would create a significant risk to life or health or would create the need for an unreasonable amount of travel for the beneficiary.

4. The Division shall notify, in writing, the physician making the request.

i. If authorized, the authorization letter of the Medical Consultant of the Division shall be forwarded to the requesting physician. When arranging for hospital

admission, the physician shall forward a copy of the authorization letter to the hospital. When submitting the claim for services to the fiscal agent, the hospital shall attach the authorization letter, or a copy of the letter, to the claim.

(e) Prior authorization shall not be required for emergencies nor for interstate hospital transfers. However, in these instances, the hospital shall attach the attending physician's signed statement to the claim, attesting to the nature of the emergency or, for a hospital interstate transfer, attesting to the unavailability of the medically necessary service within a reasonable distance within the State of New Jersey.

(f) For Medicaid beneficiaries who have the diagnosis of Head Injury, for whom it is medically necessary to discharge from a hospital or special hospital to a special program in an NF, or to home care through the Traumatic Brain Injury Waiver Program, the hospital discharge planner and/or social worker shall obtain prior authorization for the placement (for either in-State or out-of-State patients) from the Medicaid District Office in the county where the beneficiary is residing. For information on the Traumatic Brain Injury Waiver program, see N.J.A.C. 10:60-5.2 and 5.3 and N.J.A.C. 10:49-22.8, Administration.

Recodified from N.J.A.C. 10:52-1.8 by R.1998 d.564, effective December 7, 1998.

See: 30 N.J.R. 1257(a), 30 N.J.R. 4225(a).

Former N.J.A.C. 10:52-1.9, Pre-Admission screening for nursing facility (NF) placement, recodified to N.J.A.C. 10:52-1.10.

Recodified from N.J.A.C. 10:52-1.9 and amended by R.2000 d.29, effective January 18, 2000.

See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

Substituted references to beneficiaries for references to recipients throughout; in (a) and (f), changed N.J.A.C. references; in (b), substituted a reference to Medicaid and NJ KidCare reimbursement for a reference to Medicaid payment; and in (c), substituted a reference to Eligibility Identification Numbers for a reference to HSP (Medicaid) Case Numbers. Former N.J.A.C. 10:52-1.10, Pre-Admission screening for nursing facility (NF) placement, recodified to N.J.A.C. 10:52-1.11.

10:52-1.11 Pre-admission screening for nursing facility (NF) placement

(a) The Department of Health and Senior Services is the agency responsible for administering the Pre-admission Screening Program. The following is provided to hospitals so that they understand the process and the rules a hospital shall follow to ensure Medicaid or NJ KidCare-Plan A reimbursement for the care of individuals whose discharge planning includes placement into a nursing facility.

(b) The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise.

"Health Services Delivery Plan (HSDP)" means an initial plan of care prepared during the Pre-Admission Screening (PAS) assessment process. The HSDP reflects the individual's current or potential problems, required care needs, and the Track of Care, and shall be forwarded to the authorized care setting.

"Nursing facility (NF)" means an institution (or distinct part of an institution) certified for participation in Title XIX Medicaid and primarily engaged in providing health-related care and services on a 24-hour basis to Medicaid and NJ KidCare fee-for-service beneficiaries (children and adults) who, due to medical disorders, developmental disabilities, and/or related cognitive and behavioral impairments, exhibit the need for medical, nursing, rehabilitative, and psychosocial management above the level of room and board. However, the nursing facility is not primarily for the care and treatment of mental diseases which require continuous 24-hour supervision by qualified mental health professionals or the provision of parenting needs related to growth and development.

"PASARR Level I" means the process of identification of individuals diagnosed with a serious mental illness (MI) or mental retardation (MR).

"PASARR Level II" is the process of evaluating and determining whether NF services and specialized services are needed.

"Pre-admission screening" (PAS) means that process by which all Medicaid eligible beneficiaries seeking admission to a Medicaid certified NF and individuals who may become Medicaid eligible within six months following admission to a Medicaid certified NF, receive a comprehensive needs assessment by the Regional Staff Nurse to determine their long term care needs and the most appropriate setting for those needs to be met, pursuant to N.J.S.A. 30:4D-17.10. (P.L. 1988, c.97.)

"Pre-admission screening and resident review (PASARR)" means that process by which all individuals with mental illness (MI) or mental retardation (MR), regardless of payment source, are screened prior to admission to a NF in order to determine the individual's appropriateness for NF services, and whether the individual requires specialized services for his or her condition.

"Regional Staff Nurse (RSN)" means a registered professional nurse employed by the Department of Health and Senior Services (DHSS) who performs health needs assessments as required by this section.

"Specialized Services for Mental Illness (MI)" means those services offered when an individual is experiencing an acute episode of serious mental illness and psychiatric hospitalization is recommended, based on a Psychiatric Evaluation. Specialized Services entail implementation of a continuous, aggressive, and individualized treatment plan by an interdisciplinary team of qualified and trained mental health personnel. During a period of 24-hour supervision for the individual, specific therapies and activities are prescribed, with the following objectives: a) to diagnose and reduce behavioral symptoms; b) to improve independent functioning; and c) as early as possible, to permit functioning at a level where less than Specialized Services are appropriate. Specialized Services go beyond the range of services which a NF is required to provide.

“Specialized Services for Mental Retardation (MR)” means those services required when an individual is determined to have skill deficits or other specialized training needs that necessitate the availability of trained MR personnel, 24-hours per day, to teach the individual functional skills. Specialized Services are those services needed to address such skill deficits or specialized training needs. Specialized services may be provided in an Intermediate Care Facility for the Mentally Retarded (ICF/MR) or in a community-based setting which meets ICF/MR standards. Specialized services go beyond the range of services which a NF is required to provide.

Track of care“ means designation of the setting and scope of Medicaid/NJ KidCare–Plan A services as determined by the PAS process conducted by the RSN following assessment of the Medicaid or NJ KidCare–Plan A beneficiary or potential Medicaid or NJ KidCare–Plan A beneficiary, as follows:

1. “Track I” means long-term NF care;
2. “Track II” means short-term NF care; and
3. “Track III” means long-term care services in a community setting.

(c) Pre-admission screening (PAS) authorization shall be required prior to admission to a Medicaid certified NF of a Medicaid or NJ KidCare–Plan A beneficiary, or an individual who may become a Medicaid or NJ KidCare–Plan A beneficiary within six months following placement in a Medicaid certified NF. The DHSS Regional Staff Nurse (RSN) shall assess each individual’s care needs and determine the appropriate setting for the delivery of needed services. The DHSS RSN will authorize or deny NF placement based on service requirements at N.J.A.C. 10:63-2 and the feasibility of alternative placement and will designate the track of care, in accordance with N.J.A.C. 10:63-1.11.

(d) PAS authorization is also required for individuals identified as having MI or MR regardless of the payment source. The PASARR assessment and authorization process shall be subsumed within the State’s PAS protocols, as required by (d) below.

1. PASARR Level I Identification Screens shall be required for individuals diagnosed as MI, MR, or related conditions.
2. An individual is considered to have mental illness (MI) if he or she has a serious mental illness, such as schizophrenia, mood disorder, paranoia, panic or severe anxiety disorder, or similar condition, diagnosable in the Diagnostic and Statistical Manual of Mental Disorders (DSMIII-R; 1987 edition) (available from the American Psychiatric Association, 1400 K St. NW, Washington, DC 20005), which leads to a chronic disability and which meets the PASARR requirements for diagnosis, level of impairment, and duration of illness.

- i. An individual is considered to have dementia if he or she has a primary diagnosis of dementia, as described in the Diagnostic and Statistical Manual of Mental Disorders (DSMIII-R; 1987 edition) and does not have a serious mental illness.

3. An individual is considered to have mental retardation if he or she has a level of retardation (mild, moderate, severe or profound) described in the “American Association on Mental Retardation’s Manual on Classification in Mental Retardation (1983)” or a related condition, as defined by, and pursuant to, Section 1905(d) of the Social Security Act (Omnibus Budget Reconciliation Act of 1987—P.L. 100-203); 42 U.S.C. 1396(d), and i below. An individual with a diagnosis of MR or a related condition and a diagnosis of dementia must have the PASARR Level II Specialized Service Screen, prior to admission to a Medicaid certified nursing facility.

- i. “Persons with related conditions” means individuals who have severe, chronic disability that meet all of the following conditions:

- (1) Persons who have diagnosis of mental retardation (MR) or other developmental disability, such as cerebral palsy, epilepsy, autism, spina bifida, or other neurological impairment;

- (2) Persons who have a history or past records that show that the onset of the mental retardation or related conditions occurred prior to age 22; and

- (3) The disability is severe and chronic in nature.

4. PASARR Level II Specialized Services Screens shall be conducted for mentally ill or mentally retarded individuals only if the DHSS RSN’s assessment results in authorization of NF placement.

- i. Level II Specialized Services Screens require that a psychiatric examination be performed by a Board eligible/certified psychiatrist to determine the need for specialized services, in accordance with (e) below.

- ii. Level II Specialized Services Screens for MR individuals will be performed by the Division of Developmental Disabilities (DDD) to determine the need for specialized services, in accordance with (d) below.

5. After an initial PASARR assessment has been completed, the individual transferred from a nursing facility to an acute care general hospital or to a psychiatric hospital with an admitting diagnosis of MI, shall not require a Level II Specialized Services Screen or a PAS nursing facility assessment prior to readmission to a nursing facility. If the individual is transferred to a different facility, the hospital discharge planner shall advise the admitting NF of the individual’s former NF placement.

6. For individuals diagnosed with Alzheimer’s or related dementias, documentation to support the diagnosis, including the history, physical examination and diagnostic

workup shall be provided to the admitting Medicaid certified nursing facility for the individual's clinical record.

7. Hospitals shall not transfer individuals to Medicaid certified NFs until Level II Specialized Services Screens have been conducted and the hospital has received Department of Health and Senior Services Long Term Care Field Office (LTCFO) notification that specialized services are not required.

(e) The determination of the necessity for NF services shall be performed through Pre-admission Screening (PAS), as mandated by N.J.S.A. 30:4D-17.10. The DHSS Regional Staff Nurse (RSN) shall determine the necessity for nursing facility services for Medicaid and NJ KidCare-Plan A beneficiaries, for individuals who may become Medicaid and NJ KidCare-Plan A beneficiaries within six months following admission to a Medicaid certified facility, and for individuals identified as meeting PASARR Level I criteria. The LTCFO having jurisdiction for the area where an acute care hospital is located has the responsibility for completing the PAS assessment regardless of the beneficiary county of residence or anticipated county of discharge.

1. The DHSS RSN shall:

i. Review the medical, nursing, and social information obtained at the time of assessment, as well as any other supporting data;

ii. Assess the individual's care needs;

iii. Determine the appropriate setting for the delivery of needed services;

iv. Authorize or deny NF placement based on service requirements at N.J.A.C. 10:63-1.11 and the feasibility of alternative care;

v. Designate the track of care; and

vi. Advise the discharger planner and/or social worker of the appropriate setting for the delivery of needed services and, if appropriate, for the need for the PASARR Level II Specialized Services Screen.

2. The DHSS RSN shall schedule and perform the assessment process within three working days of the hospital discharge planner and/or social worker's initial contact with the LTCFO. Individuals who exhibit unstable, severe medical conditions, such as a patient in the Intensive Care or Coronary Care Unit, shall not be referred for PAS until that condition has stabilized.

3. A signed Release of Information form shall be obtained from the patient. If the patient refuses NF placement, home care services, or participation in the PAS assessment process, the DHSS RSN will make every effort to obtain a signed participation declination statement, which will be included in the patient's LTCFO case record.

4. NF placement approval: The DHSS RSN will verbally advise the hospital discharge planner and/or social worker and patient and/or family of the assessment decision.

i. For a Track I or II determination, the DHSS RSN will leave a copy of the HSDP and signed approval letter with the discharge planner/social worker. For individuals requiring Level II Specialized Service Screens, the signed approval letter shall be forwarded only after the determination has been made that no specialized services are required.

ii. For a Track III determination, the DHSS RSN will leave a copy of the HSDP and signed approval letter with the discharge planner and/or social worker to forward to the home care provider. The discharge planner and/or social worker shall arrange needed home health services and forward a copy of the HSDP and signed approval letter to the home care agency. A Track III determination shall not be an authorization for NF services.

iii. The original approval letter signed by the DHSS RSN will be sent by the LTCFO to the patient and/or family with copies to the county board of social services (CBOSS).

iv. A copy of the HSDP that was left with the hospital discharge planner and/or social worker by the DHSS RSN will be attached to the hospital discharge material and forwarded with the patient to the admitting NF.

(1) If the patient being transferred will be eligible for Medicare benefits, the transfer shall be made to a Medicare participating NF.

5. NF placement denial: The DHSS RSN will verbally advise the hospital discharge planner and/or social worker and patient and/or family of the assessment decision. The DHSS RSN will leave a signed copy of the NF placement denial letter with the discharge planner/social worker. The original denial letter, signed by the DHSS RSN will be sent to the patient and/or family by the LTCFO, with copies to the county board of social service (CBOSS).

(f) The hospital discharge planner and/or social work staff shall be responsible for identifying a Medicaid or NJ KidCare-Plan A beneficiary inpatient or a Medicaid or NJ KidCare-Plan A applicant inpatient who may be at risk of NF placement.

1. The identification process shall also include any inpatient in need of NF care who may become a Medicaid or NJ KidCare-Plan A beneficiary within six months after NF admission and individuals meeting PASARR Level I criteria. (See N.J.A.C. 10:52-1.9(c).) These patients shall be referred by the hospital to the LTCFO and the CBOSS on the basis of the "At Risk Criteria for Nursing Facility Placement and Referral to the Medicaid Office for PAS Evaluation" in (g) below. Medicaid or NJ KidCare-Plan A beneficiaries already residing in Medicaid participating facilities who are transferred to an acute care hospital and who are returning to either the same or a different NF, shall not require PAS authorization.

i. Within one working day of identifying an inpatient as being at risk for NF placement, the Hospital Discharge Planner and/or Social Worker shall:

(1) Make a telephone or FAX referral to the LTCFO and the CBOSS and

(2) If not already a Medicaid or NJ KidCare-Plan A beneficiary generate a Public Assistance Inquiry (PA-1C) to initiate the application process for Medicaid or NJ KidCare-Plan A.

(3) Within two working days of the telephone referral to the LTCFO and CBOSS, the Hospital Discharge Planning Office shall forward the completed "Hospital Pre-Admission Screening Referral (PAS-5, 2/90)" to the LTCFO, unless it was "faxed" on the day of the referral.

2. The PASARR Level II Specialized Service Screens shall be performed by a Board eligible or Board certified psychiatrist for final determination, as follows:

i. The hospital discharge planning unit and/or social services department shall immediately arrange through the individual's attending physician, a consultation by a Board eligible or Board certified hospital staff psychiatrist to complete the "Psychiatric Evaluation" (DMH & H, 1994) form. (The "Psychiatric Evaluation" form shall not be completed until such time as the DHSS RSN has approved Medicaid-certified NF placement.)

ii. Within 48 hours of the psychiatrist's review of the beneficiary or potential Medicaid or NJ KidCare-Plan A beneficiary, the completed "Psychiatric Evaluation" form shall be sent to the Division of Mental Health Services, PO Box 727, Trenton, New Jersey 08625-0727, Attention: PASARR Coordinator.

(1) A supply of the "Psychiatric Evaluation" form may be ordered from the PASARR Coordinator in the Division of Mental Health Services.

iii. The LTCFO shall contact the appropriate Regional Office of the Division of Developmental Disabilities (DDD) agency to advise them of the need for a MR Level II MR Specialized Service Screen. The MR Level II Specialized Service Screen will be completed by the DDD staff within three working days of the LTCFO contact.

iv. The final determination of the specialized services review by the DMHS and/or DDD agencies shall be communicated to the LTCFO who, in turn, shall provide the hospital discharge planning unit and/or social services department with the approval or denial decision for placement in a Medicaid NF.

(g) The following "At-Risk Criteria for Nursing Facility Placement and Referral to the Medicaid Office for PAS" shall be utilized by the hospital in determining if a referral for long term care services, either in an NF or in the community, is indicated:

1. The medical criteria are as follows. Has the patient experienced any of the following:

i. Catastrophic illness requiring major changes in lifestyle and/or living conditions, that is, multiple sclerosis, stroke, multiple trauma, AIDS, amputation, neurological disease, cancer, birth defect(s), and end stage renal disease.

ii. Debilitation and/or chronic illness causing progressive deterioration of self-care skills, that is, severe chronic disease, spina bifida, progressive pulmonary disease or diabetes.

iii. Multiple hospital admissions within the past six months. (Do not refer patients admitted directly from NFs.)

iv. Previous NFs admissions within the past two years.

v. Major health needs, that is, tube feedings, special equipment or treatments, rehabilitation/restorative services.

2. The social criteria are as follows: In addition to the medical criteria, does the patient meet any of the following social situations:

i. Homeless;

ii. Lives alone and/or has no immediate support system;

iii. Primary caregiver is not able to provide required care services; or

iv. Lack of adequate support systems.

3. The financial criteria are as follows. Does the patient meet any of the income and asset tests:

i. Currently eligible for Medicaid or NJ KidCare-Plan A;

ii. Monthly income at/or below the current institutional specified at N.J.A.C. 10:71-5.6.

(1) Has no spouse in the community and resources no greater than those specified at N.J.A.C. 10:71-4.4 and 4.5;

(2) Has no spouse in the community and resources at/or below \$26,000. (This is an indication that the patient may become Medicaid or NJ KidCare-Plan A eligible within the next six months by spending down assets in an NF as private pay); or

(3) Has a spouse in the community with combined countable resources at or below \$52,000. (This allows for calculation of the community spouse's resources under Medicare Catastrophic Coverage Act of 1988.)

iii. Monthly income at/or below the current New Jersey Care ... Special Medicaid programs maximum

monthly income limit specified at N.J.A.C. 10:72-4.1 and:

(1) Has no spouse in the community and resources no greater than those specified at N.J.A.C. 10:71-4.4 and 4.5;

(2) Has no spouse in the community and resources at/or below \$28,000. (This is an indication that the patient may become Medicaid or NJ KidCare-Plan A eligible within the next six months by spending down assets in an NF as private pay; or

(3) Has a spouse in the community with combined countable resources and/or below \$56,000. (This allows for calculation of community spouse's resources under the Medicare Catastrophic Coverage Act of 1988.)

(h) The hospital discharge planner and/or social worker shall be responsible for the discharge or placement arrangements of the patient.

1. For each hospital patient referred for PAS, the hospital shall complete and send to the LTCFO a "Hospital Pre-Admission Screening Discharge form (PAS-6, 2/90)."

i. For any patient discharged to a NF, a Discharge Package (HSDP, discharge paper work, DHSS approval letter, hospital transfer sheet, and PASARR documentation including the documentation which supports a diagnosis of Alzheimer's disease or related organic dementia) shall be compiled to accompany the patient to the NF.

(1) If the patient being transferred to a NF is eligible for Medicare benefits, the transfer shall be made to a Medicare participating NF.

ii. For those beneficiaries discharged to community locations, the hospital social worker and/or discharge planner shall be responsible for the implementation of the HSDP by securing home care services.

Recodified from N.J.A.C. 10:52-1.9 by R.1998 d.564, effective December 7, 1998.

See: 30 N.J.R. 1257(a), 30 N.J.R. 4225(a).

Former N.J.A.C. 10:52-1.10, Recordkeeping, recodified to N.J.A.C. 10:52-1.11.

Recodified from N.J.A.C. 10:52-1.10 and amended by R.2000 d.29, effective January 18, 2000.

See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

Rewrote the section. Former N.J.A.C. 10:52-1.11, Recordkeeping, recodified to N.J.A.C. 10:52-1.12.

10:52-1.12 Recordkeeping

Hospitals shall be required to keep legible individual records as are necessary to fully disclose the kind and extent of services provided, as well as the medical necessity for those services. This information shall be available upon the request of the Division or its agents.

Recodified from N.J.A.C. 10:52-1.10 by R.1998 d.564, effective December 7, 1998.

See: 30 N.J.R. 1257(a), 30 N.J.R. 4225(a).

Former N.J.A.C. 10:52-1.11, Second opinion program for elective surgical procedures, recodified to N.J.A.C. 10:52-1.12.

Recodified from N.J.A.C. 10:52-1.11 by R.2000 d.29, effective January 18, 2000.

See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

Former N.J.A.C. 10:52-1.12, Second opinion program for elective surgical procedures, recodified to N.J.A.C. 10:52-1.13.

10:52-1.13 Second opinion program for elective surgical procedures

(a) A second opinion shall be obtained for any elective surgical procedures listed under (b) below. The outcome of the second opinion shall have no bearing on reimbursement. Once the second opinion is rendered, the beneficiary shall retain the right to decide whether or not to proceed with the surgery; however, failure to obtain a second opinion for these procedures shall result in a denial of the hospital claim.

1. If the operating physician determines that the need for surgery is urgent or is an emergency, no second opinion shall be required. "Urgent" or "emergency" includes any situation in which a delay in performing surgery in order to meet the second opinion requirement could result in a significant threat to the patient's health or life.

i. Reimbursement for urgent or emergency surgery shall be made only if a specific statement is attached to the claim form by the operating physician certifying that the second opinion requirement was not met and substantiating the urgent or emergency nature of the surgery.

2. If the Medicaid or NJ KidCare-Plan A, B or C beneficiary is covered by another health insurance carrier (except Medicare) which makes only partial payment on the claim, the fiscal agent shall not make supplementary payment unless the second opinion requirement has been met. However, the fiscal agent shall make payment on the claim if the hospital receives documentation that a second opinion was arranged for and paid for by another health insurance carrier. A copy of this documentation shall be attached to the claim form.

(b) The following elective surgical procedures fall under the Second Opinion Program:

1. Hernia Repair (common abdominal wall type);

i. A second opinion shall be required for any herniorrhaphy involving an adult over 18 years of age.

ii. A second opinion shall not be required for herniorrhaphy involving a child or young adult 18 years of age or under.

2. Hysterectomy (See also N.J.A.C. 10:52-2.14);

3. Laminectomy;

4. Spinal fusion;

i. A second opinion shall not be required for spinal fusion for scoliosis in a child or young adult 18 years of age or under.

(c) A second opinion shall be arranged through the Medicaid Second Opinion Referral Services of the Provider Services Unit at the fiscal agent.

1. A consultation ordered by a physician shall not meet the Program's definition of a second opinion and no "Authorization for Payment" shall be granted based on such a consultation. The only exception to this policy involves second opinions arranged and paid for by other health insurance carriers. (See (a)2 above.)

2. In order to prevent claim denial as a result of a situation in which one of the elective surgical procedures is scheduled and performed before the second opinion requirement is met, it is suggested that the elective surgery not be scheduled until after the second opinion has been rendered.

(d) Neither the physician claim nor hospital claim associated with one of the second opinion procedures shall be paid unless attached to the hard copy is an "Authorization for Payment," or documentation of a second opinion arranged through another health insurance carrier, or a specific statement from the operating physician certifying that the second opinion requirement was not met and substantiating the urgent or emergency nature of the surgery.

1. Reimbursement shall not be made for a second opinion rendered to an individual who is not a Medicaid or NJ KidCare fee-for-service beneficiary. The issuance of a Second Opinion Referral to the beneficiary by the Program's Second Opinion Referral Services of the Provider Services Unit shall not guarantee the individual's eligibility on the date of the second opinion or subsequent surgery. The individual's current Medicaid or NJ KidCare eligibility shall be verified by checking the individual's current New Jersey Validation Form before rendering any service. (See N.J.A.C. 10:49-2.2 and 2.5, Administration—How to Identify a Medicaid or NJ KidCare Beneficiary.)

(e) For physician requirements regarding Second Opinion procedures, see N.J.A.C. 10:54, Physician Services.

Amended by R.1998 d.352, effective July 20, 1998.

See: 30 N.J.R. 1258(a), 30 N.J.R. 2653(a).

In (a), substituted "beneficiary" for "recipient" in the introductory paragraph and inserted a reference to NJ KidCare in 2; in (b), rewrote 1, changed the N.J.A.C. reference in 2, and deleted 5; and in (d)1, substituted "beneficiary" for "recipient", deleted references to Medicaid, and inserted references to NJ KidCare throughout.

Recodified from N.J.A.C. 10:52-1.11 by R.1998 d.564, effective December 7, 1998.

See: 30 N.J.R. 1257(a), 30 N.J.R. 4225(a).

Former N.J.A.C. 10:52-1.12, Social Necessity Days, recodified to N.J.A.C. 10:52-1.13.

Recodified from N.J.A.C. 10:52-1.12 and amended by R.2000 d.29, effective January 18, 2000.

See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

In (a), substituted a reference to reimbursement for a reference to payment in the introductory paragraph, and substituted a reference to NJ KidCare Plan—A, B or C beneficiaries for a reference to NJ KidCare beneficiaries; in (b)2 and (d)1, changed N.J.A.C. references; and in (d)1, substituted a reference to NJ KidCare fee-for-service beneficiaries for a reference to NJ KidCare beneficiaries. Former N.J.A.C. 10:52-1.13, Social Necessity Days, recodified to N.J.A.C. 10:52-1.14.

10:52-1.14 Social Necessity Days

(a) Payment for "Social Necessity Days" shall be made to hospitals for a maximum of 12 calendar days per hospitalization for a Medicaid or NJ KidCare—Plan A fee-for-service beneficiary child admitted with the diagnosis of child abuse or suspected child abuse, if special circumstances (social necessity) prevent the discharge or transfer of the patient and the hospital has taken effective action to initiate discharge or transfer of the patient.

1. For these cases, it is not necessary for the day of admission to be at the acute level of care.

2. Effective action is defined as telephone notification to the county board of social services (CBOSS), or Division of Youth and Family Services (DYFS) district office, or other responsible officials as may be designated, within 48 hours of the time that the stay is determined to be no longer medically necessary. This telephone contact shall then be confirmed in writing within three working days. A copy of the written notification shall be submitted with all claims for which reimbursement is claimed for special circumstances (social necessity).

3. Medicaid or NJ KidCare—Plan A reimbursement for social necessity shall be made to hospitals paid in accordance with the DRG rate setting methodology in N.J.A.C. 10:52-5 through 9.

Recodified from N.J.A.C. 10:52-1.12 by R.1998 d.564, effective December 7, 1998.

See: 30 N.J.R. 1257(a), 30 N.J.R. 4225(a).

Former N.J.A.C. 10:52-1.13, Utilization control (inpatient services), recodified to N.J.A.C. 10:52-1.14.

Recodified from N.J.A.C. 10:52-1.13 and amended by R.2000 d.29, effective January 18, 2000.

See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

In (a), substituted a reference to Medicaid and NJ KidCare—Plan A fee-for-service beneficiaries for a reference to Medicaid recipients in the introductory paragraph, substituted a reference to CBOSS for a reference to CWA in 2, and substituted a reference to Medicaid and NJ KidCare—Plan A reimbursement for a reference to Medicaid reimbursement in 3. Former N.J.A.C. 10:52-1.14, Utilization control (inpatient services), recodified to N.J.A.C. 10:52-1.15.

10:52-1.15 Utilization control (inpatient services)

(a) This section provides information on the requirements for utilization control for inpatient services for approved acute general hospitals, special hospitals, and private psychiatric hospitals. **EXCEPTION:** For inpatient psychiatric hospital services for individuals under the age of 21, refer to N.J.A.C. 10:52-1.15.

(b) For purposes of this rule, the following words and terms shall have the following meanings:

“Utilization control” means an approved program instituted, implemented and operated by or under the authorization of a utilization review organization (URO) which effectively safeguards against unnecessary or inappropriate Medicaid services and assesses the quality of those services to Medicaid and NJ KidCare fee-for-service beneficiaries.

(c) Under the Social Security Act, Section 1903(g) and (h), the Division is responsible for an effective program to control the utilization of services in hospitals. (See 42 CFR Part 456, Utilization Control, Subchapter B, C, and D). Included under utilization control are: Certification and recertification of the need for inpatient care; medical, psychiatric and social evaluations; a PoC established and periodically reviewed and evaluated by a physician; and a continuous program of utilization review under which the admission of each beneficiary is reviewed or screened. Hospital entitlement to Medicaid and NJ KidCare-Plan reimbursement for services rendered to a Medicaid or NJ KidCare-Plan fee-for-service beneficiary for each period of hospitalization is subject to the following requirements:

1. A physician shall certify, for each beneficiary or applicant, that inpatient services in the acute care or in the private psychiatric hospital are or were needed.

i. The certification shall be made at the time of admission or, if an individual applies for assistance while in a hospital, before the Medicaid or NJ KidCare program authorizes payment.

ii. The certification shall be in writing and signed, or initialed, by a physician. The signature or initials are not acceptable if they are rubber stamped unless the physician has initialed the stamped signature. The physician shall date the certification on the date he or she signs it.

iii. The certification for any Medicaid or NJ KidCare fee-for-service patient shall be maintained in the beneficiary’s medical record.

iv. Acceptable documentation for certification or recertification may be any of the following:

(1) A statement signed and dated, by the attending physician, staff physician, and/or consultant physician who has knowledge of the case, attesting that the beneficiary is in need of hospital care.

(2) Physician’s orders which are signed and dated on admission and clearly attest to the need for hospital care.

(3) A medical evaluation which designates the services and which is signed and dated by a physician who has knowledge of the case.

(4) An admission review form signed and dated by an attending or staff physician who has knowledge of the case.

2. A physician must recertify for each Medicaid and NJ KidCare fee-for-service beneficiary or applicant that inpatient services in a hospital are needed.

i. Recertification shall be made at least every 60 days after certification.

ii. The recertification shall be in writing, shall attest to the need for inpatient services, and shall be signed or initialed by a physician who has knowledge of the case.

iii. The physician shall date the recertification on the date that he or she signs it.

iv. The recertification must demonstrate the need for the level and type of care that the beneficiary is receiving.

v. The recertification for any Medicaid or NJ KidCare fee-for-service beneficiary shall be maintained in the beneficiary’s medical record.

vi. Acceptable documentation for recertification shall include any one of the following:

(1) A signed and dated statement by the physician who has knowledge of the case, attesting that continued care of a particular level or type is needed; or,

(2) Signed and dated orders by the physician who has knowledge of the case that clearly indicated that continued care is needed; or,

(3) Signed and dated progress notes by the physician who has knowledge of the case that clearly indicate that continued care is needed; or,

(4) Signed and dated reports that a physician might use in caring for the beneficiary that clearly indicate that continued care is needed; or,

(5) An admission certification or recertification form signed and dated by a physician who has knowledge of the case; or

(6) Utilization Review Committee (URC) minutes or form which indicate that the beneficiary’s care was reviewed by a physician who had knowledge of the case and that continued care was needed. The physician’s signature, with the date, shall be attached to the URC minutes or forms.

3. Any days billed by the hospital that are not in compliance with the certification/recertification requirements in (b)1 and 2 above shall be considered non-certified days and shall not be reimbursed by the Division.

i. Claims submitted that include non-certified days, (that is, “carved out” days or continued stay denials) as determined by the Division or its agents to affect billing, shall be billed “hard copy” and be accompanied by a certification of stay form.

(d) Before admission of an applicant or beneficiary to a private psychiatric hospital or before authorization for payment, the attending or staff physician shall make a medical evaluation of each applicant's or beneficiary's need for care in the hospital; and appropriate personnel shall make a psychiatric and social evaluation.

1. Each medical evaluation shall include the following:
 - i. Diagnoses;
 - ii. Summary of present medical findings;
 - iii. Medical history;
 - iv. Mental and physical functional capacity;
 - v. Prognoses; and,
 - vi. A recommendation by a physician concerning admission to the mental hospital, or continued care in the hospital for individuals who apply for Medicaid or NJ KidCare while in the private psychiatric hospital.

(e) Plan of Care (PoC): Before admission of an applicant/ beneficiary to an acute care general, special hospital, or private psychiatric hospital or before authorization for payment, a physician and other personnel in an acute care general and special hospital and the attending or staff physician in a private psychiatric hospital involved in the care of the individual shall establish a written PoC for each Medicaid or NJ KidCare beneficiary or applicant.

1. The PoC shall include:
 - i. Diagnoses, symptoms, complaints, and complications, indicating the need for admission;
 - ii. A description of the functional level of the individual;
 - iii. Objectives of the care (in private psychiatric hospitals only);
 - iv. Any order for diagnostic procedures; medications; treatments; consultations; restorative and rehabilitative services; patient activities; therapies; social services; diet; and, for private psychiatric hospitals only, special procedures for the health and safety of the patient;
 - v. Plans for continuing care, as appropriate; and, in a private psychiatric hospital, the review and modification of the plan of care; and,
 - vi. Plans for discharge, as appropriate.

2. Orders and activities shall be developed in accordance with the physician's instructions, (only for acute care general and/or special hospitals).

3. Orders and activities shall be reviewed and revised as appropriate by all personnel involved in the care of an individual (only for acute care general and/or special hospitals).

4. In acute care general and/or special hospitals, a physician and other personnel involved in the Medicaid or NJ KidCare beneficiary's case must review each PoC at least every 60 days.

5. In private psychiatric hospitals, for beneficiaries age 65 or over, the attending or staff physician and other personnel involved in the beneficiary's care shall review each PoC at least every 90 days; or

6. Reports of evaluations and PoCs: A written report of each evaluation and plan of care shall be entered in the applicant's or beneficiary's record, as follows:

- i. At the time of admission; or
- ii. If the individual is already in the facility, immediately upon completion of the evaluation or plan.

(f) For the Utilization Review (UR) Plan, each hospital shall evaluate the necessity, appropriateness, and efficiency of the use of medical services, procedures, and facilities. The UR includes review of the appropriateness of admissions, services ordered and provided, length of stay, and discharge practices. (See 42 CFR 456.10 through 456.145, incorporated herein by reference.)

1. Upon admission of the patient to the hospital, a discharge plan shall be initiated and thereafter reviewed and updated regularly.

2. Any Medicaid or NJ KidCare-Plan A beneficiary or potential Medicaid or NJ KidCare-Plan A beneficiary who is considered for admission to a NF shall receive a pre-admission screening in accordance with N.J.A.C. 10:52-1.11.

3. When an inpatient is to be discharged from the hospital and continuing medical care is required, either in another medical facility (such as a NF, special hospital) or by a community health agency (such as a home health agency), the hospital shall provide the facility or agency with a legible abstract or summary of the patient's care while hospitalized and recommendations for further medical care.

- i. This information shall be provided at the time of hospital discharge and shall be signed by the attending physician. The patient information transfer form (adopted by the New Jersey Hospital Association and the New Jersey Nursing Home Association) for a transfer from a hospital to a NF, or an equivalent transfer form, shall be used.

Recodified from N.J.A.C. 10:52-1.13 by R.1998 d.564, effective December 7, 1998.

See: 30 N.J.R. 1257(a), 30 N.J.R. 4225(a).

Former N.J.A.C. 10:52-1.14, Utilization control; inpatient psychiatric services for recipients under 21 years of age in private psychiatric hospitals, recodified to N.J.A.C. 10:52-1.15.

Recodified from N.J.A.C. 10:52-1.14 and amended by R.2000 d.29, effective January 18, 2000.

See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

Substituted references to beneficiaries for references to recipients and inserted references to NJ KidCare fee-for-service throughout; in (b), deleted "Utilization Review Organization (URO)" definition; in (c), substituted a reference to Medicaid and NJ KidCare—Plan reimbursement for a reference to Medicaid payment in the introductory paragraph; in (d)1vi, inserted a reference to NJ KidCare; in (e), inserted references to NJ KidCare beneficiaries throughout; and in (f)2, inserted references to NJ KidCare—Plan A beneficiaries, and changed N.J.A.C. reference. Former N.J.A.C. 10:52-1.15, Utilization control; inpatient psychiatric services for recipients under 21 years of age in private psychiatric hospitals, recodified to N.J.A.C. 10:52-1.16.

10:52-1.16 Utilization control: inpatient psychiatric services for beneficiaries under 21 years of age in private psychiatric hospitals

(a) This section specifies the unique requirements for certification of the need for inpatient psychiatric services provided to beneficiaries under 21 years of age in private psychiatric hospitals. In accordance with Section 1905(a)16 and (h) of the Social Security Act, a team, consisting of physicians and other qualified personnel, shall determine that inpatient services are necessary and can reasonably be expected to improve the beneficiary's condition. This section also includes general requirements; certification of the need for services, which involves "active treatment" as defined in (c) below; requirements for the team certifying the need for services; and requirement for an individual plan of care. These requirements do not apply to an admission to a psychiatric unit of a general hospital. See N.J.A.C. 10:52-1.15 for requirements on utilization control in an acute care general hospital.

(b) This rule applies only to inpatient psychiatric services in an approved private psychiatric hospitals for the treatment of children and youths before NJ KidCare beneficiaries reach age 19 and, before the Medicaid beneficiary reaches age 21, or, if the Medicaid beneficiary was receiving the services immediately before he reached age 21, before the earlier of the following:

1. The date the beneficiary no longer requires the services; or
2. The date the beneficiary reaches age 22. (See to 42 CFR 41.151).

(c) The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

1. "Active treatment" means implementation of a professionally developed and supervised PoC, as described in (f) below, that is:
 - i. Developed and implemented no later than 14 days after admission; and,
 - ii. Designed to achieve the beneficiary's discharge from inpatient status at the earliest possible time.

2. "Independent team" means a team that is not associated with the facility; for example, none of the members of the team has an employment or consultant relationship with the admitting facility. The independent team shall include a physician who has competence in diagnosis and treatment of mental illness, preferably child psychiatry and who has knowledge of the individual's clinical condition and situation.

3. "Interdisciplinary team," as described in Federal regulations in 42 CFR 441.156, is comprised of those employed by, or those who provide services to Medicaid and NJ KidCare beneficiaries in the facility or program, and include, as a minimum either a Board eligible or Board certified psychiatrist; or a physician and a clinical psychologist who has a doctoral degree; or a physician with specialized training and experience in the diagnosis and treatment of mental diseases, and a psychologist who has a Master's degree in clinical psychology or who has been certified by the State psychological association; and one of the following:

- i. A psychiatric social worker;
- ii. A registered nurse with specialized training or one year's experience in treating mentally ill individuals;
- iii. A psychologist who has a Master's degree in clinical psychology or who has been certified by the State or by the State psychological association; or,
- iv. An occupational therapist who is licensed by the State in which the individual is practicing, if applicable, and who has specialized training or one year experience in treating mentally ill individuals.

4. "Plan of care (PoC)" means a written plan developed for each beneficiary to improve the beneficiary's condition to the extent that inpatient care is no longer necessary.

(d) Certification of the need for services (see 42 CFR 441.152) shall be made by a team, either independent or interdisciplinary, as specified in (e) below, and shall include the following statements: The team shall certify that:

1. Ambulatory care resources available in the community do not meet the treatment needs of the beneficiaries;
2. Proper treatment of the beneficiary's psychiatric condition, requires services on an inpatient basis under the direction of a physician are needed; and
3. Services can reasonably be expected to improve the beneficiary's condition, or prevent further regression, so that inpatient services would no longer be needed.

(e) The certification of the need for services, as stated under (d) above, shall be made by teams, in accordance with Federal regulations, 42 CFR 441.153 and specified as follows:

1. Certification for the admission of a beneficiary: For an individual who is a beneficiary when admitted to a facility or program, certification must be made by an independent team, as described under (c) above.

2. Certification for inpatient applying for Medicaid or NJ KidCare: For an individual who applies for Medicaid or NJ KidCare while in the facility or program, the certification must be made by an interdisciplinary team responsible for the plan of care, and as described under (c) above.

3. Certification—Emergency Admission: For emergency admission of a beneficiary, the certification must be made by the interdisciplinary team responsible for the plan of care, in accordance with Federal regulation, 42 CFR 441.156, and as described under (f)1 below.

(f) The individual PoC is as follows. Within 14 days of admission to a private psychiatric hospital, or before authorization for payment, the attending physician or staff physician must establish a written PoC for each applicant or beneficiary to improve the beneficiary's condition to the extent that inpatient care no longer is necessary, in accordance with (e) above. (See 42 CFR 456.180 and 456.181.)

1. The Plan of Care (PoC) shall:

i. Be based on a diagnostic evaluation that includes examination of the medical, psychological, social, behavioral and developmental aspects of the beneficiary's clinical condition and situation, and reflects the need for inpatient psychiatric care;

ii. Be developed by a team of professionals as described in (g) below in consultation with the beneficiary, the beneficiary's parents, legal guardians, or others in whose care he or she will be released after discharge;

iii. State treatment objectives;

iv. Prescribe an integrated program of therapies, activities, and experiences designed to meet the objectives; and,

v. Include, at an appropriate time, post discharge plans and coordination of inpatient services with partial discharge plan and related community services to ensure continuity of care with the beneficiary's family, school, and community, upon discharge.

2. The plan must be reviewed every 30 days by the team to:

i. Determine that services being provided are or were required on an inpatient basis; and,

ii. Recommend changes in the plan as indicated by the beneficiary's overall adjustments as an inpatient.

(g) Functions of the interdisciplinary team developing the individual PoC are as follows:

1. The individual PoC as described under 42 CFR 441.156, shall be developed by an interdisciplinary team of physicians and other personnel who are employed by, or provide services to, patients in the psychiatric hospital.

2. Based on education and experience, preferably including competence in child psychiatry, the team shall be capable of the following:

i. Assessing the beneficiary's immediate and long-range therapeutic needs, developmental priorities, and personal strengths and liabilities;

ii. Assessing the potential resources of the beneficiary's family;

iii. Setting treatment objectives; and,

iv. Prescribing therapeutic modalities to achieve the plan's objectives.

Recodified from N.J.A.C. 10:52-1.14 by R.1998 d.564, effective December 7, 1998.

See: 30 N.J.R. 1257(a), 30 N.J.R. 4225(a).

Former N.J.A.C. 10:52-1.15, Utilization control; outpatient psychiatric services, recodified to N.J.A.C. 10:52-1.16.

Recodified from N.J.A.C. 10:52-1.15 and amended by R.2000 d.29, effective January 18, 2000.

See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

Substituted references to beneficiaries for references to recipients throughout; in (b), inserted "before the NJ KidCare beneficiaries reach age 19 and" in the introductory paragraph; and in (c)3 and (c)2, inserted references to NJ KidCare. Former N.J.A.C. 10:52-1.16, Utilization control; outpatient psychiatric services, recodified to N.J.A.C. 10:52-1.17.

10:52-1.17 Utilization control; outpatient psychiatric services

(a) The following policies and procedures in this rule were developed to help ensure the appropriate utilization of outpatient psychiatric services. These include the role of the evaluation team in relation to the patient's treatment regimen, with emphasis placed on intake evaluation, development of a PoC, performance of periodic reviews for evaluation purposes, and supportive documentation for services rendered. Outpatient psychiatric services include the initial evaluation; individual psychotherapy; group psychotherapy; family therapy; family conference; partial hospitalization (see N.J.A.C. 10:52-2.10); psychological testing; and medication management.

(b) The policy for intake evaluation shall be as follows:

1. An intake evaluation shall be performed within 14 days or by the third outpatient visit, whichever is later, for each Medicaid beneficiary being considered for continued treatment, and shall consist of a written assessment that:

i. Evaluates the beneficiary's mental condition; and

ii. Determines whether treatment in the program is appropriate, based on the patient's diagnosis; and,

iii. Includes certification (signed statement) by the evaluation team that the program is appropriate to meet the patient's treatment needs; and,

iv. Is made part of the patient's records.

(c) The policy for the evaluation team shall be as follows:

1. The evaluation team for the intake process shall include, at a minimum, a physician and an individual experienced in diagnosis and treatment of mental illness (both criteria can be satisfied by the same individual, if appropriately qualified, in accordance with 42 CFR 153).

(d) The policy for the Plan of Care (PoC) shall be as follows:

1. A written individualized PoC shall be developed by the evaluation team for each patient who receives continued treatment. The PoC shall be included in the patient's records and shall be designed to improve the patient's condition to the point where continued participation in the program (beyond occasional maintenance visits) is no longer necessary. The PoC shall consist of the following:

i. A written description of the treatment objectives which include the treatment regimen, the specific medical and remedial services, therapies, and activities that will be used to meet the objectives;

ii. A projected schedule for service delivery which includes the frequency and duration of each type of planned therapeutic session or encounter;

iii. A description designation of the type of personnel that will be furnishing the services; and,

iv. A projected schedule for completing reevaluations of the patient's condition and updating the PoC.

(e) Documentation for outpatient psychiatric services shall be as follows:

1. For psychiatric services, the outpatient department shall develop and maintain written documentation to support each medical or remedial therapy, service, activity, or session for which billing is made. Such documentation shall include, at a minimum, the following:

i. The specific services rendered, such as individual psychotherapy or family therapy;

ii. The date and the actual time services were rendered;

iii. The duration of services provided, such as 1 hour or ½ hour;

iv. The signature of the practitioner who rendered the services;

v. The setting in which services were rendered; and,

vi. A notation of unusual occurrences or significant deviations from the treatment described in the PoC.

2. Clinical progress, complications, and treatment which affect prognosis and/or progress shall be documented in the patient's medical record at least once a week for partial hospitalization, and at each patient contact or visit for other psychiatric services. Any other information important to the clinical picture, therapy, and prognosis shall also be documented.

i. The individual services provided under partial hospitalization shall be documented on a daily basis. More substantive documentation, including progress notes, and any other information important to the clinical picture shall be made at least once a week.

3. For services requiring prior authorization, such as partial hospitalization (see N.J.A.C. 10:52-2.11), a departure from the PoC requires a new request for prior authorization when a change in the patient's clinical condition necessitates an increase in the frequency and intensity of services, or change in the type of services which will exceed the services authorized.

(f) The policy for periodic reviews shall be as follows:

1. The evaluation team should periodically review the patient's PoC on a regular basis (at least every 90 days) to determine:

i. The patient's progress toward the treatment objectives;

ii. The appropriateness of the services being furnished; and

iii. The need for the patient's continued participation in the program.

2. The periodic reviews should be documented in detail in the patient's records and made available upon request of the Division and/or its agents.

Recodified from N.J.A.C. 10:52-1.15 by R.1998 d.564, effective December 7, 1998.

See: 30 N.J.R. 1257(a), 30 N.J.R. 4225(a).

Recodified from N.J.A.C. 10:52-1.16 and amended by R.2000 d.29, effective January 18, 2000.

See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

In (a) and (e), changed N.J.A.C. references; and in (b), substituted references to beneficiaries for references to recipients throughout.

10:52-1.18 Advance directives

All hospitals participating in the New Jersey Medicaid/NJ KidCare program are subject to the provisions of State and Federal statutes regarding advance directives, including, but not limited to, appropriate notification to patients of their rights, development of policies and practices, and communication to and education of staff, community and interested parties. Detailed information may be located at N.J.A.C. 10:49-9.15, and sections 1902(a)(58), and 1902(w)(1) of the Social Security Act (42 U.S.C. §§ 1396a(a)(58) and 1396a(w)).

New Rule, R.2001 d.294, effective August 20, 2001.
See: 32 N.J.R. 2687(b), 33 N.J.R. 2808(a).

**SUBCHAPTER 2. POLICIES AND PROCEDURES
RELATED TO SPECIFIC SERVICES**

1. Any distinct entity that operates for the purpose of providing surgical services to patients not requiring hospitalization; and,

10:52-2.1 Ambulatory Surgical Center (ASC)

(a) An Ambulatory Surgical Center (ASC) shall be defined as follows:

2. Has an agreement with the Health Care Financing Administration (HCFA) to participate in the Medicare program; and,

3. Meets specific conditions for coverage set forth in Federal regulations in 42 CFR 416.2, Part B.

(b) An ASC may be operated by a hospital that is under common ownership or control of a hospital.

1. An ASC operated by a hospital shall be a separately identifiable entity physically, administratively, and financially independent and distinct from other operations of the hospital. For policies and procedures concerning an ASC, see N.J.A.C. 10:66-5, Independent Clinic Services.

i. To apply as a provider of ASC services, contact the Chief, Provider Enrollment, Division of Medical Assistance and Health Services, PO Box 712, Mail Code # 9, Trenton, New Jersey 08625-0712.

Amended by R.2000 d.29, effective January 18, 2000.

See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

In (b)1, changed N.J.A.C. reference in the introductory paragraph.

10:52-2.2 Blood and blood products

(a) Blood may be provided to an inpatient or an outpatient of an approved hospital when prescribed and supervised by a licensed physician.

(b) Whole blood and derivatives, and necessary processing and administration thereof, are allowed with the following limitations:

1. Efforts should be made to arrange for the replacement of blood. This can be done by contribution of a blood donor or by using a blood replacement plan that includes the Medicaid or NJ KidCare fee-for-service eligible beneficiary as a beneficiary (if available).

2. The cost of donated blood or blood products (including autologous donation) received through a replacement plan is not reimbursable. However, the charge for phlebotomy, cross-matching, indexing, storage and transfusing is reimbursable.

3. The hospital shall obtain a certification that a voluntary blood donation cannot be obtained, in order to be reimbursed.

i. When arrangements for payment for the replacement of blood are not accomplished, reimbursement to the hospital shall be 100 per cent of the "add-on" charge.

Amended by R.2000 d.29, effective January 18, 2000.

See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

In (b)1, substituted a reference to Medicaid and NJ KidCare fee-for-service eligible beneficiaries for a reference to Medicaid recipients.

10:52-2.3 Dental services

(a) Dental services in the outpatient department shall follow the policies and procedures outlined in N.J.A.C.

10:56, Dental Services. The outpatient dental department shall be subject to the same policies and procedures that apply to the Medicaid or NJ KidCare fee-for-service provider of dental services in the community, except for emergency dental care provided under special circumstances in a hospital emergency room.

1. A hospital with an outpatient dental department serving Medicaid or NJ KidCare fee-for-service beneficiaries is given a unique provider number for that department. A hospital that starts an outpatient dental department shall request a provider number for that department from the fiscal agent.

(b) Reimbursement for a dental service is determined by the Commissioner of the Department of Human Services in accordance with N.J.A.C. 10:56, and is based on the same fee, conditions and definitions for the corresponding service, utilized for the payment of individual Medicaid or NJ KidCare fee-for-service dental practitioners and providers in the community. In no event shall the charge to the Division exceed the charge by the provider for identical services to other groups or individuals in the community.

1. If a dental procedure code is assigned both a specialist and non-specialist "Maximum Fee Allowance Schedule", the amount of the payment will be based upon the status (specialist or non-specialist) of the individual practitioner who actually provided the billed service.

i. If the dentist providing the services is a resident, intern, or house staff member, the status of the supervising dentist, specialist or non-specialist, determines the amount of the payment.

2. Covered emergency dental care performed in the hospital emergency room shall not be reimbursed if the services were provided in the emergency room and the dental clinic was available at the same time.

Amended by R.2000 d.29, effective January 18, 2000.

See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

In (a), inserted a reference to NJ KidCare fee-for-service providers in the introductory paragraph, and substituted a reference to Medicaid and NJ KidCare fee-for-service beneficiaries for a reference to Medicaid recipients in 1; and in (b), inserted a reference to NJ KidCare fee-for-service dental practitioners in the introductory paragraph.

10:52-2.4 Early and Periodic Screening, Diagnosis and Treatment (EPSDT)

(a) Early and Periodic Screening, Diagnosis and Treatment (EPSDT) program is a comprehensive health program for Medicaid or NJ KidCare fee-for-service beneficiaries from birth through 20 years of age. The goal of the program is to assess the beneficiaries health needs through initial and periodic examinations (screenings); to provide health education and guidance; and to assure that health problems are prevented, diagnosed, and treated at the earliest possible time.

1. As a condition of participation in Medicaid, all ambulatory care facilities (including hospital outpatient

departments) providing primary care to children and adolescents from birth through 20 years of age, shall participate in the EPSDT program and shall provide, at a minimum, the required EPSDT screening services.

(b) EPSDT/HealthStart screening services shall be billed on the Report and Claim for EPSDT/HealthStart Screening and Related Procedure Form using EPSDT/HealthStart specific procedure codes as listed in 10:66-6.5 in Independent Clinic Services. Claims shall be submitted within 30 days of the date of service for EPSDT services.

(c) The required EPSDT services shall include the following:

1. Screening services, the components of which are described in (e)1 below:

2. Vision services;
3. Dental services;
4. Hearing services; and,

5. Other medically necessary health care, diagnostic services and treatment and other measures to correct or ameliorate defects and physical and mental illnesses and conditions discovered by the screening services.

i. For the policy related to prior authorization of organ procurement and transplantation for Medicaid and NJ KidCare-Plan A fee-for-service beneficiaries receiving EPSDT services, see N.J.A.C. 10:52-2.9(e) under organ procurement and transplantation services.

ii. For the policy related to private duty nursing services in the home care setting for EPSDT beneficiaries, see N.J.A.C. 10:60.

6. The parameters used in assessing the beneficiary's developmental level and behavior shall be appropriate for the age. While no specific test instrument is endorsed, it is expected that an evaluation of a young child shall, at a minimum, address the gross and fine motor coordination, language/vocabulary and adaptive behavior. An assessment of a school age child should include school performance; peer relationships; social activity and/or behavior; physical and/or athletic aptitude; and sexual maturation.

(d) EPSDT screening, vision services, dental services, and hearing services shall be provided at defined intervals as recommended by the appropriate professional organizations.

(e) EPSDT Screening Services shall be provided as follows:

1. The components of EPDST Screening Services are as follows:

i. A comprehensive health and developmental history including an assessment of both physical and mental health development;

ii. A comprehensive unclothed physical examination including vision and hearing screening, dental inspection and nutritional assessment;

iii. Appropriate immunizations according to age and health history;

iv. Appropriate laboratory tests, including:

- (1) Hemoglobin or hematocrit;
- (2) Urinalysis;

(3) Tuberculin skin test, intradermal, administered annually and when medically indicated;

(4) Lead screening using blood lead level determinations between 6 and 12 months, at 2 years of age, and annually up to 6 years of age. At all other visits, screening shall consist of verbal risk assessment and blood lead level testing, as indicated.

(5) Additional laboratory tests which may be appropriate and medically indicated (for example, for ova and parasites) shall be obtained, as necessary.

v. Health education including anticipatory guidance.

vi. Referral for further diagnosis and treatment or follow-up of all correctable abnormalities, uncovered or suspected. Referral may be made to the provider conducting the screening examination or to another provider, as appropriate.

vii. Referral to the Special Supplemental Food Program for Women, Infants and Children (WIC) is required for children under 5 years of age and for pregnant or lactating women.

2. EPSDT Screening Services shall be provided periodically according to the following schedule which reflects the age of the child:

i. Under six weeks; two months; four months; six months; nine months; 12 months; 15 months; 18 months; 24 months; and, annually through age 20.

(f) Vision services shall include the following:

1. A newborn examination including general inspection of the eyes, visualization of the red reflex, and evaluation of ocular motility;

2. An appropriate medical and family history;

3. An evaluation, by age six months, of eye fixation preference, muscle imbalance, and pupillary light reflex; and

4. A third examination with visual acuity testing by age three or four years.

5. Periodicity of testing for school aged children shall be as follows:

i. Kindergarten or first grade (five or six years);

- ii. Second grade (seven years);
 - iii. Fifth grade (10/11 years);
 - iv. Eighth grade (13/14 years); and
 - v. Tenth or eleventh grades (15/17 years).
6. Children should be referred if they:
- i. Cannot read the majority of the 20/40 line before their fifth birthday;
 - ii. Have a two-line difference of visual acuity between the eyes;
 - iii. Have suspected strabismus; or
 - iv. Have an abnormal light or red reflex.

(g) Dental services shall include the following:

1. An intraoral examination which is an integral part of a general physical examination, including observation of tooth eruption, occlusion pattern, and presence of caries or oral infection;
2. A formal referral to a dentist is recommended at one year of age; it is mandatory for children three years of age and older; and
3. Dental inspection and prophylaxis that should be carried out every six months until 17 years of age, then annually.

(h) Hearing services shall include the following:

1. Hearing screening, which includes, at a minimum, an observation of an infant's response to auditory stimuli. Speech and hearing assessment shall be part of each preventive visit for an older child. An objective audiometric test, such as a pure tone screening test, if performed as part of an EPSDT screening examination, is eligible for separate reimbursement;
2. An individual hearing screening which should be administered annually to all children through age eight and to all children at risk of hearing impairment; and
3. After eight years of age, children shall be screened every other year in addition to what is required in (h)2 above.

Amended by R.2000 d.29, effective January 18, 2000.
See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

Rewrote (a); in (b), changed N.J.A.C. reference; in (c), substituted references to beneficiaries for references to recipients throughout, and inserted a reference to NJ KidCare—Plan A fee-for-service beneficiaries and changed N.J.A.C. reference in 5i; and in (e)1iv(5), substituted "ova" for "oral" preceding "and parasites".

10:52-2.5 Family planning services

(a) Family planning services shall include medical history and physical examination (including pelvis and breast), diagnostic and laboratory tests, drugs and biologicals, medical

supplies and devices, counseling, continuing medical supervision, continuity of care and genetic counseling.

(b) The Norplant System (NPS) shall be a Medicaid and NJ KidCare—Plan A, B and C fee-for-service covered service when provided as follows:

1. The NPS is used only in reproductive age women with established regular menstrual cycles;
2. The Food and Drug Administration (FDA) approved physician prescribing information is followed; and
3. Patient education and counseling are provided relating to the NPS, including pre and post insertion instructions, indications, contraindications, benefits, risks, side effects, and other contraceptive modalities.

(c) The visit relating only to the insertion and removal of the Nor-plant System (NPS) shall not be reimbursable on the day of insertion or removal.

(d) Only two insertions and two removals of the NPS per beneficiary shall be permitted during a five year continuous period.

(e) The hospital shall not be reimbursed for the NPS in conjunction with other forms of contraception, for example, an intrauterine device.

(f) Services provided primarily for the diagnosis and treatment of infertility, including sterilization reversals, and related medical visits, drugs, laboratory, radiological and diagnostic services and surgical procedures shall not be covered services, except:

1. When a service is provided that is ordinarily considered an infertility service, but is provided for another purpose, then the hospital shall submit the claim with supporting documentation for medical review and approval of payment to the Division of Medical Assistance and Health Services, Office of Medical Affairs and Provider Relations, PO Box 712, Mail Code #14, Trenton, New Jersey 08625-0712.

New Rule, R.2000 d.29, effective January 18, 2000.
See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

Former N.J.A.C. 10:52-2.5, Home health agencies; hospital-based, recodified to N.J.A.C. 10:52-2.6.

10:52-2.6 Home health agencies; hospital-based

(a) A home health agency (hospital-based) shall be licensed by the New Jersey State Department of Health and Senior Services; certified as a home health agency under Title XVIII (Medicare); possess a valid and current provider agreement from the Division; and be an identifiable part of a hospital.

(b) The provision of home health care services can range from a complex concentrated professional program (for acute care cases) which would require the services of a public health nurse, registered professional nurse, a licensed

practical nurse, physical therapist, occupational therapist, speech pathologist, social worker, and homemaker/home health aide to a less complex program (as in chronic care cases) involving a homemaker/ home health aide, personal care assistant and/or therapist and minimal visits by a registered nurse. The types of services provided, the frequency and the duration of these services are determined by the needs of each beneficiaries. Only medically necessary home health services are reimbursed by the Division.

(c) Policies and procedures related to Home Health Agencies (Hospital-based) are located in N.J.A.C. 10:60, Home Care Services. A hospital wishing to become a provider of home health services should contact the Chief, Provider Enrollment Unit, Division of Medical Assistance and Health Services, PO Box 712, Mail Code #9, Trenton, New Jersey 08625-0712.

Recodified from 10:52-2.5 and amended by R.2000 d.29, effective January 18, 2000.

See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

In (b), substituted a reference to speech pathologists for a reference to speech-language pathologists, and substituted a reference to beneficiaries for a reference to recipients. Former N.J.A.C. 10:52-2.6, Medical day care centers; hospital affiliated, recodified to N.J.A.C. 10:52-2.7.

10:52-2.7 Medical day care centers; hospital affiliated

(a) A Medical Day Care Center shall be affiliated and identified as part of a hospital which is licensed by the New Jersey State Department of Health and Senior Services, in accordance with its Manual of Standards for Licensure of Adult Day Health Care Facilities and which possesses a valid and current provider agreement from the Division.

(b) Medical Day Care is a program of medically supervised, health related services provided in a hospital affiliated ambulatory care setting to persons who are non-residents of the facility, who do not require 24 hour inpatient institutional care and yet, due to their physical and/or mental impairment, need health maintenance and restorative services supportive to their community living.

(c) The Department of Health and Senior Services administers the Medicaid and NJ KidCare fee-for-service medical day care center programs. For policies and procedures, see N.J.A.C 10:65.

1. Medical day care transportation services shall not be reimbursed by the fiscal agent as a separate service.

2. All direct and indirect costs associated with hospital affiliated Medical Day Care Centers shall be reported separately on New Jersey State Department of Health and Senior Services cost filings for payment purposes and shall not be considered an allowable cost under the DRG reimbursement system.

(d) The Division shall not reimburse for medical day care services and partial hospitalization services provided to the same beneficiary on the same day.

Recodified from 10:52-2.6 and amended by R.2000 d.29, effective January 18, 2000.

See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

Rewrote (c); in (d), substituted a reference to beneficiaries for a reference to recipients; and deleted a former (e). Former N.J.A.C. 10:52-2.7, Narcotic and drug abuse treatment centers; fee-standing, recodified to N.J.A.C. 10:52-2.8.

10:52-2.8 Narcotic and drug abuse treatment centers; free-standing

(a) Services provided to a Medicaid or NJ KidCare fee-for-service beneficiary by a free standing hospital affiliated narcotic and drug abuse treatment center shall be covered only if those services are eligible for Federal Financial Participation under the Medicaid Program (Title XIX of the Social Security Act) and the following conditions are met:

1. The treatment is prescribed by a physician; and,
2. The treatment is provided in a narcotic and drug abuse treatment center licensed or approved by the New Jersey State Department of Health and Senior Services pursuant to N.J.S.A. 26:2G-21 et seq.; and,
3. The staff of the treatment center includes a medical director.

(b) Payment for outpatient services provided in a free-standing narcotic and drug abuse treatment center shall be made on a fee-for-service basis. The services include mental health services, methadone maintenance, and other related health services. The Division's payment shall be accepted as payment in full for Medicaid and NJ KidCare-Plans A and B. For NJ KidCare-Plans C and D, the Division's payment shall be considered as payment in full except for the policies regarding contribution to care responsibilities of the NJ KidCare-Plans C and D beneficiaries which are codified at N.J.A.C. 10:49-9 and 10:52-4.7.

(c) Approved centers shall submit claims only for those procedure codes which correspond to the allowable services included in their New Jersey Medicaid provider approval letter. Room, board and other residential services shall not be covered. Claims for reimbursement shall be submitted to the fiscal agent on the claim form used by independent clinics (1500 N.J.-Health Insurance Claim Form).

Recodified from 10:52-2.7 and amended by R.2000 d.29, effective January 18, 2000.

See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

In (a), inserted a reference to Medicaid and NJ KidCare fee-for-service beneficiaries in the introductory paragraph; and rewrote (b). Former N.J.A.C. 10:52-2.8, Organ procurement and transplantation services, recodified to N.J.A.C. 10:52-2.9.

10:52-2.9 Organ procurement and transplantation services

(a) The Division covers services rendered and items dispensed or furnished in connection with organ procurement and transplantation services of kidney, heart, heart-lung, liver, bone marrow, cornea and other selected medically necessary organ transplants except for those transplants categorized as experimental. (See (e) below for organ procurement and transplantation.)

(b) Hospitals that perform organ transplants (with the exception of bone marrow transplants and corneas) must meet the following requirements for participation in the Medicare and Medicaid programs.

1. Payment for transplant services and organ procurement services rendered to or items dispensed or furnished a donor will be considered a charge on behalf of the Medicaid beneficiary .

(c) Federal organ procurement service requirements are listed in the Social Security Act, Section 1138 as amended by Section 9318(a) of the Omnibus Budget Reconciliation Act of 1986.

1. Organ procurement services, with the exception of bone marrow transplant and cornea procurement services, are covered only when the Organ Procurement Organization (OPO) meets the requirements as outlined in the Section 1138 of the Social Security Act (42 U.S.C. § 1320 (b)-8 Note) and when the OPO is designated and certified by the Secretary of the Department of Health and Senior Services and Human Services as the OPO for that geographical area in which the hospital is located.

(d) The covered organ transplantation procedures shall be performed in an organ transplant center approved or certified by a nationally recognized certifying or approving body, or one designated by the Federal government. In the absence of such a certification or approval of a nationally recognized body, the approval or certification, whichever applies, shall have been obtained from the appropriate body so charged in the State in which the organ transplant center is located.

(e) The candidate for transplantation shall have been accepted for the procedure by the transplant center. Such acceptance shall precede a request for prior authorization from the medical staff in the Office of Health Service Administration, if applicable. All out-of-State hospitalizations for transplantations shall require prior authorization from the MDO of the beneficiary's county of residence (see N.J.A.C. 10:49-6.2, Administration.) Prior authorization shall also be required for hospitalizations for procurement and transplantation services for Medicaid beneficiaries for anatomical sites not explicitly listed in (a) above, or previously considered experimental.

(f) Organ transplantations shall be medically necessary. Transplantations, with the exception of cornea transplantations, shall be performed only to avert a potentially life-threatening situation for the patient.

1. If all factors pertinent to decision-making concerning the site of performance of a transplant procedure are essentially equal, preference shall be given to a New Jersey transplant center. However, Medicaid policy of equitable access also applies (see 42 CFR 431.52(c)).

(g) Hospital inpatient services for an out-of-State organ procurement and transplantation shall require approval by the Medicaid District Office and shall be reimbursed according to the policies in the section on the Basis of Payment—Out-of-State Hospital Services in N.J.A.C. 10:52-4.4.

(h) For organ transplants for Medicaid or NJ KidCare beneficiaries enrolled with a managed care organization, the managed care organization shall be responsible for all costs, except for the costs of the hospital. Included in the hospital costs are the costs of procuring the organ. The hospital should bill the Fiscal Agent for these costs as part of the inpatient hospital claim.

Recodified from 10:52-2.8 and amended by R.2000 d.29, effective January 18, 2000.

See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

In (b)1 and (e), substituted references to beneficiaries for references to recipients throughout; in (e), substituted a reference to the Office of Health Service Administration for a reference to the Office of Medical Affairs and Provider Relations; and added (h). Former N.J.A.C. 10:52-2.9, Psychiatric services; partial hospitalization, recodified to N.J.A.C. 10:52-2.10.

10:52-2.10 Psychiatric services; partial hospitalization

(a) Partial hospitalization (PH) means a psychiatric service whose primary purpose is to maximize the client's independence and community living skills in order to reduce unnecessary hospitalization. It is directed toward the acute and chronically disabled individual. A PH program shall provide, as listed below, a full system of services necessary to meet the comprehensive needs of the individual Medicaid or NJ KidCare fee-for-service beneficiary. These services shall include:

1. Assessment and evaluation;
2. Service procurement;
3. Therapy;
4. Information and referral;
5. Counseling;
6. Daily living education;
7. Community organization;
8. Pre-vocational therapy;
9. Recreational therapy; and,
10. Health-related services.

(b) Pre-vocational therapy, recreational therapy, and health related services, as required in (a) above, may be provided directly or arranged by partial hospitalization staff through other programs' elements or agencies. To avoid duplication of payment, these services shall not be billed separately from the claim submitted for partial hospitalization reimbursement.

(c) The requirements of the PH program shall include the following:

1. PH shall serve ambulatory, non-residential patients who spend only a part of a 24-hour period (a minimum of three hours of participation in active programming for a half day program exclusive of meals and a minimum of five hours of active participation in active programming for a full day program exclusive of meals) in the hospital.

i. Day, evening, or night care (night care shall include overnight stay) shall require prior authorization from the Division after the first 30 calendar days from the first date of treatment. Prior authorization from the Division shall not be required for the first 30 calendar days beginning from the first date of treatment.

2. A PH program shall be available daily for five days a week, with additional planned activities each week, during evening and/or weekend hours, as needed. Individual clients need not attend every day but as needed.

3. The staff of the PH program shall include a director who shall be a qualified professional from the specialties of psychiatry, psychology, social work, psychiatric nursing, vocational rehabilitation, or a related field, with training and/or experience in direct service provision and administration. A qualified psychiatrist shall be available to the PH program on a regularly scheduled basis. Other staff deemed necessary to implement a PH program shall include qualified mental health professionals, para-professionals, and volunteers.

(d) Prior authorization for PH from the Division shall be required after the first 30 calendar days from the date of the initial treatment. Each prior authorization for PH shall be granted for a maximum period of six months. Additional authorizations may be requested.

1. A detailed explanation and a new prior authorization request for PH is required when a departure from the plan of care is made because a change in the patient's clinical condition necessitates an increase in the frequency, duration, and intensity of services, or a change in the type of services which will exceed the services authorized.

2. When prior authorization is required, the request shall be submitted on the "Request for Authorization of Mental Health Services and/or Mental Health Rehabilitation Services (FD-07)" and the "Request for Prior Authorization: Supplemental Information (FD-07A)" forms to the Medical Assistance Customer Center that serves the county in which the services are rendered.

3. The staff of the PH program shall include a director who shall be a qualified professional from the specialties of psychiatry, psychology, social work, psychiatric nursing, vocational rehabilitation, or a related field, with training and/or experience in direct service provision and administration. A qualified psychiatrist shall be available to the PH program, on a regularly scheduled basis. Other staff deemed necessary to implement a PH program shall include qualified mental health professionals, para-professionals, and volunteers.

4. The notification of the disposition (approved, modified, denied, or suspended) of the prior authorization request will be made by the Division's fiscal agent. When submitting a claim for reimbursement, the prior authorization number shall be provided on the UB-92 hospital claim form, in order for the claim to be paid by Medicaid/NJ KidCare.

5. The Division shall not reimburse a hospital for partial hospitalization and medical day care center services provided to the same beneficiary on the same day.

6. The Division also shall not reimburse a hospital for any mental health service (including medication management) in addition to partial hospitalization services provided to the same beneficiary on the same day.

7. The smallest unit of partial hospitalization that may be prior authorized by NJ Medicaid/FamilyCare is one hour, with a minimum of two hours per day and a maximum of five hours per day. For example, prior authorization for a full day of partial hospitalization (five hours) shall be reflected as five units, four hours shall be reflected as four units, a half day (three hours) shall be reflected as three units, and two hours shall be reflected as two units.

(e) Mental health services provided by or through the partial hospitalization program shall not include:

1. Student education, including preparation of school-assigned classwork or homework; or

2. Incentive programs, including, but not limited to, non-therapeutic token economies and subcontract work responsibilities.

Recodified from 10:52-2.9 and amended by R.2000 d.29, effective January 18, 2000.

See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

In (a), substituted a reference to Medicaid and NJ KidCare fee-for-service beneficiaries for a reference to Medicaid recipients in the introductory paragraph; and in (d), substituted a reference to the Division's fiscal agent for a reference to the Medicaid fiscal agent and added a reference to NJ KidCare in 4. and substituted references to beneficiaries for references to recipients in 5 and 6. Former N.J.A.C. 10:52-2.10. Rehabilitative services; hospital outpatient department, recodified to N.J.A.C. 10:52-2.11.

Special amendment, R.2002 d.82, effective February 15, 2002 (to expire December 21, 2004).

See: 34 N.J.R. 1279(a).

Rewrote (c)1i; in (d), inserted ", except as provided in (e) below"; added (e).

Special amendment, R.2002 d.191, effective May 24, 2002 (to expire December 21, 2004).

See: 34 N.J.R. 2149(a).

In (c), rewrote 1i; in (d), substituted "30" for "90" and deleted ", except as provided in (e) below"; deleted (e).

Amended by R.2003 d.182, effective May 5, 2003.

See: 34 N.J.R. 4303(a), 35 N.J.R. 1901(a).

Rewrote (d)2.

Amended by R.2004 d.75, effective February 17, 2004.

See: 35 N.J.R. 2154(a), 36 N.J.R. 952(b).

In (d), inserted a new 7; added (e).

10:52-2.10A Psychiatric services; partial hospitalization prevocational programs

(a) The provisions of this section shall apply when prevocational services are provided within a partial hospitalization program, in accordance with N.J.A.C. 10:52-2.10(a)8.

(b) The following words and terms, when used in this chapter, shall have the following meanings, unless the context indicates otherwise:

“Mental health services worker” means an individual who possesses a bachelor’s degree or associate’s degree in psychosocial rehabilitation or mental health services, or related life or work experience, such as assuming leadership roles during participation in mental health services or mental health consumer initiatives.

“Prevocational services” means interventions, strategies and activities within the context of a partial care program that assist individuals to acquire general work behaviors, attitudes and skills needed to take on the role of worker and in other life domains, such as: responding to criticism, decision making, negotiating for needs, dealing with interpersonal issues, managing psychiatric symptoms and adherence to prescribed medication directions/schedules. Examples of interventions not considered prevocational or covered by Medicaid and NJ FamilyCare include: technical occupational skills training, college preparation, student education, including preparation of school assigned classwork or homework and individualized job development.

“Special minimum wage certificate” means a certificate issued by the U.S. Department of Labor pursuant to 29 C.F.R. § 525, which permits a worker with a disability to be paid at a rate below the rate which would otherwise be required by statute.

“Therapeutic subcontract work activity” means production, assembly and/or packing/collating tasks for which individuals with disabilities performing these tasks are paid less than minimum wage and, pursuant to 29 C.F.R. § 525, a special minimum wage certificate has been issued to the organization/program by the U.S. Department of Labor.

“Vocational services” means those interventions, strategies and activities that assist individuals to acquire skills to enter a specific occupation and take on the role of colleague (that is, a member of a profession) and/or assist the individual to directly enter the workforce and take on the role of an employee, working as a member of an occupational group for pay with a specific employer.

(c) The Division will reimburse a provider for prevocational services provided within the context of a partial hospitalization program, in accordance with this section.

(d) Prevocational services shall be those interventions, strategies and activities within the context of a partial hospitalization program that assist individuals to acquire

general work behaviors, attitudes and skills needed to take on the role of worker and in other life domains, such as responding appropriately to criticism, decision making, negotiating for needs, dealing with interpersonal issues, managing psychiatric symptoms and medication adherence. Services or interventions which are not considered prevocational will not be reimbursed by the Medicaid/NJ FamilyCare programs. Examples of services or interventions not considered to be prevocational include:

1. Technical or occupational skills training;
2. College preparation;
3. Student education, including preparation of school-assigned classwork or homework; and
4. Individualized job development.

(e) The Division will not reimburse any provider for vocational services provided within the context of a partial hospitalization program.

1. Vocational services means those interventions, strategies and activities that assist individuals to acquire skills to enter a specific occupation and take on the role of colleague (that is, a member of a profession) and/or assist the individual to directly enter the workforce and take on the role of an employee, working as a member of an occupational group for pay with a specific employer.

(f) When, in the judgment of the treatment team, an individual is appropriate for discharge or referral to another employment-related service provider or situation, and, has demonstrated mastery of individualized goals and objectives, such as: an ability to respond appropriately to criticism, make decisions, negotiate for needs, deal with interpersonal issues, manage psychiatric symptoms and adhere to medication prescriptions, the service provider shall:

1. Update the individual treatment goal;
2. Revise the discharge plan; and
3. Refer the individual to a community work setting, if such referral is appropriate for the individual.

(g) The Division will reimburse prevocational services provided to eligible beneficiaries within the context of a partial hospitalization program when the services consist of therapeutic subcontract work activity, and when all of the following requirements are met:

1. The therapeutic subcontract work activity shall consist of production, assembly and/or packing/collating tasks for which individuals with disabilities performing these tasks are paid less than minimum wage, and, pursuant to 29 C.F.R. § 525, a special minimum wage certificate has been issued to the organization/program, by the U.S. Department of Labor;
2. The individuals plan of care shall contain a stipulation that the therapeutic subcontract work activity is a

form of intervention intended to address the individual deficits of the patient as identified in the clients assessment;

3. The therapeutic subcontract work activity shall be facilitated by a qualified mental health services worker;

4. The therapeutic subcontract work activity shall be performed within the line of sight of the qualified mental health services worker; and

5. The staff to client ratio shall not exceed a ratio of 1:10 qualified mental health services worker to client.

New Rule, R.2004 d.75, effective February 17, 2004.
See: 35 N.J.R. 2154(a), 36 N.J.R. 952(b).

10:52-2.11 Rehabilitative services; hospital outpatient department

(a) The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise.

1. "Rehabilitative services" means physical therapy, occupational therapy, speech pathology and audiology services, and the use of such supplies and equipment as are necessary in the pro-vision of such services.

2. "Occupational therapy" means services prescribed by a physician or other licensed practitioner of the healing arts within the scope of his or her practice under State law and provided to a Medicaid or NJ KidCare fee-for-service beneficiary by or under the direction of a qualified occupational therapist. These services include necessary supplies and equipment.

3. "Occupational therapist" means an individual who is:

i. Registered by the American Occupational Therapy Association (AOTA); or,

ii. A graduate of a program in occupational therapy approved by the Committee on Allied Health Education and Accreditation of the American Medical Association and engaged in the supplemental clinical experience required before registration by the American Occupational Therapy Association. If treatment and/or services are provided in a state other than New Jersey, the occupational therapist shall meet the requirements of that state, including licensure, if applicable, and shall also meet all applicable Federal requirements.

4. "Physical therapy" means services prescribed by a physician or other licensed practitioner of the healing arts within the scope of his or her practice under State law and provided to a Medicaid or NJ KidCare fee-for-service beneficiary by or under the direction of a qualified physical therapist. These services include necessary supplies and equipment.

5. "Physical therapist" means an individual who is:

i. A graduate of a program of physical therapy approved by both the Committee on Allied Health Education of the American Medical Association and the American Physical Therapy Association or its equivalent; and,

ii. Meet all applicable Federal requirements; be licensed by the State of New Jersey; or, if treatment and/or services are provided in a state other than New Jersey, meet the requirements of that state, including licensure, if licensure is required by that state.

6. "Speech pathology" and "audiology services" mean diagnostic, screening, preventive, or corrective services provided by or under the direction of a speech pathologist or audiologist. The services include necessary supplies and equipment.

7. "Speech pathologist" or "audiologist" means an individual who:

i. Has a certificate of clinical competence from the American Speech and Hearing Association; or

ii. Has completed the equivalent educational requirements and work experience necessary for the certificate; or,

iii. Has completed the academic program and is acquiring supervised work experience to qualify for the certificate; and,

iv. If practicing in the State of New Jersey, is licensed by the State of New Jersey as a speech pathologist or audiologist; or, if treatment and/or services are provided in a state other than New Jersey, meets the requirements of that state, including licensure, if applicable, and meets all applicable Federal requirements.

(b) All treatment services shall be prescribed by a medical or osteopathic physician and provided by or under the direction and/or personal supervision of the appropriate qualified practitioner.

(c) When rehabilitative treatment services are prescribed, a plan of treatment shall be kept on file and completed during the Medicaid or NJ KidCare fee-for-service beneficiary's initial evaluation visit. The plan of treatment shall be definitive as to type, amount, frequency, and duration, of the rehabilitative services that are to be furnished and shall include the diagnosis and anticipated goals. For example, an order for "treatment three times a week as needed" is not acceptable.

Recodified from 10:52-2.10 and amended by R.2000 d.29, effective January 18, 2000.

See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

Rewrote the section. Former N.J.A.C. 10:52-2.11, Renal dialysis services for end-stage renal disease (ESRD), recodified to N.J.A.C. 10:52-2.12.

10:52-2.12 Renal dialysis services for end-stage renal disease (ESRD)

(a) A hospital outpatient renal dialysis center shall be approved by the New Jersey State Department of Health and Senior Services to provide renal dialysis treatment for ESRD.

(b) At the beginning of a maintenance course of renal dialysis treatment for ESRD, renal dialysis centers should direct their Medicaid or NJ KidCare fee-for-service beneficiary to the Social Security Administration District Office to file an application for Medicare benefits, if applicable.

(c) Renal dialysis services for ESRD and Medicare approved "add-on" costs shall be reimbursable by Medicaid or NJ KidCare fee-for-service only when the individual is a Medicaid or NJ KidCare fee-for-service beneficiary and not a Medicare beneficiary, or during the time frame when ESRD benefits are not Medicare reimbursable.

1. Medicare coverage usually begins with the first day of the third month after the month in which a maintenance course of renal dialysis services begins. Claims from that date on shall be submitted to Medicare, unless the Medicaid or NJ KidCare fee-for-service beneficiary has been denied eligibility for Medicare.

i. Exception: Medicare coverage may begin earlier than the time frame stated above if the individual receives renal transplantation services or participates in a self-dialysis training program.

(d) Reimbursement for hospital inpatient renal dialysis services for ESRD are included in the DRG rate methodology determinations.

Recodified from 10:52-2.11 and amended by R.2000 d.29, effective January 18, 2000.

See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

In (b), substituted a reference to Medicaid and NJ KidCare fee-for-service beneficiaries for a reference to Medicaid recipients/patients; and in (c), substituted references to beneficiaries for references to recipients and inserted references to NJ KidCare fee-for-service throughout. Former N.J.A.C. 10:52-2.12, Sterilization, recodified to N.J.A.C. 10:52-2.13.

10:52-2.13 Sterilization

(a) The Division covers sterilization procedures performed on Medicaid or NJ KidCare-Plan A, B or C fee-for-service beneficiaries based on 42 CFR 441.250 through 42 CFR 441.258 and related requirements outlined in this section and in the billing instructions contained in the Fiscal Agent Billing Supplement. For sterilization policy and procedures, see (b) through (e) below.

(b) "Sterilization" means any medical procedure, treatment, or operation, performed for the purpose of rendering an individual permanently incapable of reproducing. Surgical sterilization procedures are considered to be those whose primary purpose is to render an individual incapable of reproducing. Such procedures require the completion of the Federal "Consent Form" for sterilization.

(c) "Consent Form"—(Pursuant to 42 CFR 441.258—Appendix to Subpart F—Specific Requirements for Use) requirements, including time frames to be met and/or documented on the "Consent Form" prior to the sterilization of an individual, follow:

1. The individual shall be at least 21 years of age at the time the consent is obtained;

2. The individual shall not be mentally incompetent. A "mentally incompetent individual" means an individual who has been declared mentally incompetent by a Federal, state, or local court of competent jurisdiction for any purpose, unless the individual has been declared competent for purposes which include the ability to consent to sterilization;

3. The individual shall not be institutionalized. An "institutionalized individual" means an individual who is:

i. Involuntarily confined or detained, under a civil or criminal statute, in a correctional or rehabilitative facility, including a mental hospital or other facility for the care and treatment of mental illness; or,

ii. Confined, under a voluntary commitment, in a mental hospital or other facility for the care and treatment of mental illness;

4. The individual shall have voluntarily given informed consent;

5. At least 30 days, but not more than 180 days, shall have passed between the date of informed consent and the date of sterilization, except in the case of emergency abdominal surgery or premature delivery;

i. In the case of emergency abdominal surgery, at least 72 hours shall have passed between the date he or she gave informed consent and date of sterilization;

ii. In the case of premature delivery, informed consent shall have been given at least 30 days before the expected date of delivery and at least 72 hours have passed between the date of informed consent and the date of premature delivery.

6. In the case where a patient desires to be sterilized at the time of delivery, the "Consent Form" shall be signed by the patient no earlier than the 5th month of pregnancy to minimize the possibility of exceeding the 180 day limit.

(d) An individual shall be considered to have given informed consent only if:

1. The person who obtained consent for the sterilization procedure offered to answer any questions the individual to be sterilized may have had or has concerning the procedure, provided a copy of the "Consent Form", and provided orally all of the following information or advice to the individual to be sterilized; and,

i. Advice that the individual is free to withhold or withdraw consent to the procedure at any time before sterilization without affecting the right to future care or treatment and without loss or withdrawal of any federally funded program benefits to which the individual might be otherwise entitled; and,

ii. A description of available alternative methods of family planning birth control; and,

iii. Advice that the sterilization procedure is considered to be irreversible; and,

iv. A thorough explanation of the specific sterilization procedure to be performed; and,

v. A full description of the discomfort and risks that may accompany or follow the performing of the procedure, including an explanation of type and possible effects of any anesthetic to be used; and,

vi. A full description of the benefits or advantages that may be expected as a result of the sterilization; and,

vii. Advice that the sterilization will not be performed for at least 30 days except for emergency abdominal surgery or premature delivery.

2. Suitable arrangements were made to insure that the information specified above under "Informed Consent" was effectively communicated to any individual who is blind, deaf, or otherwise handicapped; and,

3. An interpreter was provided if the individual to be sterilized did not understand the language used on the "Consent Form" or the language used by the person obtaining consent; and,

4. The individual to be sterilized was permitted to have a witness of his or her own choice present when consent was obtained; and,

5. The requirements of the "Consent Form" were met, that is, its contents, certification, and signatures (see (e) below). The consent form currently in use by the Division is a replica of the form contained in the Federal regulations and shall be utilized by providers when submitting claims. No other consent form shall be permitted, unless approved by the Secretary, United States Department of Health and Human Services. The form is available from the Division's fiscal agent.

(e) Required consent form information, signatures, certification, and dates: In addition to completing all information (name of doctor or clinic the patient received information from, name of the operation to be performed, the patient's birth date, name of the patient, name of the physician who will perform the sterilization, the method, the language used by an interpreter, name and address of the facility the person obtaining consent is associated with, the date of the sterilization and the specific type of operation) in the appropriate spaces provided, the form shall be signed and dated by hand by the person indicated below:

1. "Consent to Sterilization," by the individual to be sterilized, prior to the sterilization operation (in accordance with the time frames specified in (c)5. above.

2. "Interpreter's Statement," by the interpreter, if one was provided prior to the sterilization operation. The interpreter must certify by signing and dating the "Consent Form" that:

i. He or she translated the information presented orally and read the "Consent Form" and explained its contents to the individual to be sterilized; and,

ii. To the best of the interpreter's knowledge and belief, the individual understood what the interpreter told him or her.

3. "Statement of Person Obtaining Consent," by the person who obtained the consent prior to the sterilization operation. The person securing the consent must certify, by signing and dating the "Consent Form" that:

i. Before the individual signed the "Consent Form", he or she advised the individual to be sterilized that no Federal benefits may be withdrawn because of the decision not to be sterilized; and,

ii. He or she explained orally the requirements for informed consent as set forth on the "Consent Form"; and

iii. To the best of his or her knowledge and belief, the individual to be sterilized appeared mentally competent and knowingly and voluntarily consented to be sterilized. The name and address of the facility or physician's office with which the person obtaining consent is associated must be completed in the space provided on the form.

4. "Physician's Statement," by the physician who performed the sterilization operation after the surgery had been performed. (A date prior to surgery is not acceptable.) The physician performing the sterilization shall certify, by signing and dating the "Consent Form," that within 24 hours before the performance of the sterilization operation:

i. The physician advised the individual to be sterilized that no Federal benefits may be withdrawn from the patient because of the decision not to be sterilized; and,

ii. The physician explained orally the requirements for informed consent as set forth on the "Consent Form"; and,

iii. To the best of the physician's knowledge and belief, the individual appeared mentally competent and knowingly and voluntarily consented to be sterilized; and,

iv. That at least 30 days have passed between the date of the individual's signature on the "Consent Form" and certified that the date upon which the sterilization was performed, except in the case of emergency abdominal surgery or premature delivery; and,

v. In the case of emergency abdominal surgery or premature delivery performed within 30 days of consent, the physician shall certify that the sterilization was performed less than 30 days, but not less than 72 hours after informed consent was obtained, and in the case of abdominal surgery must describe the emergency, or in the case of premature delivery, must state the expected date of delivery.

5. Any additional requirement of State or local law for obtaining consent, except a requirement for spousal consent, was followed.

6. Informed consent shall not be obtained while the individual to be sterilized is:

i. In labor or childbirth; or,

ii. Seeking to obtain or obtaining an abortion; or,

iii. Under the influence of alcohol or other substances that affect the individual's state of awareness.

(f) Any New Jersey hospital with electronic billing capabilities shall submit a "hard copy" of the UB-92 claim form (including inpatient or outpatient) for all sterilization claims with the "Consent Form" attached to the UB-92 claim form and not submit the claim through the EMC claim processing system.

Recodified from 10:52-2.12 and amended by R.2000 d.29, effective January 18, 2000.

See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

In (a), substituted a reference to Medicaid and NJ KidCare—Plan A, B or C fee-for-service beneficiaries for a reference to Medicaid recipients; and in (b), substituted a reference to medical procedures for a reference to surgical procedures. Former N.J.A.C. 10:52-2.13, Hysterectomy, recodified to N.J.A.C. 10:52-2.14.

10:52-2.14 Hysterectomy

(a) The Division covers hysterectomy procedures performed on Medicaid and NJ KidCare fee-for-service beneficiaries based on Federal regulations (42 CFR 441.250 through 42 CFR 441.258) and related requirements outlined in this section and in the billing instructions. For hysterectomy policies and procedures, see (b) through (d) below. Also, for the requirements for a Second Surgical Opinion for performing a hysterectomy, see N.J.A.C. 10:52-1.12.

(b) "Hysterectomy" means an operation for the purpose of removing the uterus.

1. A hysterectomy shall not be performed solely for the purpose of rendering an individual permanently incapable of reproducing. A hysterectomy shall be covered as a surgical procedure if performed primarily for the purpose of removing a pathological organ.

(c) Surgical hysterectomy procedures claim processing and reporting require the completion of the "Hysterectomy Receipt of Information Form (FD-189, Rev. 7/83)" or, under certain conditions (see (d)1.iii. below), a physician certification.

(d) The specific requirements to be met and/or documented on the "Hysterectomy Receipt of Information," (FD-189, Rev. 7/83) form or, under certain conditions, a physician certification, shall be as follows:

1. A hysterectomy on a female of any age may be performed when medically necessary for a pathological indication, provided the person who secured authorization to perform the hysterectomy has:

i. Informed the individual and her representative (if any), both orally and in writing, that the hysterectomy will render the individual permanently incapable of reproducing; and,

ii. Ensures that the FD-189 form is completed and the individual or her representative has signed and dated a written acknowledgement of receipt of that information utilizing the FD-189 form; or,

iii. The physician who performed the hysterectomy certifies, in writing, that the individual:

(1) Was sterile before the hysterectomy (include cause of sterility); or,

(2) Required a hysterectomy because of a life-threatening emergency in which the physician determined that prior acknowledgement was not possible (include a description of the nature of the emergency); or,

(3) Was operated on during a period of the person's retroactive Medicaid or NJ KidCare-Plan A eligibility and the individual was informed, before the operation, that the hysterectomy would make her permanently incapable of reproducing or one of the conditions described in (d)1iii(1) or (2) above was applicable. (Include a statement that the individual was informed or describe which condition was applicable). "Retroactive Medicaid eligibility" means the consideration of unpaid medical bills incurred during a three month period prior to the month the person applied for assistance. (See N.J.A.C. 10:49-2.7, Administration.) Although a physician certification is acceptable for situations described in (d)1iii above, the Division recommends that the FD-189 form be used whenever possible. There is no 30 day waiting period required before a medically necessary hysterectomy may be performed. The standard procedure for a surgical informed consent form within the hospital will prevail.

(e) Any New Jersey hospital with electronic billing capabilities shall submit a "hard copy" of the UB-92 claim form for all hysterectomy claims with the FD-189 form attached to the claim form and must not submit the claim through the EMC claim processing system.

Recodified from 10:52-2.13 and amended by R.2000 d.29, effective January 18, 2000.

See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

In (a), substituted a reference to Medicaid and NJ KidCare fee-for-service beneficiaries for a reference to Medicaid recipients, and changed N.J.A.C. reference; and in (d)1iii(3), inserted a reference to NJ KidCare-Plan A eligibility. Former N.J.A.C. 10:52-2.14, Termination of pregnancy, recodified to N.J.A.C. 10:52-2.15.

10:52-2.15 Termination of pregnancy

(a) The Division shall reimburse for medically necessary termination of pregnancy procedures on Medicaid or NJ KidCare beneficiaries when performed by a physician in accordance with the New Jersey Administrative Code, N.J.A.C. 13:35-4.2. These services are reimbursed fee-for-service for all beneficiaries, including individuals enrolled in an HMO.

(b) A physician may take the following factors into consideration in determining whether a termination of pregnancy is medically necessary:

1. Physical, emotional, and psychological factors;
2. Family reasons; and,
3. Age.

(c) The determination of medical necessity is subject to review by the Division in accordance with the rules of the Division. In addition, the procedure must be performed consistent with N.J.A.C. 13:35-4.2.

(d) A "Physician Certification (Form FD-179)" shall be attached to the hospital's Medicaid claim form, either for inpatient or outpatient services, if any of the procedures on the claim relate to a voluntary elective abortion.

i. A copy of the completed FD-179 shall also be attached to:

- (1) The physician's Medicaid claim form; and,
- (2) The anesthesiologist's Medicaid claim form.

(e) Any New Jersey hospital with electronic billing capabilities shall submit a "hard copy" of the UB-92 claim form (inpatient or outpatient) for all termination of pregnancy claims with the "Physician Certification (Form FD-179)" attached to the UB-92 claim form and must not submit the claim through the electronic billing system.

Recodified from 10:52-2.14 and amended by R.2000 d.29, effective January 18, 2000.

See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

In (a), substituted a reference to Medicaid and NJ KidCare beneficiaries for a reference to Medicaid recipients, and added a second sentence; and in (c), substituted references to the Division for references to the Medicaid program throughout. Former N.J.A.C. 10:52-2.15, Transportation services; hospital-based, recodified to N.J.A.C. 10:52-2.16.

10:52-2.16 Transportation services; hospital-based

(a) Transportation shall be recognized by the Division as a covered outpatient hospital service under the following conditions:

1. Hospital-based emergency ambulance service for inpatient admission or outpatient services. For the definition of "emergency conditions", see N.J.A.C. 10:49-6.1, Administration, Prior and Retroactive Authorization.

2. Non-emergency ambulance service, only when it is ordered by a physician and is medically necessary. A physician's written order stating that any other method of transportation is medically contraindicated shall accompany the claim.

3. When a hospital is under contract with a municipality, county, or other government unit, to provide "911" or rescue squad ambulance service, reimbursement shall only be permitted on a fee-for-service basis under the policies and procedures as defined in N.J.A.C. 10:50-1.2, Transportation Services.

4. Each hospital providing ambulance service to Medicaid and NJ KidCare fee-for-service beneficiaries shall possess all of the following:

i. An approved certificate of need for ambulance service from the New Jersey State Department of Health and Senior Services; and

ii. A provider license and vehicle license(s) for ambulance service from the New Jersey State Department of Health and Senior Services.

(b) Mobile Intensive Care Unit/Advanced Life Support (MICU/ALS) service and associated Ambulance/Basic Life Support (Ambulance/BLS) service shall be considered covered services under the following conditions of participation:

1. A hospital shall possess a "Certificate of Need" from the New Jersey State Department of Health and Senior Services to provide MICU/ALS service;

2. A hospital shall complete a "Memorandum of Understanding," issued by the Division of Medical Assistance and Health Services, before reimbursement can be made to the hospital for this service. The "Memorandum of Understanding" may be obtained from and, when completed, shall be returned to the Division of Medical Assistance and Health Services, Provider Enrollment Unit, PO Box 712, Mail Code #9, Trenton, New Jersey 08625-0712;

3. A hospital providing MICU/ALS service without its own associated Ambulance/BLS service or MICU/ALS

transport vehicle, may utilize the service of a volunteer ambulance organization or shall enter into an agreement(s) with a proprietary/nonproprietary Ambulance/BLS company for the purpose of defining the responsibility for service. No reimbursement shall be made when the Ambulance/BLS Service is provided by a volunteer ambulance organization.

i. A copy of the agreement(s) shall be sent to the Division of Medical Assistance and Health Services, PO Box 712, Provider Enrollment Unit, Mail Code #9, Trenton, New Jersey 08625-0712.

ii. The hospital shall bill for the Ambulance/BLS service only upon completion of an agreement.

iii. In the absence of an agreement(s) between the hospital providing the MICU/ALS service and a proprietary/nonproprietary Ambulance/BLS company, the hospital shall bill the Division's fiscal agent for the MICU/ALS service only.

iv. Transportation companies providing Ambulance/BLS associated with, and/or in conjunction with a MICU/ALS service, shall bill charges to the hospital providing the MICU/ALS service.

(c) Medicaid and NJ KidCare fee-for-service reimbursement of MICU/ALS services shall be based on Medicare principles of reimbursement, using standard cost reporting procedures, and reasonable cost and charge guidelines.

(d) Reimbursement for transportation services to and from hospital affiliated medical day care centers are included in the medical day care per diem rate and shall not be billed to the New Jersey Medicaid or NJ KidCare-Plan A program by the hospital separately.

Recodified from 10:52-2.15 and amended by R.2000 d.29, effective January 18, 2000.

See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

In (a)4, substituted a reference to Medicaid and NJ KidCare fee-for-service beneficiaries for a reference to Medicaid recipients in the introductory paragraph; in (c), inserted a reference to NJ KidCare fee-for-service reimbursement; and in (d), added "and shall not be billed to the New Jersey Medicaid or NJ KidCare-Plan A program by the hospital separately."

SUBCHAPTER 3. HEALTHSTART—MATERNITY AND PEDIATRIC CARE SERVICES

10:52-3.1 Purpose

The purpose of HealthStart shall be to provide comprehensive maternity and child health care services for all pregnant women (including those determined to be presumptively eligible) and for children (under two years of age) in the State of New Jersey who are eligible for Medicaid or NJ KidCare-Plan A benefits.

Amended by R.2000 d.29, effective January 18, 2000.

See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

Inserted a reference to NJ KidCare—Plan A beneficiaries.

10:52-3.2 Scope of services

(a) HealthStart maternity care services shall include all medical services recommended by the American College of Obstetricians and Gynecologists, as well as a program of health support services. HealthStart pediatric care services shall include the nine preventive visits recommended by the American Academy of Pediatrics and all of the necessary immunizations. This subchapter includes provisions for provider participation, standards for service delivery, procedure codes from the HCFA Common Procedure Coding System (HCPCS), and directions for submitting claims.

(b) HealthStart Comprehensive Maternity Care includes two components; Medical Maternity Care Services and Health Support Services, as follows:

1. Medical Maternity Care Services include, but are not limited to:
 - i. Ambulatory prenatal services;
 - ii. Admission arrangements for delivery;
 - iii. Obstetrical delivery services; and
 - iv. Postpartum medical services.
2. Health Support Services include, but are not limited to:
 - i. Case coordination services;
 - ii. Health education assessment and counseling services;
 - iii. Nutrition assessment and counseling services;
 - iv. Social-psychological assessment and counseling services;
 - v. Home visitation; and
 - vi. Outreach, referral and follow-up services.

(c) HealthStart Comprehensive Pediatric Care includes nine preventive child health visits, all the recommended immunizations, case coordination and continuity of care, including, but not limited to, the provision or arrangement for sick care, 24-hour telephone access, and referral and follow-up for complex or extensive medical, social, psychological, and nutritional needs.

Amended by R.2000 d.29, effective January 18, 2000.

See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

10:52-3.3 HealthStart provider participation criteria

(a) Providers that are eligible to participate as HealthStart providers shall be: independent clinics (including local health departments meeting the New Jersey Department of Health and Senior Services Improved Pregnancy Outcome and/or Child Health Conference criteria); hospital outpatient departments; physicians and physician groups; and nurse midwives approved as providers in the New Jersey Medicaid program, in accordance with N.J.A.C. 10:58 and 10:49.

(b) In addition to New Jersey Medicaid program rules applicable to provider participation, HealthStart providers shall:

1. Sign an Addendum to the New Jersey Medicaid Program Provider Agreement;
2. Have a valid HealthStart Maternity Care Certificate and/or a Pediatric Care Certificate; and
3. Provide maternity care and/or pediatric care services in accordance with the requirements for issuance of a "HealthStart Maternity Care Certificate," and/or a "HealthStart Pediatric Care Certificate," and in accordance with the New Jersey State Department of Health and Senior Services Guidelines for HealthStart Maternity Care Providers and HealthStart Pediatric Care Providers.

(c) In addition to (a) and (b) above, HealthStart Maternity Care providers with more than one care site or more than one maternity clinic at the same site that uses different staff, shall apply for a separate HealthStart Maternity Care Certificate for each separate clinic. Within an agency, only those sites which hold a certificate shall be reimbursed for HealthStart services; and

1. Shall participate in program evaluation and training activities, including, but not limited to, site monitoring, agency and patient record review, and submission of required summary information on each patient according to the New Jersey Department of Health and Senior Services Guidelines for HealthStart Providers; and
2. May determine presumptive eligibility for New Jersey Medicaid if approved by the Division of Medical Assistance and Health Services.

(d) In addition to (a) and (b) above, HealthStart Pediatric Care Providers shall participate in program evaluation and training activities, including, but not limited to, documentation of outreach and follow-up activities in the patient's record.

(e) Site reviews may be required to ascertain applicant's ability to meet the Standards for HealthStart Certificates in appropriate areas and to provide services in accordance with the New Jersey State Department of Health and Senior Services Guidelines for HealthStart Providers in appropriate areas.

(f) HealthStart Provider Certificates shall be reviewed at least every eighteen months from the date of issuance.

(g) Applications for HealthStart Provider Certificates are available from:

HealthStart Project
New Jersey State Department of Health and Senior Services
PO Box 360
Trenton, NJ 08625-0360

(h) Applications for New Jersey Medicaid Provider agreements are available from:

Unisys Corporation
 Provider Enrollment
 P.O. Box 4804
 Trenton, New Jersey 08650-4804

Amended by R.2000 d.29, effective January 18, 2000.
 See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

10:52-3.4 Termination of HealthStart certificate

(a) The New Jersey State Department of Health and Senior Services shall be responsible for enforcement of its requirements for HealthStart provider Certificates and for evaluation and enforcement of its requirements within the Standards and Guidelines for HealthStart providers.

(b) Failure to comply with HealthStart Certificate Standards shall be cause for termination of the HealthStart provider certificate. Providers who are terminated shall have the right to request a hearing pursuant to the procedures in N.J.A.C. 10:49-10.10.

Amended by R.2000 d.29, effective January 18, 2000.
 See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

10:52-3.5 Standards for a HealthStart Comprehensive Maternity Care Provider Certificate

(a) Comprehensive maternity care services shall be integrated and coordinated.

(b) HealthStart Maternity Care providers, excluding physicians and nurse midwives who are in private practice, shall be required to provide for comprehensive maternity care services within the following organizational requirements.

1. Providers shall provide directly or through approved agreements, at one contiguous site, the following services: ambulatory prenatal and postpartum care; case coordination services; nutrition assessment; guidance and counseling services; health education assessment and instruction; social-psychological assessment, guidance and counseling;
2. Providers shall provide or arrange for the admission of patients to the appropriate level of care facility for obstetrical care delivery services;
3. Providers shall provide or arrange for all necessary laboratory services;
4. Providers shall provide one or more prenatal home visits for each high risk patient;
5. Providers shall provide at least one postpartum home visit for each high risk patient;
6. Providers shall provide referral and follow-up services, which shall include but not be limited to: referral for specialized evaluation; and counseling and treatment

for extensive social, psychological, nutrition and medical needs.

(c) Providers shall adopt procedures and policies which assure the delivery of coordinated, integrated and comprehensive care; and

(d) Providers shall be responsible for linking the mother and newborn infant to a pediatric care provider; if feasible, the linkage shall be with a HealthStart Pediatric Care provider.

(e) Independent clinics, hospital outpatient departments, and local health departments may provide just the HealthStart Health Support Services Component only when they have entered into a written agreement with a private practitioner(s) who will provide the HealthStart Medical Care Services component. This agreement shall delineate which party shall take primary responsibility for provision of all HealthStart services.

10:52-3.6 Access to services

(a) All HealthStart services shall be accessible to patients.

(b) HealthStart Maternity Care providers shall facilitate patient access to services by scheduling an initial appointment within two weeks of the patient's first request for services.

(c) HealthStart Maternity Care providers shall provide or arrange for 24 hour access to case coordination and medical services for emergency situations.

(d) HealthStart Maternity Care providers shall arrange for language translation and/or interpretation services.

(e) HealthStart Maternity Care providers may implement presumptive eligibility determinations if approved by the Division of Medical Assistance and Health Services to institute this process.

(f) HealthStart Maternity Care providers shall undertake community outreach activities to encourage women to seek early prenatal care and increase awareness of the availability of maternity care services.

10:52-3.7 Plan of Care (PoC)

(a) A PoC shall be developed and maintained by the case coordinator for each patient.

(b) A PoC shall be based on the medical, nutritional, social-psychological and health education assessments.

(c) A PoC shall include but not be limited to: identification of risk conditions and/or problems, prioritization of needs, outcome objectives, planned interventions, time frames, referrals and follow-up activities, and identification of staff persons responsible for the services.

(d) The PoC shall be developed and revised in consultation with the patient and staff providing services to the patient.

(e) The initial PoC shall be completed after a case conference and no later than one month after the initial registration visit.

10:52-3.8 Maternity Medical Care services

(a) Maternity Medical Care services shall include antepartum, intra-partum and post-partum care provided by the obstetrical care practitioner(s) in accordance with New Jersey State Department of Health and Senior Services Guidelines for HealthStart Maternity Care Providers.

(b) Prenatal services are as follows:

1. Frequency of prenatal visits for an uncomplicated pregnancy shall be every four weeks during the first twenty-eight weeks; then every two weeks until thirty-six weeks; and weekly thereafter. Prenatal visits for complications should be scheduled as needed.

2. Initial prenatal visit content shall include, but not be limited to, the following:

- i. History;
- ii. Review of systems;
- iii. Comprehensive physical examination;
- iv. Risk assessment;
- v. Patient counseling;
- vi. Routine laboratory tests;
- vii. Development of the PoC; and
- viii. Special tests and/or procedures as medically indicated.

3. Subsequent prenatal visit content shall include, but not be limited to the:

- i. Review and revision of the patient PoC;
- ii. Interim history;
- iii. Physical examination;
- iv. Patient counseling and treatment;
- v. Laboratory tests;
- vi. Special tests and/or procedures which are medically indicated;
- vii. Identification of new or developing problems; and
- viii. Management of any new or persistent problems including transfers.

4. Transfer of prenatal records to the hospital of delivery no later than thirty-four (34) weeks gestation.

(c) Obstetrical delivery services shall include, but not be limited to, the following:

1. Determination of, and arrangements for, delivery site;
2. Attendance at or provision for obstetrical delivery by a qualified physician or certified nurse midwife; and
3. Medical treatment during the postpartum stay.

(d) A postpartum visit shall be provided by the 60th day after delivery, and shall include, but not be limited to, the following:

1. History;
2. Review of the prenatal, labor and delivery record;
3. Physical examination;
4. Patient counseling and treatment;
5. Parent/infant assessment;
6. Referral/consultation, as indicated; and
7. Procedures/tests, as indicated.

(e) All HealthStart Maternity Care providers shall have policies and protocols consistent with national standards regarding consultation, and/or transfer of medically high risk patients to tertiary level maternity care facilities or specialists, and to genetic counseling and testing facilities.

Amended by R.2000 d.29, effective January 18, 2000.
See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

10:52-3.9 HealthStart health support services

(a) Case coordination services shall facilitate the delivery of continuous, coordinated and comprehensive services for each patient in accordance with "New Jersey State Department of Health and Senior Services Guidelines for HealthStart Maternity Care Providers," as follows:

1. A permanent case coordinator shall be assigned to each patient no later than two weeks after the HealthStart enrollment visit.
2. Prenatal case coordination activities shall include but not be limited to:
 - i. Orienting the patient to all services;
 - ii. Developing, maintaining and coordinating the PoC in consultation with the patient;
 - iii. Coordinating and monitoring the delivery of all services and referrals;
 - iv. Monitoring and facilitating the patient entry into and continuation with maternity services;
 - v. Facilitating and providing advocacy for obtaining referral services;

- vi. Reinforcing health teachings and providing support;
- vii. Providing vigorous follow-up for missed appointments and referrals;
- viii. Arranging home visits;
- ix. Meeting with the patient and coordinating patient care conferences; and
- x. Reviewing, monitoring and updating the patient's complete record.

3. Postpartum case coordination activities shall include, but not be limited to, the following:

- i. Arranging and coordinating the postpartum visit and any home visit;
- ii. Arranging with the obstetrical care provider to obtain the labor, delivery and postpartum hospital summary record no later than two weeks after delivery;
- iii. Linking the patient to appropriate service agencies including: Women, Infants and Children Program (WIC), pediatric care (preferably with a HealthStart Pediatric Care Provider), future family planning, Special Child Health and Adult Services County Case Management Unit and other health and social agencies, if needed;
- iv. Arranging for the transfer of pertinent information or records to the pediatric care and/or future family planning service providers;
- v. Coordinating referrals and following up on missed appointments and referrals;
- vi. Reinforcing health instruction for mother and baby.

(b) Nutrition assessment and basic guidance services shall be provided to orient and educate patients to nutritional needs during pregnancy and to educate patients to good dietary practices in accordance with "New Jersey State Department of Health and Senior Services Guidelines for HealthStart Maternity Care Providers." Specialized nutrition assessment and counseling must be provided to women with additional needs. Services shall be provided as follows:

- 1. Initial assessment services, which shall include but are not limited to, the following:
 - i. Review of the patient's chart;
 - ii. Identification of dental problems which may interfere with nutrition;
 - iii. Nutrition history;
 - iv. Current nutritional status;
 - v. Determination of participation in WIC or other food supplement programs; and

vi. Identification of need for specialized nutrition counseling;

2. Subsequent nutrition assessment, which shall include but not be limited to, the following:

- i. Monitoring of weight gain/loss;
- ii. Identification of special dietary needs; and
- iii. Identification of need for specialized nutrition counseling services;

3. Prenatal nutrition basic guidance, which shall include but not be limited to, the following:

- i. Basic instruction on nutritional needs during pregnancy including balanced diet, vitamins and recommended daily allowances;
- ii. Review and reinforcement of other nutrition and dietary counseling services the patient may be receiving;
- iii. Instruction on food purchase, storage and preparation;
- iv. Instruction on food substitutions, as indicated;
- v. Discussion of infant feeding and nutritional needs; and
- vi. Referral to food supplementation programs through the case coordinator;

4. Specialized nutrition assessment and counseling, which shall be provided to those women with additional needs;

5. Referral for extensive specialized nutrition services, which shall be initiated by the medical care provider or the nutritionist under the supervision of the medical care provider, in coordination with the case coordinator; and

6. Postpartum nutrition assessment and basic guidance services, which shall include, but not be limited to, the following:

- i. Review and reinforcement of good dietary practices;
- ii. Review of instruction on dietary requirement changes; and
- iii. Instruction on breast feeding and/or formula preparation and feeding.

(c) Social-psychological assessment and basic guidance services shall be provided to all patients to assist each patient in resolving social-psychological needs, as described in the "New Jersey State Department of Health and Senior Services Guidelines for HealthStart Maternity Care Providers." Specialized social-psychological assessment and short-term counseling shall be provided to those women with additional needs. Services shall be provided as follows:

1. Initial social-psychological assessment services, which shall include, but not be limited to, the following:

- i. Determining financial resources and living conditions;
 - ii. Determining the patient's personal support system;
 - iii. Determining the patient's attitudes and concerns regarding the pregnancy;
 - iv. Ascertaining present and prior involvement by the patient with other social programs or agencies and current social service needs;
 - v. Ascertaining educational and/or employment status and needs; and
 - vi. Identifying the need for specialized social-psychological and/or mental health evaluation and counseling services;
2. Subsequent social-psychological assessment services, which shall include, but not be limited to, the following:
- i. Determining patient's reaction to pregnancy;
 - ii. Ascertaining the reaction of family, friends and the actual support person to the pregnancy;
 - iii. Identifying the need for social service interventions and advocacy; and
 - iv. Identifying the need for specialized social-psychological and/or mental health evaluation and counseling;
3. Basic social-psychological guidance, which shall include, but not be limited to, the following:
- i. Orientation and information on available community resources;
 - ii. Orientation regarding stress and stress reduction during pregnancy; and
 - iii. Assistance with arrangements for transportation, child care and financial needs;
4. Specialized, short-term social-psychological counseling, which shall be provided to women who are identified through assessment or basic counseling as having need for more intense service.
5. Referral for extensive specialized social-psychological services, which shall be initiated by the medical care provider, or by the social worker under the supervision of the medical care provider and in coordination with the case coordinator; and
6. Postpartum social-psychological assessment and guidance, which shall include, but not be limited to, the following:
- i. Review of prenatal, labor, delivery and postpartum course;
 - ii. Assessment of patient's current social-psychological status, including mother and infant bonding and father/family acceptance of the infant, as applicable;
 - iii. Identification of the need for additional social-psychological services;
 - iv. Review of available community resources for mother and infant, as applicable;
 - v. Counseling regarding fetal loss or infant death, if applicable; and
 - vi. Counseling regarding school/employment planning.
- (d) Health education assessment and instruction shall be provided to all patients at intervals throughout the pregnancy, based on the patient's needs and as described in the "New Jersey State Department of Health and Senior Services Guidelines for HealthStart Maternity Care Providers." Services shall be provided as follows:
1. Initial assessment of health educational needs, which shall include but not be limited to:
 - i. Identification of general educational background;
 - ii. Identification of patient's health education needs; and
 - iii. Identification of previous education and experience concerning pregnancy, birth and infant care.
 2. Health education instruction, which shall be provided for all patients based on their identified health education needs shall include at least the following:
 - i. Normal course of pregnancy;
 - ii. Fetal growth and development;
 - iii. Warning signs, such as signs of pre-term labor, and identification of emergency situations;
 - iv. Personal hygiene;
 - v. Exercise and activity;
 - vi. Child birth preparation, including management of labor and delivery;
 - vii. Preparation for hospital admission;
 - viii. Substance/occupational/environmental hazards;
 - ix. Need for continuing medical and dental care;
 - x. Future family planning;
 - xi. Parenting, basic infant care and development;
 - xii. Availability of pediatric and family medical care in the community; and
 - xiii. Normal postpartum physical and emotional changes.

3. Health education services, which shall include guidance in decision making and in the implementation of decisions concerning pregnancy, birth and infant care.

4. Postpartum assessment of health education needs shall be conducted.

(e) The provider shall provide, or arrange for one or more home visits for each high risk patient as described in the "New Jersey State Department of Health and Senior Services Guidelines for HealthStart Maternity Care Providers."

(f) One face to face encounter shall be provided or arranged for during the time after hospital discharge and prior to the required medical postpartum visit as described in the "New Jersey State Department of Health and Senior Services Guidelines for HealthStart Maternity Care Providers," as follows:

1. This contact shall include but not be limited to:
 - i. Review of the mother's health status;
 - ii. Review of the infant's health status;
 - iii. Review of mother/infant interaction;
 - iv. Revision of the PoC; and
 - v. Provision of additional services, as indicated.

(g) HealthStart Maternity Care Providers shall utilize existing community services to enhance the maternity care services.

(h) HealthStart Maternity Care Providers shall have written procedures which identify specific agencies or practitioners and criteria for referral of patients requiring services which are extensive, complex or expected to extend beyond the pregnancy. These shall include but are not limited to: nutrition and food supplementation services, substance abuse treatment facilities, mental health services, county/local social and welfare agencies, parenting and child care educational programs, future family planning services, fetal alcohol syndrome and AIDS counseling services.

Amended by R.2000 d.29, effective January 18, 2000.
See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

10:52-3.10 Professional staff requirements for HealthStart Comprehensive Maternity Care services

(a) All HealthStart Maternity Care services shall be delivered through a team approach by qualified professionals.

(b) Physicians and/or certified nurse midwives shall be Medicaid and NJ KidCare-Plan A fee-for-service providers and have obstetrical admitting privileges at a licensed maternity care facility.

(c) Case coordinators shall have, as a minimum, a license as a registered professional nurse; or a Bachelor's degree in social work, health, or a behavioral science, if other than a nurse.

(d) Health professionals shall have a valid license to practice their professions, as required by the State.

(e) All other professionals, for whom no license to practice is required, shall meet generally accepted professional standards for qualification.

(f) Paraprofessionals shall be familiar with the local community, have knowledge and/or skill in maternal and child health services and be supervised by a health professional.

(g) Prenatal, delivery, and postpartum medical services shall be delivered by physicians and/or certified nurse midwives.

(h) Nutrition, social-psychological and health education assessments and development of PoC shall be provided by appropriate professionals in each of the specialty areas, or by case coordinators or medical care professionals. If the nutrition or social-psychological assessment portions of the PoCs are provided by case coordinators or medical care professionals, then these portions shall be reviewed by nutritionists or social workers, respectively.

(i) Nutrition and social-psychological basic counseling shall be provided by case coordinators with at least one year experience providing services to maternity patients or by appropriate specialists in each of the areas or by registered nurses or obstetrical care providers.

(j) Short term specialized social-psychological and nutrition counseling services shall be provided by social workers and nutritionists respectively. Social workers and nutritionists shall be available on site during patient visits.

(k) There shall be adequate professional, paraprofessional and clerical staff to provide, in a timely manner, maternity care services as described herein which meet the needs of the patients.

Amended by R.2000 d.29, effective January 18, 2000.
See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

In (b), inserted a reference to NJ KidCare-Plan A fee-for-service providers.

10:52-3.11 Records; documentation, confidentiality and informed consent requirements for HealthStart Comprehensive Maternity Care providers

(a) HealthStart Maternity Care providers shall have policies which protect patient confidentiality, provide for informed consent and document prenatal, labor, delivery and postpartum services as described in the "New Jersey State Department of Health and Senior Services Guidelines for HealthStart Maternity Care Providers."

(b) An individual record shall be maintained for each patient throughout the pregnancy.

(c) Each record shall be confidential and shall include at least the following: history and physical examination findings assessment, a Care Plan, treatment services, laboratory reports, counseling and health instruction provided and documentation of referral and follow up services.

(d) There shall be policies and procedures for appropriate informed consent for all HealthStart services.

Amended by R.2000 d.29, effective January 18, 2000.
See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

10:52-3.12 Standards for HealthStart Pediatric Care Certificate

(a) Pediatric care services shall be comprehensive, integrated and coordinated.

(b) HealthStart Pediatric Care providers shall be Medicaid and NJ KidCare-Plan A fee-for-service providers and shall:

1. Directly provide preventive, well-child care, maintenance of complete patient history, outreach for preventive care, initiation of referrals for appropriate medical, educational, social, psychological and nutrition services, and follow-up of referrals and sick care.
2. Directly provide or arrange for non-emergency room based, 24-hour physician telephone access to patients.
3. Directly provide or arrange for sick care and emergency care.

Amended by R.2000 d.29, effective January 18, 2000.
See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

In (b), inserted a reference to NJ KidCare-Plan A fee-for-service providers.

10:52-3.13 Professional requirements for HealthStart Pediatric Care providers

All HealthStart Pediatric Care providers shall be physicians or have a physician on staff who possesses a knowledge of pediatrics. This may be demonstrated by eligibility for board certification by the American Academy of Pediatrics and/or by hospital admitting privileges in pediatrics.

10:52-3.14 Preventive care services provided by HealthStart Pediatric Care providers

(a) HealthStart Pediatric Care providers shall provide preventive health visits in accordance with the recommended guidelines of the American Academy of Pediatrics and as described in the "New Jersey State Department of Health and Senior Services Guidelines for HealthStart Pediatric Care." The schedule shall include a two to four week visit, two month visit, four month visit, six month visit, nine month visit, 12 month visit, 15 month visit, 18 month visit and 23 to 24 month visit. Each visit shall include, at a minimum, medical, family and social history, unclothed physical examination, developmental and nutritional assessment, vision and hearing screening, dental assessment, assessment of behavior and social environment, anticipatory guidance, age appropriate laboratory examinations, and immunizations. Referrals shall be made as appropriate. The EPSDT/HealthStart Child Health Preventive Visit form (MC-19) shall be completed for each HealthStart preventive visit and submitted within 30 days.

(b) Each provider shall provide or arrange for sick care and twenty-four hour telephone physician access during non-office hours. If not directly provided by the HealthStart provider, sick care and twenty-four hour telephone access shall be provided for each child by a single designated provider via a documented agreement. Information on care given shall be communicated to the primary HealthStart pediatric care provider. Telephone access provided exclusively via emergency room staff shall not be permitted. Referral to the emergency room shall occur only for emergency medical care or urgent care as recommended by the physician responsible for sick care.

(c) Case coordination outreach and follow-up services shall include letter and/or telephone call reminders to the child's parent or guardian for preventive well-child visits and letters and/or telephone follow-up of missed appointments. Referrals for home visit services for follow-up shall be made when appropriate. For all referrals and follow-up visits, the provider shall document the completion of such referrals and/or visits. If the referral is not completed, a letter or phone call to the child's parent or guardian and/or to the referred agency shall be sent or made, encouraging the follow through of the referral. All of the activity shall be recorded on the patient's chart.

(d) All HealthStart Pediatric Care providers shall make provision for consultation for specialized health and other pediatric services. Services shall include medical services, as well as social, psychological, educational and nutrition services. This may include, but is not limited to: the Women, Infants and Children Program (WIC), the Division of Youth and Family Services, Special Child and Adult Health Services Case Management Units and Child Evaluation Centers, the early intervention programs, County Boards of Social Services, certified home health agencies, community mental health centers, local and county health departments.

Amended by R.2000 d.29, effective January 18, 2000.
See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

In (d), substituted a reference to County Boards for a reference to County Welfare Agencies/Boards.

10:52-3.15 Records; documentation, confidentiality and informed consent for HealthStart Pediatric Care Providers

(a) HealthStart Pediatric Care providers shall have policies which protect patient confidentiality, provide for informed consent and document comprehensive care services as described in the "New Jersey State Department of Health and Senior Services Guidelines for HealthStart Pediatric Care Providers."

(b) An individual record shall be maintained for each patient.

(c) Each record shall be confidential and shall include at least the following: history and physical examination, results of required assessments, Care Plan, treatment services, laboratory reports, counseling and health instruction provided and documentation of referral and follow-up services.

(d) There shall be policies and procedures for appropriate informed consent for all HealthStart Pediatric services.

Amended by R.2000 d.29, effective January 18, 2000.
See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

10:52-3.16 Reimbursement for HealthStart providers

(a) The HealthStart HCPCS procedure codes listed in this subchapter are governed by the same policies and rules that appear in the HCPCS subchapter of each non-institutional provider services manual (Independent Clinic, Physician and the Nurse Midwifery Services Chapters). The maximum fee allowance schedule and reimbursement requirements for HCPCS HealthStart Maternity Codes (Medical Care and Health Support Services) and HCPCS HealthStart Pediatric Codes are listed under N.J.A.C. 10:66-3(a).

(b) A hospital outpatient department (OPD) which is a HealthStart Provider shall use the present procedure for OPD billing (UB-92 claim form; except for:

1. HealthStart Health Support Services (W9040 through W9043), which shall be billed on the HCFA 1500 claim form, using the Independent Clinic billing number; and
2. HealthStart pediatric continuity of care services (W9070), which shall be billed on the MC-19 form, EPSDT Referral Report.

Amended by R.2000 d.29, effective January 18, 2000.
See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

In (b), substituted a reference to HCFA 1500 claim forms for a reference to 1500 N.J. claim forms in 1, and substituted a reference to EPSDT Referral Report for a reference to Report and Claim for EPSDT/Health—Start Screening and Related Procedures.

10:52-3.17 HealthStart Maternity Care billing code requirements

(a) HealthStart Maternity Care billing code requirements shall be as follows:

1. Separate reimbursement shall be available for Maternity Medical Care Services and Maternity Health Support Services.
2. Maternity Medical Care Services shall be billed as a total obstetrical package, when feasible, but may be billed as separate procedures.
3. The enhanced reimbursement for the delivery and postpartum care may be claimed only for a patient who had received at least one antepartum HealthStart Maternity Medical or Health Support Service.
4. The modifier "WM" in the HCPCS lists of codes (W9025 through W9030) refers to those services provided by certified nurse midwives who shall include the modifier at the end of each code. HCPCS codes for Health Support Services do not require the "WM" modifier on HCPCS codes W9040 and W9043.

5. Laboratory and other diagnostic procedures and all necessary medical consultations shall be eligible for separate reimbursement.

(b) HealthStart Maternity Medical Care Procedure codes are provided in N.J.A.C. 10:66-3(a) Health Care Financing Administration (HCFA), Common Procedure Coding System (HCPCS), Independent Clinic Services.

SUBCHAPTER 4. BASIS OF PAYMENT FOR HOSPITAL SERVICES

10:52-4.1 Basis of payment; acute general hospitals reimbursed under the Diagnosis Related Groups (DRG) system—inpatient services

The Division will reimburse acute care general hospitals for inpatient services based upon rates determined under N.J.A.C. 10:52-5 through 8, except for distinct units of acute care general hospitals. For reimbursement methodology for distinct units of acute care general hospitals, see N.J.A.C. 10:52-4.2(c).

Amended by R.2000 d.29, effective January 18, 2000.
See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).
Changed N.J.A.C. reference.

10:52-4.2 Basis of payment; special hospitals (Classification A and B), private and governmental psychiatric hospitals and distinct (excluded units) of acute general hospitals—inpatient services

(a) The Division will reimburse special hospitals (Classification A) (acute and short term special hospitals) and Classification B (Rehabilitation hospitals), excluding specialized pediatric facilities licensed to provide pediatric comprehensive rehabilitation services, effective for the 2002 rate year, in accordance with P.L. 2002, c.393, section 5, for inpatient services (including the interim and final settlement), in accordance with Medicare principles of reimbursement (see 42 CFR 413).

(b) Specialized pediatric facilities licensed to provide pediatric comprehensive rehabilitation services will be reimbursed a prospective per diem rate. The initial prospective per diem rate, effective for the 2002 rate year, shall be based on the total Medicaid inpatient costs divided by the total Medicaid days for Fiscal Year 1999, using the hospital's first finalized audited Fiscal Year 1999 cost report. If the hospital has been in operation less than two full years prior to Fiscal Year 1999, the prospective per diem rate shall be set using the hospital's first finalized audited Fiscal Year 2000 cost report. The initial prospective rate shall be increased annually by an economic factor, as specified in N.J.A.C. 10:52-5.13(a).

1. A hospital may request a change to its prospective per diem rate as either an adjustment to its base year costs in accordance with 42 CFR 413.40(g), or assignment of a new base year in accordance with 42 CFR 413.40(i).

2. The hospital's request shall be received within 180 days from the end of the fiscal year for which the adjustment or new base was requested, and shall include all supporting documentation.

3. The Division may grant an interim adjustment, subject to final adjudication of the hospital's request. The Division's final determination shall be made based upon financial data from the hospital's audited cost report for the year for which the adjustment or new base year was requested.

4. The Division shall issue a written determination with an explanation for each request for an adjustment or new base year.

5. If a hospital is not satisfied with the Division's determination, the hospital may request an administrative hearing pursuant to N.J.A.C. 10:49-10. If the hospital elects to request an administrative hearing, the request must be made within 20 calendar days from the date the Division's determination was received by the hospital. The Administrative Law Judge will review the reasonableness of the Division's reason for denying the requested rate adjustment based on the documentation that was presented to the Division. Additional evidence and documentation shall not be considered. The Director of the Division of Medical Assistance and Health Services shall thereafter issue the final agency decision, adopting, modifying or rejecting the Administrative Law Judge's initial decision. Thereafter, review may be sought in the Appellate Division.

(c) Prior authorization shall be required for patients with prognoses that necessitate lengths of stay in excess of 30 days. Reimbursable patient days shall be subject to utilization review requirements as specified in N.J.A.C. 10:52-1.15.

(d) The Medicaid and NJ KidCare program will reimburse special hospitals (Classification C) according to the rules and reimbursement methodology of N.J.A.C. 10:63, Long Term Care Services.

(e) The Division will reimburse private psychiatric hospitals and distinct units of acute general hospitals for inpatient services (including the interim and final settlement) in accordance with Medicare principles of reimbursement. Distinct units of acute general hospitals are not reimbursed through the Diagnosis Related Groups (DRG) reimbursement system for inpatient services in acute care general hospitals.

(f) Therapeutic leave days (days spent outside the facility) are not reimbursed to hospitals by the Division.

Amended by R.2000 d.29, effective January 18, 2000.

See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

In (b), substituted a reference to the Medicaid and NJ KidCare program for a reference to the Division; and in (c), deleted N.J.A.C. reference.

Amended by R.2002 d.376, effective November 18, 2002.

See: 34 N.J.R. 2247(a), 34 N.J.R. 2549(b), 34 N.J.R. 3980(b).

Rewrote the section.

10:52-4.3 Basis of payment: all general and special (Classification A), rehabilitation (Classification B), private and governmental psychiatric hospitals, and distinct units of acute care hospitals—outpatient services

(a) The Division shall reimburse general hospitals, special hospitals (Classification A), rehabilitation hospitals (Classification B), private and governmental psychiatric hospitals, and distinct units of acute care hospitals for covered outpatient hospital services provided in outpatient hospital departments approved by the Division as meeting the criteria for participation, in accordance with N.J.A.C. 10:52-1.3(b) and consistent with the following conditions and reimbursement methodology:

1. Establishment of a final rate of reimbursement: The final rate of reimbursement is based on the lower of cost or charges as defined by Medicare principles of reimbursement at 42 CFR 447.321; and,

2. Establishment of an interim rate of reimbursement: The charge for an outpatient service is subject to a reduction based on the application of a cost-to-charge ratio determined for each individual hospital by the Division, in accordance with Medicare principles of reimbursement at 42 CFR 447.321. This cost-to-charge ratio is used to assure that reimbursement for outpatient services does not exceed the rate based on Medicare principles of reimbursement.

3. Effective for services rendered on or after July 1, 1991 through October 6, 1996, the Division is reducing the interim reimbursement rates for covered outpatient services subject to the cost-to-charge ratio in general, special (Classification A), rehabilitation (Classification B) private and governmental psychiatric hospitals, and distinct units of acute care hospitals by 4.4 percent. The final settlement for covered outpatient services subject to the cost-to-charge ratio is the lower of costs or charges minus 4.4 percent. Effective for services rendered on and after October 7, 1996 and until further notice, the Division shall reduce hospital outpatient capital cost by 10 percent and reasonable cost of hospital outpatient services (net of the outpatient capital cost) by 5.8 percent as reported in the Medicare Cost Report (HCFA-2552). This reduction shall be calculated when the Medicare Cost Report (HCFA-2552) is finalized and if the report is amended. The reduction shall apply to general, special (Classification A), rehabilitation (Classification B) and private and governmental psychiatric hospitals, and distinct units of acute care hospitals.

(b) Certain outpatient services, that is, most laboratory services, all renal dialysis services, all dental services, some HealthStart services, and the Medicare deductible and coinsurance amounts, are excluded from a reduction based on the cost-to-charge reimbursement methodology and have their own reimbursement methodology as follows:

1. Most outpatient laboratory services are reimbursed on the basis of a fee-for-service schedule using the Health Care Financing Administration (HCFA) Common Procedure Coding System (HCPCS) procedure codes and the fee schedule contained in the N.J.A.C. 10:52-13. If the hospital charge is less than the amount on the fee allowance, reimbursement is based upon the actual billed charge. In addition, there are situations which have unique billing arrangements, as follows:

i. Specimen collection, that is a routine venipuncture for collection of specimen(s) or a catheterization for collection of urine specimen(s) are reimbursed at a fixed rate or at the amount of the hospital charge (whichever is less) per specimen type, per patient encounter, regardless of the number of patient encounters per day. (See HCPCS G0001, P9610, P9615 in N.J.A.C. 10:52-13.3); and

ii. Profiles and panels shall be reimbursed as follows:

(1) Profiles are comprised of those components of a test or series of tests performed as groups or combinations (profiles) which are performed on automated multichannel equipment and are finished identifiable laboratory study(ies). Examples are: The components of an SMA (Sequential Multichannel

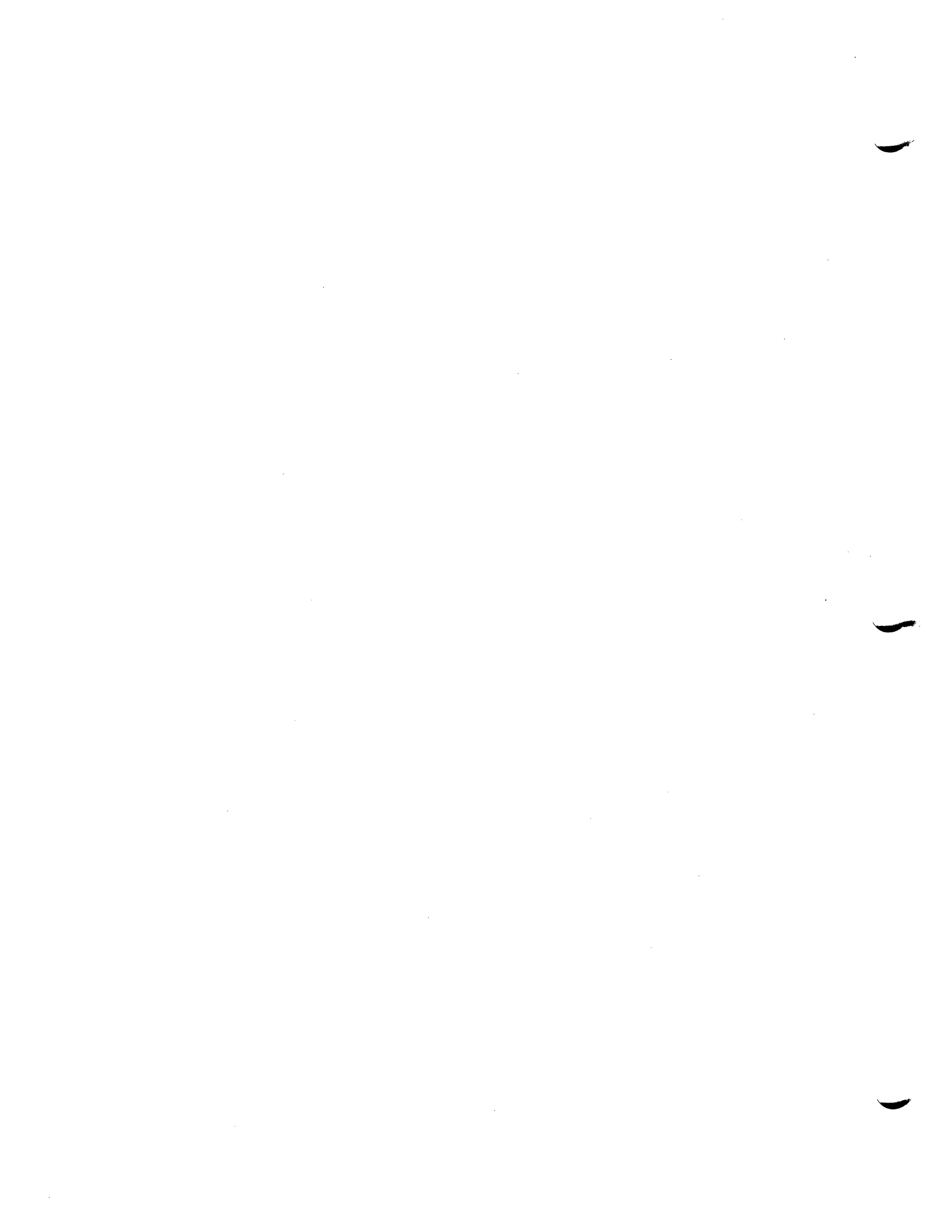
Automated Analysis) 12/60 or other automated laboratory study. Complete blood counts (CBC) with inclusion of Hemoglobin, Hematocrit, Red Blood Cell (RBC) Counts, Red Blood Cell (RBC) indices, White Blood Cell (WBC) Counts, and Differentials, MCHs, MCVs and MCHCs, are calculations and not billable services. If the components of a profile or panel are billed separately, reimbursement for the components of the profile shall not exceed the Medicaid NJ KidCare fee schedule for the profile itself.

(2) Panels are laboratory tests that are associated with other organ or disease oriented areas, such as organ "panels". Examples are hepatic function panels and lipid panels. The tests listed with each panel identifies the defined components of that panel. (See also (b)2iii below.)

2. Some outpatient laboratory services which use laboratory HCPCS procedure codes that are reimbursed based on actual billed charges, are subject to the cost-to-charge ratio. These include procedure codes such as:

i. Those valid for Medicaid NJ KidCare fee-for-service reimbursement but not listed on the Medicare Laboratory HCPCS Procedure Code File (see 42 U.S.C. § 1395L). They are designated as "subject to cost-to-charge" or S.C.C. in N.J.A.C. 10:52-13.2;

ii. For those HCPCS codes submitted for payment on the same claim with charges for blood products (if no blood product is provided and/or billed on the same claim, the codes are reimbursed according to the fee allowance schedule); and



iii. For some codes associated with other laboratory services such as for organ or disease oriented panels; clinical pathology consultations; unlisted chemistry or toxicology procedures; certain bone marrow testing; certain specific or unlisted hematology procedures; certain immunology testing; unlisted microbiology procedures; and certain procedures under anatomic pathology.

3. All renal dialysis services for end-stage renal disease (ESRD) are reimbursed at 100 percent of the composite rate and includes any add-on charge to the composite rate approved by Medicare.

i. Renal dialysis services provided on an emergency basis in a hospital center not approved to provide renal dialysis services for ESRD are reimbursed actual billed charges, subject to the cost-to-charge ratio.

4. All dental services are reimbursed in accordance with the Division Dental Fee Schedule. This fee-for-service schedule is consistent with the Division's fees paid to the private practitioners and independent dental clinics. For information about dental services in the Outpatient Department, see N.J.A.C. 10:52-2.3.

5. All HealthStart Maternity Health Support Services and HealthStart Pediatric Continuity of Care services are reimbursed on a fee-for-service basis in the hospital outpatient department. All other HealthStart Maternity and Pediatric Care Services are reimbursed based on the cost-to-charge ratio. (For policies and procedures for HealthStart Services, see N.J.A.C. 10:52-3.10.)

6. Early Periodic Screening, Diagnosis, and Treatment services are reimbursed in the hospital outpatient department according to the specific reimbursement methodology. (See also N.J.A.C. 10:52-2.4.)

i. The physician who is allowed by the hospital to bill Medicaid or NJ KidCare fee-for-service separately from the hospital costs (unbundled) for EPSDT services, shall bill on the EPSDT form.

7. All deductible and coinsurance amounts for Medicare crossover claims shall not be subject to the cost-to-charge ratio and are reimbursed at 100 percent of the amounts.

(c) Emergency room visits for treatment of conditions not the responsibility of an HMO or for Medicaid NJ KidCare fee-for-service beneficiaries not admitted as inpatients are coded by the hospital as needing primary care or non-primary care.

1. Primary care is defined as those categories described in the Physicians' Current Procedural Terminology (CPT) as either minimal, brief, or limited service.

2. Non-primary care shall be defined as those categories described in the Physicians' Current Procedural Terminology (CPT), 1994, as amended and supplemented, as either intermediate, extended, or comprehensive service.

3. Hospitals shall not refuse to provide emergency room services to any Medicaid beneficiary for the reason that such beneficiary does not require services on an emergency basis.

4. The cost of emergency room services for a Medicaid/ NJ KidCare fee-for-service beneficiary for treatment of a condition not the responsibility of an HMO admitted as an inpatient is allocated to the inpatient rates and is not reimbursed through the outpatient hospitals reimbursement methodology, as stated above.

Amended by R.1996 d.479, effective October 7, 1996.

See: 28 N.J.R. 3221(b), 28 N.J.R. 4479(b).

Amended by R.1997 d.396, effective September 15, 1997.

See: 29 N.J.R. 1003(a), 29 N.J.R. 4132(b).

Rewrote (a).

Amended by R.2000 d.29, effective January 18, 2000.

See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

In (a), substituted references to governmental psychiatric hospitals for references to psychiatric hospitals and inserted references to distinct units of acute care hospitals throughout, and changed N.J.A.C. reference in the introductory paragraph; in (b)1, substituted a reference to fee-for-service schedules for a reference to fee-for-service in the introductory paragraph, changed N.J.A.C. reference in i, and substituted a reference to Medicaid NJ KidCare for a reference to Medicaid in ii(1); in (b)2i, substituted a reference to Medicaid NJ KidCare fee-for-service reimbursement for a reference to Medicaid reimbursement, and changed N.J.A.C. reference; in (b)6i, inserted a reference to NJ KidCare fee-for-service; and rewrote (c).

10:52-4.4 Basis of payment and appeal procedure; out-of-State hospital services

(a) The Division shall reimburse an out-of-State approved hospital (see N.J.A.C. 10:52-1.2 Definitions) for providing inpatient and outpatient hospital services to New Jersey Medicaid or NJ KidCare beneficiaries if the hospital meets the requirements of the Division and the services are prior authorized pursuant to N.J.A.C. 10:52-1.9(c). Reimbursement of inpatient hospital services is outlined in (b) through (c) below; and for outpatient services, is outlined in (d) below. See (e) below for the procedure for rate appeals for out-of-State hospitals.

(b) Reimbursement for inpatient hospital services for an out-of-State hospital participating in the New Jersey Medicaid or NJ KidCare program shall be based on the following criteria:

1. All rates in effect at the time the service is rendered shall be considered final rates by the State. Reimbursement shall be at 100 percent of the claim-specific reimbursement methodology approved by the State Medicaid agency in the state in which the hospital is located except as specified in (b)2 and (c) below. The Division shall not reimburse out-of-State hospitals for disproportionate share hospital (DSH) payments even if the DSH payments are included in the claim-specific reimbursement methodology approved by the State Medicaid agency in the state in which the hospital is located.

2. An out-of-State hospital should provide official documentation of the Medicaid rate that has been established

by the State Medicaid agency in the state in which the hospital is located.

i. An example of acceptable documentation is a copy of the letter sent by the State Medicaid Agency to the hospital specifying the Medicaid rate. The purpose of this information is to facilitate claims processing.

(c) In the event an out-of-State hospital does not participate in the Medicaid program in the state where the hospital is located or has not established a rate with the State Medicaid agency, the hospital must enter into a negotiated rate with the Division at the time of enrollment for inpatient hospital services. The rate that is established between the hospital and the Division may be reviewed periodically thereafter.

1. Reimbursement for out-of-State inpatient hospital services for organ transplantation and procurement provided to a Medicaid or NJ KidCare beneficiary who has been determined to be in need of, and approved for, a kidney, heart, heart-lung, liver, bone marrow transplant, or other selected medically necessary organ transplants, except for those transplants categorized as experimental because of a life threatening situation, shall be at a rate negotiated between the New Jersey Medicaid/NJ KidCare program and the hospital performing the organ transplant. Cornea transplants, although not life-threatening, shall be reimbursed as any other out-of-State transplant service.

(d) Reimbursement for outpatient hospital services in an out-of-State approved hospital is based on the rate of reasonable covered charges (subject to a percentage reduction based upon the cost-to-charge ratio) approved by the State Medicaid Agency in the state in which the hospital is located if the hospital participates in the State's Medicaid program, or if the hospital does not participate in the State's Medicaid program, the rate negotiated by the Division with the hospital.

(e) In addition to the provisions of N.J.A.C. 10:52-9.1(c) and (d), the following rate appeal procedure shall be followed for a rate appeal filed by an out-of-State hospital:

1. If an out-of-State hospital wishes to file an appeal concerning issues related to the rate of reimbursement, the appeal shall be filed by the hospital, in writing, to the following address within 20 calendar days after the filing of a rate appeal by the hospital to the State Medicaid agency in the state in which the hospital is located.

Division of Medical Assistance and Health Services
Office of Administrative and Financial Services
PO Box 712, Mail Code #44
Trenton, New Jersey 08625-0712

2. The following limitations shall apply to the rate appeal procedure in (e)1 above.

i. The hospital shall submit with its rate appeal to the Division all appropriate documentation demonstrating that an appeal was filed with the State Medicaid agency in the state in which the hospital is located and the date that the appeal was filed.

ii. If the hospital did not file a timely appeal in the state in which it is located, the payment made by the New Jersey Medicaid or NJ KidCare program shall be considered the final payment.

Amended by R.1998 d.352, effective July 20, 1998.

See: 30 N.J.R. 1258(a), 30 N.J.R. 2653(a).

In (a), substituted "NJ KidCare beneficiaries" for "recipients", changed N.J.A.C. references, and added a new last sentence; rewrote (b); and added a new (e).

Amended by R.2000 d.29, effective January 18, 2000.

See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

In (a) and (e), changed N.J.A.C. references; and in (c), substituted a reference to Medicaid and NJ KidCare beneficiaries for a reference to Medicaid recipients and substituted a reference to the Medicaid/NJ KidCare program for a reference to the Medicaid program in 1.

10:52-4.5 Reimbursement for third-party claims

On claims for hospital services rendered to Medicaid or NJ KidCare beneficiaries for services provided that are not the responsibility of an HMO and who are also covered by another form of health insurance, the Division shall pay the difference between the insurer's payment amount and that of Medicaid/NJ KidCare for covered services. (See N.J.A.C. 10:49-7.3.)

Amended by R.2000 d.29, effective January 18, 2000.

See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

Rewrote the section.

10:52-4.6 Medicare/Medicaid or Medicare/NJ KidCare claims

(a) Some patients may be covered under both Medicare and Medicaid or Medicare and NJ KidCare. When the Medicaid or NJ KidCare beneficiary is covered under both programs, Item 57 on the hospital claim form shall be completed showing the Medicaid or NJ KidCare Eligibility Identification Number.

(b) Reimbursement of the deductible and coinsurance for inpatient and out-patient services for Medicaid or NJ KidCare beneficiaries having both Medicare and Medicaid coverage shall be limited to the unsatisfied deductible and coinsurance.

(c) Where benefits have been exhausted under Medicare, the charges to be billed to the Medicaid/NJ KidCare Program must be itemized for the Medicare non-covered services and the (Medicaid) or NJ KidCare Eligibility Identification Number, including Person Number, must be shown on the hospital claim form.

(d) Where prior authorization is required for Medicaid/NJ KidCare program purposes, it shall be obtained and shall be submitted with the UB-92 claim form.

Amended by R.2000 d.29, effective January 18, 2000.
See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).
Rewrote the section.

10:52-4.7 Personal contribution to care requirements for NJ KidCare-Plan C and copayments for NJ KidCare-Plan D

(a) General policies regarding the collection of personal contribution to care for NJ KidCare-Plan C and copayments for NJ KidCare-Plan D fee-for-service are set forth at N.J.A.C. 10:49-9.

(b) Personal contribution to care for NJ KidCare-Plan C services are \$5.00 a visit for outpatient clinic visits and \$10.00 for an emergency room visit that does not result in an inpatient hospital stay.

(c) Hospitals are required to collect the personal contribution to care for the above mentioned NJ KidCare-Plan C services if the NJ KidCare Identification Card indicates that a personal contribution to care is required and the beneficiary does not have a NJ KidCare form which indicates that the beneficiary has reached their cost share limit and no further personal contributions to care are required, until further notice. Personal contribution to care charges cannot be waived.

(d) Under NJ KidCare-Plan D, copayments in the amounts indicated below shall be collected by the hospital for the services as follows:

1. A \$5.00 copayment per visit shall be required for the following services:

- i. Outpatient rehabilitation services, including physical therapy, occupational therapy and speech therapy;
- ii. Hospital outpatient department visits and diagnostic testing;

(1) For prenatal care, the \$5.00 copayment shall apply only to the first visit;

2. A \$25.00 copayment per visit shall be required for outpatient mental health visits; and

3. A \$35.00 copayment per visit shall be required for outpatient emergency services including services provided in an outpatient hospital department or an urgent care facility.

i. No copayment shall be required if the beneficiary was referred to the emergency room by his or her primary care provider for services that should have been rendered in the primary care physician's office or if the beneficiary is admitted into the hospital.

4. No copayment shall be charged for the following services:

- i. Outpatient surgery;
- ii. Inpatient hospital services;

iii. Inpatient mental health services;

iv. Inpatient substance abuse detoxification services;
or

v. Skilled nursing facility services.

(e) Hospitals shall collect the copayment specified in (d) above except for those situations outlined in (f) below. Copayments shall not be waived.

(f) Hospitals shall not charge a copayment under Plan D for services provided to newborns, who are covered under fee-for-service for Plan D; or for preventive services, including well child visits and age-appropriate immunizations; for lead screenings and treatment, or for preventive dental services provided to children under the age of 12.

New Rule, R.1998 d.154, effective February 27, 1998 (operative March 1, 1998; to expire August 31, 1998).

See: 30 N.J.R. 1060(a).

Former N.J.A.C. 10:52-4.7, Medicaid settlement, recodified to N.J.A.C. 10:52-4.8.

Adopted concurrent proposal, R.1998 d.487, effective August 28, 1998. See: 30 N.J.R. 1060(a), 30 N.J.R. 3519(a).

Readopted the provisions of R.1998 d.154 without change.

Amended by R.1999 d.211, effective July 6, 1999 (operative August 1, 1999).

See: 31 N.J.R. 998(a), 31 N.J.R. 1806(a), 31 N.J.R. 2879(b).

In (a), added reference to copayments for NJ KidCare-Plan D; added (d) through (f).

10:52-4.8 Settlement for Medicaid/NJ KidCare fee-for-service services

(a) The New Jersey Medicaid settlement agent for New Jersey acute care general (excluding inpatient services), special, rehabilitation, private psychiatric and county governmental psychiatric hospitals and all hospital-based home health agencies shall determine the amount of disbursements, recoupments, and/or changes in per diem amounts and outpatient percentages, as applicable. The settlement agent shall inform the hospital and the Division of Medical Assistance and Health Services (Division) of the results of their review. If the settlement agent's review is accepted, DMAHS, through its fiscal agent for claims processing, shall perform the following processes:

1. For disbursements, payment shall be made to the hospital for the full amount due within 20 working days from the date of settlement agent's letter.

2. The fiscal agent shall begin recoupment for the full amount of the overpayment 30 days after the date the Division receives settlement agent's overpayment notification by withholding the Medicaid/NJ KidCare fee-for-service payments to the hospital.

3. If the withholding of the New Jersey Medicaid/NJ KidCare fee-for-service payments is not acceptable to the hospital, the hospital must submit, prior to the end of the 30-day period, a proposed repayment schedule to the Division. For a repayment schedule in excess of three months, documentation (as specified in Medicare Bulletin

No. 0452) shall be submitted. If an approvable repayment schedule is not received by the Division, the withholding of Medicaid/NJ KidCare fee-for-service payments shall be implemented to begin recoupment.

4. The proposed repayment plans should be submitted directly to the following address:

Office of Provider Rate Setting
Division of Medical Assistance and Health Services
PO Box 712, Mail Code #25
Trenton, New Jersey 08625-0712

5. Interest shall be charged at the maximum legal rate as of the date of the repayment agreement or 30 days from the date of the settlement agent letter to the Division, whichever is sooner.

Recodified from N.J.A.C. 10:52-4.7 by R.1998 d.154, effective February 27, 1998 (operative March 1, 1998; to expire August 31, 1998). See: 30 N.J.R. 1060(a).

Adopted concurrent proposal, R.1998 d.487, effective August 28, 1998. See: 30 N.J.R. 1060(a), 30 N.J.R. 3519(a).

Readopted the provisions of R.1998 d.154 without change.

Amended by R.2000 d.29, effective January 18, 2000.

See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

Rewrote (a).

SUBCHAPTER 5. PROCEDURAL AND METHODOLOGICAL REGULATIONS

10:52-5.1 Derivation of Preliminary Cost Base

For general acute care hospitals, the Division of Medical Assistance and Health Services (hereafter referred to as the Division or its designee), on or before March 12, 1993 and on or before January 31 of each subsequent rate year shall implement a rate. For hospitals with a fiscal year of January 1, the rate year will be the calendar year. For hospitals on a fiscal year beginning other than January 1, but before July 1, the rate year will be the year the fiscal year begins and for hospitals on a fiscal year beginning between July 1 and December 31, the rate year will be the year the fiscal year ends.

Amended by R.1995 d.141, effective March 6, 1995.

See: 27 N.J.R. 34(a), 27 N.J.R. 908(a).

Amended by R.2000 d.29, effective January 18, 2000.

See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

Deleted (a) designation.

10:52-5.2 Uniform Reporting: Current costs

Hospitals shall be required to submit reports as required in N.J.A.C. 8:31B-4. The Director shall review the actual costs for the institutions as reported in accordance with the Financial Reporting Principles and Concepts (Subchapter 6). The review will be performed according to the methodology outlined below. Costs, so reported, shall be subject to revision due to subsequent audits.

10:52-5.3 Costs per case

Direct and indirect care costs shall be allocated to the inpatient and outpatient services. Direct and indirect costs allocated to inpatient services shall be used to determine inpatient rates per case according to the patient diagnosis. This cost finding process is described in N.J.A.C. 10:52-5.7 through 5.10.

Amended by R.1995 d.141, effective March 6, 1995.

See: 27 N.J.R. 34(a), 27 N.J.R. 908(a).

Amended by R.2000 d.29, effective January 18, 2000.

See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

Changed N.J.A.C. reference.

10:52-5.4 Development of standards

(a) For services provided prior to October 1, 1996, the Director shall develop standard reimbursement amounts for each Diagnosis Related Group based on the median cost plus five percent per case for Medicaid recipients. The standards shall be adjusted to account for significant differences in teaching responsibilities and in labor market areas. These standards are developed according to criteria set in N.J.A.C. 10:52-5.11 through 5.18. Standards so developed and issued for a rate year shall remain unaffected and no adjustments, modifications or changes to the standards shall be made except as referenced in N.J.A.C. 10:52-1.

(b) Effective for services provided on or after October 1, 1996, the Director shall develop standard reimbursement amounts for each Diagnosis Related Group based on the median cost per case for Medicaid and NJ KidCare fee-for-service beneficiaries. The standards shall be adjusted to account for significant differences in labor market areas. These standards are developed according to criteria set in N.J.A.C. 10:52-5.11 through 5.18. Standards so developed and issued for a rate year shall remain unaffected and no adjustments, modifications or changes to the standards shall be made except as referenced in N.J.A.C. 10:52-5.1.

Amended by R.1995 d.141, effective March 6, 1995.

See: 27 N.J.R. 34(a), 27 N.J.R. 908(a).

Amended by R.1997 d.43, effective January 21, 1997.

See: 28 N.J.R. 4022(a), 29 N.J.R. 350(b).

In (a), inserted text "For services provided prior to October 1, 1996"; and added (b).

Amended by R.2000 d.29, effective January 18, 2000.

See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

Changed N.J.A.C. references throughout; and in (b), substituted a reference to Medicaid and NJ KidCare fee-for-service beneficiaries for a reference to Medicaid recipients.

10:52-5.5 Current Cost Base

(a) A hospital's Current Cost Base is defined as the actual costs and revenues as identified in the Financial Elements in the base reporting period as recognized by the Division for purposes of rate setting.

(b) The Current Cost Base is used to develop the Preliminary Cost Base (PCB) and Schedule of Rates through:

1. Determination of the costs of Medicaid patients treated in the 1988 base year;

2. Identification of fixed and variable components of the Preliminary Cost Base;
3. Calculation of the economic factor cost component as defined in N.J.A.C. 10:52-5.13(a);
4. Calculation of the technology factor as described in N.J.A.C. 10:52-5.13(b);
5. The costs used to set rates for the rate year will be based on 1988 costs.

(c) A hospital's actual cost reports cannot be substituted or rearranged once the Director has determined that the actual cost submission is suitable for entry into the data base.

Amended by R.1995 d.141, effective March 6, 1995.
 See: 27 N.J.R. 34(a), 27 N.J.R. 908(a).
 Recodified from N.J.A.C. 10:52-5.9 and amended by R.2000 d.29, effective January 18, 2000.
 See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).
 In (b), changed N.J.A.C. references in 3 and 4.

10:52-5.6 Financial elements reporting/audit adjustments

(a) The aggregate Current Cost Base is developed from Financial Elements reported to the Division and includes:

1. Costs related to Medicaid direct patient care as defined in N.J.A.C. 10:52-6.14;
2. Less net income from specified sources;
3. Capital facilities allowance: Capital cash requirements (as defined in N.J.A.C. 10:52-5.14 and 6.18);

(b) All reported financial information shall be reconciled by the hospital to the hospital's audited financial statement. In addition, having given adequate notice to the hospital, the Director may perform a cursory or detailed on-site review at the Division's discretion, of all financial information and statistics to verify consistent reporting of data and extraordinary variations in data relating to the development of the rates. Any adjustments made subsequent to the financial review (including Medicare audits and reviews) shall be brought to the attention of the Division by the hospital, the Department of Health and Senior Services, appropriate fiscal intermediary or payer where appropriate and shall be applied proportionately to the Schedule of Rates. All such adjustments shall be determined retroactively to the first payment on the Schedule of Rates and shall be applied prospectively.

Recodified from N.J.A.C. 10:52-5.10 and amended by R.2000 d.29, effective January 18, 2000.
 See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).
 In (a)3, changed N.J.A.C. reference. Former N.J.A.C. 10:52-5.6, Schedule of Rates, repealed.

10:52-5.7 Identification of direct and indirect costs related to Medicaid/NJ KidCare patient care

(a) Costs related to Medicaid/NJ KidCare fee-for-service patient care as adjusted for price level depreciation as reported to the Division shall be classified as follows:

1. Direct patient costs:
 - i. Routine service costs;
 - ii. Ambulatory service costs; and
 - iii. Ancillary service costs.
2. Mixed direct and indirect costs.
3. Indirect patient care:
 - i. Institutional costs.

(b) Patient care general service and indirect costs (except as noted below) shall then be distributed to direct cost centers based on allocation statistics reported to the Division on the following basis:

| | Patient Care General Service | Allocation Basis |
|------|--|---|
| CSS: | Central Supply Services | Costed requisitions |
| DTY: | Dietary | Patient Meals |
| HKP: | Housekeeping | Hours of Services |
| L&L: | Laundry and Linen | Pounds of Laundry |
| MRD: | Medical Records | Percentage of Time Spent |
| PHM: | Pharmacy | Cost of Drugs |
| EDR: | Education and Research (not including Schools of Nursing and Allied Health) | Percentage of Time Spent |
| RSD: | Residents | Accumulated Costs in Pa- tient Care Cost Centers |
| PHY: | Physicians Coverage (related to research and medical education) | Patient Days |
| A&G: | Administration and Gen- eral | Accumulated Cost |
| FIS: | Fiscal | Accumulated Cost |
| PCC: | Patient Care Coordina- tion | Percentage of Time Spent |
| PLT: | Plant (less capitalized in- terest and depreciation) | Square Feet |
| UTC: | Utilities Cost | Square Feet |
| MAL: | Malpractice Insurance | Accumulated Cost |
| OGS: | Other General Services | Accumulated Cost |

Recodified from N.J.A.C. 10:52-5.11 and amended by R.2000 d.29, effective January 18, 2000.
 See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).
 In (a), inserted a reference to NJ KidCare fee-for-service patient care in the introductory paragraph. Former N.J.A.C. 10:52-5.7, Extraordinary expense, repealed.

10:52-5.8 Patient care cost findings: direct costs per case, physician and nonphysician

- (a) Hospital case-mix shall be determined as follows:
1. Uniform Bill-Patient Summary (UB-PS) data shall be used for determination of hospital case-mix. The appropriate patient records for the reporting period corresponding with the Financial Elements Report shall be classified into Diagnosis Related Groups (DRGs) using the following items:
 - i. Principal diagnosis;
 - ii. Secondary diagnosis;
 - iii. Principal and other procedures;
 - iv. Age;
 - v. Sex;

vi. Discharge status; and

vii. Birthweight (newborn).

2. Outliers (patients displaying atypical characteristics relative to other patients, for example, inordinately long or short lengths of stay) shall be determined by DRG using established trim points; any case beyond a trim point is considered an outlier. Hospitals must make every attempt to correct unacceptable data and hospitals for which more than 10 percent of the UB-PS data are missing or unacceptable must resubmit data or correct the unusable data before case-mix estimation will be attempted.

3. Outpatient case-mix shall consist of emergency service, clinic, home health agency, renal dialysis, home dialysis, ambulatory surgery, same day psychiatry, and private referred patients, as reported to the Division.

4. Same Day Surgical Services shall be considered a clinical, outpatient service but are assigned to a DRG and reported on a UB-PS (a bill type 13X).

(b) Measures of resource use are listed as follows:

1. For each patient with a Uniform Bill (UB), measures of resource use shall be calculated to distribute costs among the UB. Measures of resource use represent services provided to patients associated with each cost center. Patient days are associated with routine service cost, emergency room admissions with emergency service cost, and ancillary and therapeutic charges with ancillary and therapeutic service cost. The measures of resource use is a ratio of admissions reported on the hospital's cost report over the hospital's UB billing data. Costs are derived from the Actual Reporting Forms and are associated with admissions. Therefore, an adjustment is made to align the measures of resource use to the inpatient cost. The adjustment is the ratio of total admissions to total UB records. This results in a total adjusted measure of resource use. The hospitals shall make reasonable efforts to correct data unacceptable to the Division or Department of Health and Senior Services.

| <u>Center</u> | <u>Measure of Resource Use</u> | <u>Calculation of Inpatients</u> |
|-------------------------|-----------------------------------|--|
| ROUTINE SERVICES | | |
| MSA & | Medical-Surgical Acute Care Units | Patient Days |
| | | Total LOS less ICU, CCU, NBN and OBS LOS ACU |

| | | | |
|-------|------------------------------------|------------------|---|
| PED & | Pediatrics | | |
| PSA & | Psychiatric Acute Care Units | | |
| PSY & | Psychiatric/Psychological Services | | |
| OBS | Obstetrics | | |
| BCU | Burn Care Unit | Patient Days | BCU LOS |
| ICU & | Intensive Care Unit | | ICU + CCU LOS |
| CCU | Coronary Care Unit | | |
| NNI | Neonatal Intensive Care Unit | NNI Patient Days | Total ICU LOS for Newborn DRGs |
| NBN | Newborn Nursery | NBN Patient Days | Total LOS for Newborn DRGs less ICU LOS |

AMBULATORY SERVICES

| | | | |
|-----|--------------------|--|----------------|
| EMR | Emergency Service | EMR Charges (Inpatient EMR Revenue and EMR Admissions) | EMR Admissions |
| CLN | Clinics | CLN Charges | None |
| HHA | Home Health Agency | OHS Charges | None |

ANCILLARY SERVICES

| | | | |
|-----|--|-----------------------------|--------|
| ANS | Anesthesiology | ANS Charges | Direct |
| CCA | Cardiac Catheterization | CCA Charges | Direct |
| DEL | Delivery and Labor Room | DEL Charges | Direct |
| DIA | Dialysis | DIA Charges | Direct |
| DRU | Drugs Sold to Patients | PHM Charges (DRU) | Direct |
| EKG | Electrocardiology and Diagnostic | EDG Charges | Direct |
| NEU | Neurology | | |
| LAB | Laboratory | BBK Charges and LAB Charges | Direct |
| MSS | Medical-Surgical Supplies Sold to Patients | CSS Charges (MSS) | Direct |
| NMD | Nuclear Medicine | NMD Charges | Direct |
| OCC | Occupational and Recreational Therapy | OPM Charges | Direct |

| | <u>Center</u> | <u>Measure of Resource Use</u> | <u>Calculation of Inpatients</u> |
|-----|--------------------------------|--------------------------------|----------------------------------|
| SPA | Speech Pathology and Audiology | | Direct |
| ORG | Organ Acquisition and | ORR Charges | Direct |
| ORR | Operating and Recovery Rooms | | |
| PHT | Physical Therapy | PHT Charges | Direct |
| RAD | Diagnostic Radiology | RAD Charges | Direct |
| RSP | Respiratory Therapy | RSP Charges | Direct |
| THR | Therapeutic Radiology | THR Charges | Direct |

(c) Cost per case allocation:

1. The Direct Patient Care Costs of each center (after the allocation of patient care general services in N.J.A.C. 10:52-5.11 and 5.12) are separated between inpatient, outpatient, and Skilled Nursing Facility (SNF) costs. Outpatient and SNF costs are excluded from the inpatient rates based on gross revenue reported to the Division. The total inpatient costs from each cost center are then divided by the hospital's corresponding total adjusted measure of resource use. This calculation produces ratios, including cost per patient day, cost per EMR admission, or a cost ratio per ancillary or therapeutic charge for each cost center. Each ratio is then multiplied by the corresponding cost center's measure of resource use of each DRG to calculate a cost per case for the hospital's case mix.

i. Patient days will be employed as the Measures of Resource Use to allocate MSA, PED, PSA, and OBS nursing costs. While patient days are used, the MSA, PED, PSA, OBS centers will be combined into ACU and ICU, and CCU will be combined into ICU. All other routine centers will remain as above.

Amended by R.1995 d.141, effective March 6, 1995.
 See: 27 N.J.R. 34(a), 27 N.J.R. 908(a).
 Recodified from N.J.A.C. 10:52-5.12 and amended by R.2000 d.29, effective January 18, 2000.
 See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

10:52-5.9 Reasonable cost of services related to patient care

(a) The Reasonable cost of services related to patient care includes:

1. Current non-physician direct patient care costs per case as adjusted by standard costs per case for Medicaid/NJ KidCare fee-for-service inpatients;
2. Current physician patient service costs, as modified for physician compensation arrangements pursuant to N.J.A.C. 10:52-5.8;

3. Indirect cost pursuant to N.J.A.C 10:52-5.7 and 5.12;
4. Less a reduction for income not related to patient care, from those sources specified in N.J.A.C. 10:52-6.25 through 6.31 except all items reported as expense recovery to the Division, shall be so treated; and
5. Current major moveable equipment amount pursuant to N.J.A.C. 10:52-6.9.

(b) The Reasonable Cost of Services Related to Medicaid Patient Care will be adjusted by the application of economic factors pursuant to N.J.A.C. 10:52-5.17.

Amended by R.1995 d.141, effective March 6, 1995.
 See: 27 N.J.R. 34(a), 27 N.J.R. 908(a).
 Recodified from N.J.A.C. 10:52-5.13 and amended by R.2000 d.29, effective January 18, 2000.
 See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).
 In (a), inserted a reference to NJ KidCare fee-for-service inpatients in 1, and changed N.J.A.C. references in 2 through 4. Former N.J.A.C. 10:52-5.9, Current Cost Base, recodified to N.J.A.C. 10:52-5.5.

10:52-5.10 Standard costs per case

(a) The standard to be used in the calculation of the proposed rates for each inpatient DRG is as follows:

1. For services provided prior to October 1, 1996, the standard to be used in the calculation of the proposed rates for each inpatient DRG is determined as the median plus five percent non-physician patient care costs per Medicaid case in all hospitals whose costs are included in the date base, and adjusted for labor market differentials and amount and type of Graduate Medical Education. Standards shall be calculated across all hospitals for which current cost bases were derived from a common reporting period.
2. For services provided on or after October 1, 1996, the standard to be used in the calculation of the proposed rates for each inpatient DRG is determined as the median non-physician patient care costs per Medicaid/NJ KidCare fee-for-service case in all hospitals whose costs are included in the data base, adjusted for labor market differentials. Standards shall be calculated across all hospitals for which current cost bases were derived from a common reporting period.

(b) The following is applicable for the determination of teaching costs for services provided prior to October 1, 1996, and for the criteria that shall be followed:

1. All residents initially employed as first-year residents (PGY1) by hospitals on July 1, 1987 or later must meet either criteria in (b)1i and ii, or (b)1i and iii listed below, in order to be included among those residents on which payment is based. To be similarly included, second-year residents (PGY2) must meet these same minimum requirements by July 1, 1988; third-year residents (PGY3), by July 1, 1989; fourth-year residents (PGY4),

by July 1, 1990; fifth-year residents (PGY5), by July 1, 1991; and all residents by July 1, 1992.

i. Meet all the minimum criteria established by the New Jersey State Board of Medical Examiners required for a New Jersey medical license, with the exceptions of specific requirements for graduate medical education and that, if necessary, foreign medical graduates will be allowed to take the National Boards at the end of their first postgraduate year. The National Boards must be passed before the beginning of PGY3 in order to be counted in such graduates' PGY3.

ii. Graduation from a medical, dental or osteopathic school accredited by the Accreditation Council for Graduate Medical Education (ACGME), the American Osteopathic Association (AOA) or in the case of dental residents, the American Dental Association (ADA) or in the case of podiatric residents, the Council on Podiatric Medical Education (CPME).

iii. Graduation from a foreign medical school and passage of the Foreign Medical Graduate Examination in the Medical Sciences (FMGEMS) within three attempts. For residents beginning PGY1 in the State of New Jersey in July 1987 only, an Educational Commission for Foreign Medical Graduates (ECFMG) certificate may be substituted for FMGEMS, and passage of FMGEMS, mandatory before January 1, 1989, shall not be limited to three attempts.

2. For all graduate medical education programs which are subject to accreditation by the Accreditation Council for Graduate Medical Education (ACGME), the American Osteopathic Association (AOA), or, in the case of dental residents, the American Dental Association (ADA), or, in the case of podiatric residents, the Council on Podiatric Medical Education (CPME), accreditation must be maintained for residents in these programs to be used in determining the hospital's payment. Residents in unaccredited programs shall not be recognized in the teaching methodology for determining direct and indirect patient care costs.

3. The transfer of residents and associated costs between hospitals is permitted under the following conditions:

i. The number of positions transferred does not exceed the number relinquished;

ii. Both parties to the transfer must submit letter of agreement to the Department of Health and Senior Services; and

iii. The Advisory Graduate Medical Education Council of New Jersey (AGMEC) must have recommended the transfer as being consistent with maintenance or improvement of program quality.

4. The approved costs associated with a transferred resident position shall not increase solely as a result of the transfer.

5. Beginning in rate year 1992, the changes in number of residents and associated costs due to transfers shall be reflected in each hospital's rates for the following rate year if the Division is so advised on or before April 15.

(c) For services provided prior to October 1, 1996, the methodology for determining hospital-specific patient care rate adjustments for graduate medical education (GME) shall be as follows:

1. In order to be eligible for GME reimbursement, hospitals must submit each year, before the issuance of rates, documentation that attests to current accreditation for all programs for which accrediting bodies exist.

2. For all programs which have maintained the appropriate accreditation, and have a minimum number of residents equal to the years in that program necessary for it to receive accreditation, direct and indirect patient care costs associated with Graduate Medical Education plus the hospital current costs must be calculated for each patient DRG as follows:

i. All DRGs shall be assigned to one of four mutually-exclusive residency categories: Medicine, Surgery, Pediatrics and OB/GYN. Assignment will be determined by the specialty of the resident who would, in most New Jersey teaching hospitals, have principal responsibility for care of a patient in a given DRG.

ii. Regarding medicine, the following shall apply:

(1) For teaching reimbursement purposes, a medical teaching hospital is defined as having an accredited program, with at least one Full Time Equivalent (F.T.E.) resident per year of the program, in Internal Medicine; Transitional/Flexible First Year; a medical specialty/subspecialty; and/or Radiology.

(2) Reimbursement shall be based on an increase in rates using the methodology described in N.J.A.C. 8:31B, Appendix XI B.I.

iii. Regarding surgery, the following shall apply:

(1) For teaching reimbursement, a surgical teaching hospital is defined as having an accredited program, with at least one F.T.E. resident per year of the program, in General Surgery; surgical specialty or subspecialty Anesthesiology; and/or Pathology.

(2) Reimbursement shall be based on an increase in rates using the methodology described in N.J.A.C. 8:31B, Appendix XI B.II, incorporated herein by reference.

iv. Regarding Obstetrics/Gynecology, the following shall apply:

(1) For teaching reimbursement, an Obstetrics/Gynecology teaching hospital is defined as having an Obstetrics/Gynecology program with at least one F.T.E. resident per year of the program.

(2) Reimbursement shall be based on an increase in rates using the methodology described in N.J.A.C. 8:31B, Appendix XI B.III, incorporated herein by reference.

v. Regarding pediatrics, the following shall apply:

(1) For teaching reimbursement, a pediatric teaching hospital is defined as having an accredited pediatric program, with at least one F.T.E. resident per year of the program.

(2) Reimbursement shall be based on an increase in rates using the methodology described in N.J.A.C. 8:31B, Appendix XI B.IV, incorporated herein by reference.

vi. Regarding Family Practice, the following shall apply:

(1) For teaching reimbursement, a Family Practice hospital is defined as having an accredited Family Practice Teaching Program and shall not be considered in neutralizing costs for standard setting.

(2) For payment purposes, a Family Practice supplement shall be based on an increase in rates using the methodology described in N.J.A.C. 8:31B, Appendix XI vii, incorporated herein by reference. A teaching adjustment factor shall be applied in calculating the rates for hospitals experiencing changes in accreditation status or changes in number of residents since the base year, and to reflect any differences between actual and cap resident counts.

(3) Direct and indirect costs, including resident salaries and other educationally related costs, shall be recognized in rates in accordance with the GME reimbursement methodology which neutralizes the costs of teaching within medical, surgical, OB/GYN and pediatric DRG categories and deneutralizes these costs for setting payment rates.

(4) For purposes of payment, all deneutralization factors shall be considered to be equal to one or greater.

(d) Determination of the labor equalization factor to calculate Statewide standard costs per case shall be as follows:

1. An equalization factor shall be calculated for the non-physician direct patient care costs of each hospital (excluding ambulatory care centers) to account for differing hospital pay scales in the calculation of standards. Each hospital's equalization factor is determined as non-physician direct patient care costs (prior to allocation of costs from patient care general services) at average pay scales for all New Jersey hospitals (excluding those hospitals classified as Rehabilitation Facilities) divided by Labor Market Area non-physician direct patient care costs.

2. The Labor Market Areas recognized in 1990 rate setting at N.J.A.C. 8:31B-3.22(d)3 will be used for rate setting in subsequent years.

3. Labor Market Areas are:

| | Counties or Municipalities |
|--|---|
| i. Paterson—Clifton—Passaic | Passaic |
| ii. Hackensack | Bergen |
| iii. Newton—Phillipsburg | Sussex, Warren |
| iv. Trenton—Flemington | Mercer, Hunterdon |
| v. Newark, Suburban | Union, Essex, Somerset, Morris, except cities of Elizabeth, Belleville, East Orange, Irvington and Newark |
| vi. Jersey City | Hudson |
| vii. New Brunswick—Perth Amboy | Middlesex |
| viii. Long Branch—Toms River | Monmouth, Ocean |
| ix. Atlantic City—Cape May | Atlantic, Cape May |
| x. Vineland—Millville | Burlington, Gloucester |
| Camden—Salem | Cumberland |
| xi. Newark, Central City (not included in v. above) | Newark, Elizabeth, Belleville, East Orange, Orange, and Irvington |

4. This factor is multiplied by the hospital's actual cost per case for all DRGs.

5. Labor costs shall be adjusted to Statewide averages by first grouping all non-physician direct patient care labor costs (after fringe benefit costs have been distributed) into eight labor categories as follows:

i. Registered Nursing: Includes non-physician salaries reported in RNS, CCA, DEL, DIA and ORR cost centers.

ii. Licensed Practical Nursing: Includes non-physician salaries reported in LPN cost center.

iii. Attendants: Includes non-physician salaries reported in ATT and CSS cost centers.

iv. Clerical: Includes non-physician salaries reported in CLR cost center.

v. Health Technical: Includes non-physician salaries reported in BBK, EDG, LAB, RAD, NMD, and THR cost centers.

vi. Therapists/Technical: Includes non-physician salaries reported in OPM, PHM, PHT, and RSP cost centers.

vii. General Services: Includes non-physician salaries reported in DTY, HKP, PLT, and L&L cost centers.

viii. Administrative and Clerical: Includes non-physician salaries reported in the MRD, A&G, FIS, EDR, and PCC cost centers.

6. The portion of the routine cost centers that shall be attributed to each of the four types of nursing skill levels is based on the distribution of costs as reported to the Division.

7. By dividing non-physician direct patient care costs by the non-physician hours in each category, the average

hourly rates for the eight labor categories are computed for each hospital. The sum of all of the hospital's non-physician direct patient care costs for the eight labor categories divided by the total non-physician hours is equal to the Statewide average. To determine each hospital's labor equalization factor, the Statewide average cost per hour for each labor category is multiplied by the hospital's number of non-physician labor hours for that category and is added to all other non-physician costs (that is, supplies and other costs). This amount is divided by the result of the same calculation using the Labor Market Area cost per hour, rather than Statewide average, resulting in the hospital's equalization factor.

8. Whenever the number of hospitals in a given labor market area decreases to a number less than four, the Division shall calculate and compare the mean equalization factors of the Labor Market Area, both before and after the decrease. If they differ by plus or minus one percent or more, that Labor Market Area shall be merged with the geographically contiguous Labor Market Area having the most similar hourly wage rate, averaged for all salaried employees and based on the most recent data available; the factors of all Labor Market Areas shall be recalculated and effective in the following rate year.

(e) Calculation of standards shall be as follows:

1. Effective for services provided prior to October 1, 1996, the calculation of standards shall be based on all hospital UB records for Medicaid patients, where Medicaid is primary payor. The cost per case of each hospital's Medicaid patients with UB records categorized by inpatient DRGs is multiplied by each hospital's equalization factor and, for the appropriate DRGs and hospitals, reduced by a rate expressing the amount and type of graduate medical education for the hospitals pertaining to each DRG. The median plus five percent equalized cost of all such records in all hospitals calculating after teaching costs have been removed from the hospitals' preliminary cost bases is the incentive standard for each DRG.

2. Effective for services provided on or after October 1, 1996, the calculation of standards shall be based on all hospital UB records for Medicaid patients, where Medicaid is the primary payor. The cost per case of each hospital's Medicaid patients with UB records categorized by inpatient DRGs is multiplied by each hospital's equalization factor for the appropriate DRGs and hospitals. The median equalized cost of all such records in all hospitals calculated after teaching costs have been removed from the hospitals' preliminary cost bases is the incentive standard for each DRG.

3. Determination of Labor Unequalization Factor to Calculate Standard Cost Per Case of Each Labor Market Area.

i. An unequalization factor shall be calculated for the non-physician direct patient care costs of each hospital to account for differing prevailing compensation patterns across New Jersey's Labor Market Areas in the comparison of hospital and standard costs per case. The Statewide standard times the unequalization factor is the unequalized standard in terms of the hospital's Labor Market Area.

ii. The reciprocal of the hospital's equalization factor is the hospital's unequalization factor and is applied to non-physician costs only.

(f) Effective for services provided on or after October 1, 1996, GME and IME shall no longer be reimbursed through the Medicaid/NJ KidCare fee-for-service hospital inpatient DRG rates. After all indirect costs have been fully allocated to the using cost centers, GME and IME costs shall be removed from the cost base before calculating the standards and Medicaid/NJ KidCare fee-for-service hospital inpatient rates. GME and IME shall be reimbursed in accordance with N.J.A.C. 10:52-9.

Amended by R.1995 d.141, effective March 6, 1995.

See: 27 N.J.R. 34(a), 27 N.J.R. 908(a).

Amended by R.1997 d.43, effective January 21, 1997.

See: 28 N.J.R. 4022(a), 29 N.J.R. 350(b).

Substantially amended section.

Recodified from N.J.A.C. 10:52-5.14 and amended by R.2000 d.29, effective January 18, 2000.

See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

In (a)2, inserted a reference to NJ KidCare fee-for-service cases; and in (f), substituted references to Medicaid/NJ KidCare fee-for-service for references to Medicaid throughout, and changed N.J.A.C. reference. Former N.J.A.C. 10:52-5.10, Financial elements reporting/auditing adjustments, recodified to N.J.A.C. 10:52-5.6.

Law Review and Journal Commentaries

Hospitals. Steven P. Bann, 138 N.J.L.J. No. 9, 52 (1994).

Case Notes

Burden was on hospitals to show that regulations governing hospital rates for Medicaid patients were invalid. Matter of Adoption of N.J.A.C. 10:52-5.14(d) 2 and 3, 276 N.J.Super. 568, 648 A.2d 509 (A.D.1994), certification denied 142 N.J. 448, 663 A.2d 1355.

Division of Medical Assistance and Health Services, was not obligated to use components of Medicare rate methodology with respect to Medicaid program. Matter of Adoption of N.J.A.C. 10:52-5.14(d) 2 and 3, 276 N.J.Super. 568, 648 A.2d 509 (A.D.1994), certification denied 142 N.J. 448, 663 A.2d 1355.

Regulations governing hospital rates for Medicaid patients were valid. Matter of Adoption of N.J.A.C. 10:52-5.14(d) 2 and 3, 276 N.J.Super. 568, 648 A.2d 509 (A.D.1994), certification denied 142 N.J. 448, 663 A.2d 1355.

10:52-5.11 Reasonable direct cost per case

(a) Inpatient direct cost per case shall be determined as follows:

1. The reasonable direct cost per Medicaid/NJ Kid-Care fee-for-service case for those hospitals receiving rates in accordance with this subchapter for every DRG shall include incentives and disincentives, as appropriate, which shall be termed the boundaries of payment and are calculated as follows:

i. Effective for services provided prior to October 1, 1996, the incentive standard is multiplied by the unequalization factor, the physician mark-up, the denuclearization factor, and Residents adjustment factor.

ii. Effective for services provided on or after October 1, 1996, the incentive standard is multiplied by the unequalization factor and the physician mark-up.

(b) Inpatient outliers: The costs of low length of stay outliers shall be divided by the low length of stay days to arrive at a low per diem. The costs of high length of stay outliers shall be divided between both high outlier cost and the inlier rate. The high outlier cost net of the inlier rate times the high outlier cases shall be divided by the acute days of the patient's total stay (admission to discharge) to arrive at a high outlier per diem. High outlier cases shall be reimbursed the inlier rate plus the high per diem multiplied by the acute days of the stay.

Amended by R.1995 d.141, effective March 6, 1995.

See: 27 N.J.R. 34(a), 27 N.J.R. 908(a).

Amended by R.1997 d.43, effective January 21, 1997.

See: 28 N.J.R. 4022(a), 29 N.J.R. 350(b).

In (a)1i, inserted text "Effective for services provided prior to October 1, 1996"; and added (a)1ii.

Recodified from N.J.A.C. 10:52-5.15 and amended by R.2000 d.29, effective January 18, 2000.

See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

In (a)1, inserted a reference to NJ KidCare fee-for-service cases. Former N.J.A.C. 10:52-5.11, Identification of direct and indirect costs related to Medicaid patient care, recodified to N.J.A.C. 10:52-5.7.

10:52-5.12 Net income from other sources

(a) The net gain (loss) from Other Operating and Non Operating Revenues (as defined in N.J.A.C. 10:52-6.25 through 6.32) and expenses of the reporting period which are items considered as recoveries of or increases to the Costs Related to Patient Care (see N.J.A.C. 10:52-6.25 through 6.32) as reported to the Division is subtracted from (added to) indirect costs of the Preliminary Costs Base.

(b) Such revenue shall include all Other Operating and Non Operating Revenues and Expenses reported per Standard Hospital Accounting and Rate Evaluation (SHARE) cost center costs and "expense recoveries" as Case B and all other items reported as to their case specified in N.J.A.C. 10:52-6.25 through 6.32.

Recodified from N.J.A.C. 10:52-5.16 and amended by R.2000 d.29, effective January 18, 2000.

See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

Changed N.J.A.C. references throughout. Former N.J.A.C. 10:52-5.12, Patient care cost findings; direct costs per case, physician and nonphysician, recodified to N.J.A.C. 10:52-5.8.

10:52-5.13 Update factors

(a) The economic factor is the measure of the change in prices of goods and services used by New Jersey hospitals. The economic factor will be the factor recognized under the TEFRA target limitations.

(b) The technology factor takes into account the costs of adopting quality enhancing technologies.

1. The hospital-specific economic factor is the weighted average of the recorded and projected change in the value of its components. The weight given to each component is its share of that hospital's total expenditure. The projection of individual components shall be based, where appropriate, on legal or regulatory changes which fix the future value of a proxy. Components which are of particular importance may be projected through the use of time series analysis on other relevant indicators.

(c) Base-year direct patient care and indirect rates shall be multiplied in succeeding years by a technology factor to provide prospective funds to support hospital adoption of quality-enhancing technologies. The technology factor shall be based on the Scientific and Technological Advancement Allowance recommended annually to the Secretary of the United States Department of Health and Human Services by the Prospective Payment Assessment Commission (ProPAC). The factor shall be composed of the proportion of incremental operating costs associated with ProPAC's identified cost-increasing technologies, and ProPAC's allowance for technologies not included in the technology-specific projections, less the proportion of incremental operating costs of cost-decreasing technologies identified by ProPAC.

(d) In addition, the following payment rates will be in effect for these special procedures:

1. Liver Transplants: payment for DRG 480 will be \$72,139 in 1988 dollars.

2. Heart Transplants: payment for DRG 103 will be \$72,438 in 1988 dollars.

3. Cochlear Implants: payment for DRG 759 will be \$21,608 in 1988 dollars.

4. Bone Marrow Transplants: payment for DRG 481 will be \$46,599 in 1988 dollars.

5. Neonate rates: payment for neonatal DRGs as defined by New Jersey Grouper 8.0 will be based on 1989 actual New Jersey patient volume.

(e) For determination of the payment rates, direct patient care is increased for the following components:

1. Indirect patient care for items other than listed in N.J.A.C. 10:52-5.7;

2. Health Planning fees;

3. Capital facilities allowance;

- 4. Physician fee for service;
- 5. Child psychiatric hospital direct and indirect;
- 6. Resident count correction (only for services provided prior to October 1, 1996).
- 7. Special perinatal expense adjustment;
- 8. Trauma center adjustment;
- 9. GME reversal (only for services provided prior to October 1, 1996);
- 10. Hemophilia adjustment;
- 11. Regional perinatal adjustment;
- 12. Personnel health allowance;
- 13. Pediatric rate adjustment;
- 14. Sickle cell adjustment;
- 15. Continuous adjustments;
- 16. Outlier reversal adjustment; and
- 17. Poison Control Costs.

(f) No Statewide transition adjustment not otherwise specified in this chapter will be included in the rate.

Amended by R.1995 d.141, effective March 6, 1995.
 See: 27 N.J.R. 34(a), 27 N.J.R. 908(a).
 Amended by R.1997 d.43, effective January 21, 1997.
 See: 28 N.J.R. 4022(a), 29 N.J.R. 350(b).
 In (a)6 and (a)9, added text "(only for services provided prior to October 1, 1996)".
 Recodified from N.J.A.C. 10:52-5.17 and amended by R.2000 d.29, effective January 18, 2000.
 See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).
 In (e)1, changed N.J.A.C. reference. Former N.J.A.C. 10:52-5.13, Reasonable cost of services related to patient care, recodified to N.J.A.C. 10:52-5.9.

10:52-5.14 Capital facilities

(a) Capital Facilities, as defined in N.J.A.C. 10:52-6.18, shall be included in the rate in the following manner:

- 1. Building and fixed equipment:
 - i. The yearly Capital Facilities Allowance is computed using information provided by the Share Cost Reports. For hospitals on a calendar year basis, this amount will be its 1992 depreciation and interest expense, excluding any portion associated with major moveable equipment and any interest income reported as an expense recovery. For those hospitals on a fiscal year basis, actual year's depreciation and interest applicable to rate year 1992 shall be used excluding any portion associated with major moveable equipment and any interest income reported as an expense recovery.

- ii. Effective for services provided on or after October 1, 1996, all building and fixed depreciation and interest capital costs as defined in N.J.A.C. 10:52-6.18 related to GME programs shall be determined based on the 1992 audited Medicare Cost Report (HCFA-2552) and shall be excluded from the base year cost used to calculate the Medicaid DRG inpatient rates.

2. Major Moveable Equipment: For the purpose of calculating the Price Level Depreciation Allowance, Major Moveable Equipment is grouped into four categories based on the cost center function where the equipment is utilized: Beds and nursing equipment; Diagnostic and therapeutic equipment; General service equipment; and Business service equipment.

i. The following rules shall apply in calculating the Price Level Allowance for a given year:

(1) Only equipment which has not been fully depreciated at the start of the fiscal year is to be used in the calculation of the Price Level Allowance.

(2) The depreciation recorded and reported on all equipment subject to the Price Level Allowance must be calculated by the straight-line method, using at the time of the cost filing the most recent approved American Hospital Association (AHA) Recommended Useful Life (that is, 1978 revision) or Asset Depreciation Range (ADR).

(3) Only capitalized equipment and related capitalized costs can be used in the calculation of the Price Level Allowance.

(4) The price level factors for each of the four categories will be developed by the Division. For years prior to current cost base year, the factors to be used for price leveling depreciation are as follows:

| Category | Proxy |
|--------------------------------------|---|
| Beds and Nursing Equipment | Marshall and Swift Hospital Equipment Cost Index |
| Diagnostic and Therapeutic Equipment | Marshall and Swift Hospital Equipment Cost Index |
| General Service Equipment | Producer Price Index (PPI) 1161, Food Products Machinery (41.18%), PPI 1241.02, Laundry Equipment (23.53%). PPI 113 less 1134 and 1136, Metalworking Machinery less Industrial Furnaces and Abrasive Products (35.29%). |
| Business Service Equipment | PPI 1193 less 1193.06, Business and Store equipment (less Coin Operated Vending Machines) and PPI 122, Commercial Furniture. |

(5) Assets retired before the close of the fiscal year are not to be used in the calculation of the Price Level Allowance.

(6) The amount of the Price Level Allowance shall be calculated as follows:

(A) Current year straight-line depreciation of each asset being depreciated is multiplied by the price level factor corresponding to the year the asset was acquired to determine price level depreciation. Straight-line depreciation is then subtracted from price level depreciation and the result totaled to determine the amount of the Price Level Allowance provided by the following calculation: Algebraically the calculation is as follows:

- D ... (equals) Current year depreciation, ordered by the year of acquisition of the asset being depreciated.
 F ... (equals) Price level factor for the year the asset was acquired.
 PLA ... (equals) Price Level Allowance.
 PLA ... (equals) $(D \times F) - D$.

(7) The interest component of cash disbursements relative to capitalized Major Moveable Equipment leases is to be classified as interest expense, in accordance with GAAP, and not used as a basis for calculating the price level depreciation premium.

(8) The total Price Level Allowance will be allocated to cost centers based upon the accumulated depreciation of all Major Moveable Equipment not fully depreciated.

(b) Any new capital facilities construction with valid certificate of need from the New Jersey Department of Health and Senior Services may request a capital facilities adjustment in rates through the review and appeal process as described in N.J.A.C. 10:52-9 except that a hospital which meets the requirements of (b)1 below may request a capital facilities adjustment in accordance with (b)2 below.

1. A hospital may submit an appeal specific to its CFA without going through the full rate review process, if:

i. The appeal is for a single capital project in excess of \$20 million which is for replacement beds which reduce the number of hospital beds available in the State and as of September 15, 1997, the hospital has an approved certificate of need for this project;

ii. The hospital receives no direct State appropriation; and

iii. The hospital has a 1995 percentage of low income revenue greater than 50 percent. The low income revenue percentage shall be based on revenue data as reported on the submitted 1995 New Jersey Hospital Cost Report, after desk audit. The low income revenue percentage shall be based on the sum of the Medicaid revenue as reported on Forms E-5 and E-6, line 1, column E, plus the Charity Care revenue as reported on Forms E-5 and E-6, line 1, column J, divided by the sum of the total revenue as reported on Forms E-5 and E-6, line 1, column M.

2. If all of the conditions in (b)1 above are met, the hospital shall submit all supporting documentation to the Department of Human Services, Division of Medical Assistance and Health Services, Office of Provider Rate Setting, PO Box 712, Mail Code #43, Trenton, New Jersey 08625-0712. The Division shall issue a written determination once the supporting documentation is reviewed and the hospital may appeal the determination pursuant to N.J.A.C. 10:52-9.1(d).

3. In addition to an adjustment to its rates, a hospital which meets the condition of (b)1 above shall receive an additional payment for its Capital Project Funding related to its Medicaid and NJ KidCare-Plan A managed care utilization.

i. Payments to eligible hospitals shall begin upon project completion and facility operation.

ii. The hospital-specific Capital Project Funding annual amount shall be equal to the principal and interest cost associated with the capital project, multiplied by the Medicaid and NJ KidCare-Plan A managed care percent for inpatient services, less any capital costs included in the managed care rates.

Amended by R.1995 d.141, effective March 6, 1995.

See: 27 N.J.R. 34(a), 27 N.J.R. 908(a).

Amended by R.1997 d.43, effective January 21, 1997.

See: 28 N.J.R. 4022(a), 29 N.J.R. 350(b).

Deleted (a)1i, relating to capital cash requirements; recodified former (a)1ii as (a)1i and deleted subparagraph 1 of that paragraph; and inserted new (a)1ii.

Amended by R.1997 d.541, effective December 15, 1997 (operative January 1, 1998).

See: 29 N.J.R. 3227(a), 29 N.J.R. 5325(a).

In (b), added the exception; and added (b)1 and (b)2.

Amended by R.1998 d.340, effective July 6, 1998.

See: 30 N.J.R. 1260(a), 30 N.J.R. 2486(b).

Added (b)3.

Recodified from N.J.A.C. 10:52-5.18 and amended by R.2000 d.29, effective January 18, 2000.

See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

In (b), changed N.J.A.C. references throughout, and substituted a reference to the Office of Provider Rate Setting for a reference to Administrative and Financial Services in 2. Former N.J.A.C. 10:52-5.14, Standard costs per case, recodified to N.J.A.C. 10:52-5.10. Amended by R.2004 d.194, effective May 17, 2004.

See: 36 N.J.R. 323(a), 36 N.J.R. 2424(a).

In (b), substituted "N.J.A.C. 10:52-9" for "N.J.A.C. 10:52-8" in the introductory paragraph, amended the Mail Code and N.J.A.C. reference in 2, and rewrote 3i.

10:52-5.15 Division adjustments and approvals

(a) Any modifications including any statutory or regulatory changes or changes in patient care physician compensation arrangements shall be classified as direct or indirect, and as to the financial elements affected and each element adjusted proportionately.

(b) The Division shall also approve adjustments to hospitals' Schedules of Rates for 1993 and subsequent years as necessary to subtract approved costs associated with residents not meeting the minimum requirements as defined in N.J.A.C. 10:52-5.10(b); for any costs associated with resi-

dents in programs which have lost accreditation as defined in N.J.A.C. 10:52-5.10(b); and for any costs associated with previously approved but now vacant residency positions which are unfilled as a result of a hospital's inability to recruit residents meeting these minimum standards. These costs shall include, but are not limited to, resident salaries and fringes, faculty salaries, malpractice and supplies.

(c) The Division may approve hospital appeals to transfer Division approved resident positions and associated costs between hospitals. A hospital may appeal under any option to reduce or increase the number of resident positions by transfer. An addition of resident positions by transfer may not result in a change to a higher teaching status peer group. A reduction of resident positions by transfer may result in a change to a lower teacher status peer group. The approved costs associated with a transferred resident position may not increase solely as a result of the transfer.

(d) The Division shall decide to which hospitals the approved resident positions and associated costs may be transferred.

(e) Subsections (a) through (d) above apply for dates of services provided prior to October 1, 1996. Effective for services provided on or after October 1, 1996, this section is no longer applicable.

Amended by R.1997 d.43, effective January 21, 1997.
See: 28 N.J.R. 4022(a), 29 N.J.R. 350(b).

Added (e).
Recodified from N.J.A.C. 10:52-5.19 and amended by R.2000 d.29, effective January 18, 2000.
See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

In (b), changed N.J.A.C. references throughout. Former N.J.A.C. 10:52-5.15, Reasonable direct cost per case, recodified to N.J.A.C. 10:52-5.11.

10:52-5.16 Derivation from Preliminary Cost Base

(a) Apportionment of Financial Elements based on direct costs shall be as follows:

1. All other Financial Elements are added to direct Medicaid/NJ KidCare fee-for-service patient care costs as percentages of direct costs per Medicaid/NJ KidCare case. The Schedule of Rates is set such that all Medicaid/NJ KidCare patients' rates are based on the cost of services received by Medicaid /NJ KidCare fee-for-service beneficiaries, including a proportionate share of indirect financial elements requirements of operating hospital facilities.

2. In the event that a hospital is self-insured for employee health benefits, the percentage of personnel health allowance recognized in the rates shall be proportioned to the number of Medicaid /NJ KidCare fee-for-service beneficiaries serviced by the facility to financial elements from payers for such costs.

3. Each hospital shall receive from the Division a base rate order detailing the Schedule of Rates.

Amended by R.1995 d.141, effective March 6, 1995.

See: 27 N.J.R. 34(a), 27 N.J.R. 908(a).

Recodified from N.J.A.C. 10:52-5.20 and amended by R.2000 d.29, effective January 18, 2000.

See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

In (a), substituted a reference to Medicaid NJ KidCare fee-for-service patient care costs for a reference to Medicaid patient care costs, inserted a reference to NJ KidCare cases, and substituted a reference to Medicaid/NJ KidCare patients' rates for a reference to Medicaid patients' rates in 1, and substituted references to Medicaid and NJ KidCare fee-for-service beneficiaries for references to Medicaid recipients in 1 and 2. Former N.J.A.C. 10:52-5.16, Net income from other sources, recodified to N.J.A.C. 10:52-5.12.

10:52-5.17 Schedule of rates—effective date

All rates issued pursuant to this subchapter, as approved or modified, shall be effective as of October 1, 1996, of the rate year and then January 31 for subsequent years except for fiscal year hospitals whose rates shall be effective as of the first day of the "fiscal" rate year.

Amended by R.1997 d.43, effective January 21, 1997.

See: 28 N.J.R. 4022(a), 29 N.J.R. 350(b).

Amended effective date.

Recodified from N.J.A.C. 10:52-5.21 and amended by R.2000 d.29, effective January 18, 2000.

See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

Substituted a reference to January 31 for a reference to January 1. Former N.J.A.C. 10:52-5.17, Update factors, recodified to N.J.A.C. 10:52-5.13.

10:52-5.18 (Reserved)

Recodified to N.J.A.C. 10:52-5.14 by R.2000 d.29, effective January 18, 2000.

See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

10:52-5.19 (Reserved)

Recodified to N.J.A.C. 10:52-5.15 by R.2000 d.29, effective January 18, 2000.

See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

10:52-5.20 (Reserved)

Recodified to N.J.A.C. 10:52-5.16 by R.2000 d.29, effective January 18, 2000.

See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

10:52-5.21 (Reserved)

Recodified to N.J.A.C. 10:52-5.17 by R.2000 d.29, effective January 18, 2000.

See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

SUBCHAPTER 6. FINANCIAL REPORTING PRINCIPLES AND CONCEPTS

10:52-6.1 Reporting period

(a) The basic reporting period is the 12 consecutive calendar months utilized for Medicare reporting in the year prior to the hospital's first Medicaid/NJ KidCare fee-for-service rate.

(b) New hospitals beginning operations on any day other than January 1 must select an initial reporting period beginning on the first day of operation, through the last month preceding the hospital's fiscal year.

(c) Each calendar year's Financial Elements Reporting Forms are due on May 31 of the following year. Each year's Audited Financial Statement is due on May 31 of the following year.

Amended by R.2000 d.29, effective January 18, 2000.

See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

In (a), substituted a reference to Medicaid/NJ KidCare fee-for-service rates for a reference to Medicaid rates.

10:52-6.2 Objective evidence

(a) Information produced by the accounting process should be based, to the extent possible, upon objectively determined facts. Transactions should be supported by properly executed documents such as charge slips, purchase orders, suppliers' invoices, cancelled checks, etc. Such documents serve as objective evidence of transactions and should be retained as a source of verification of the data in the accounting records.

(b) Certain determinations that enter into accounting records are based on estimates. Such estimates should be based on past experience modified by expected future considerations. Items of Other Operating Expenses, if not directly classified by the hospital, if large in amount, must be identified through a cost study, and if small in amount, costs may be deemed equal to revenue and such costs apportioned among the appropriate natural classifications of expense based on the hospital's estimate or the classifications of the center where the costs originated. Worksheets are provided along with Reporting Schedules to aid the hospital in making all appropriate reclassifications. All such reclassifications should be consistent with the concept of materiality, as defined in N.J.A.C. 10:52-6.5.

(c) Books, papers, records, or other data relevant to matters of hospital ownership, organization, and operation must be maintained. The data must be maintained in an ongoing recordkeeping system which allows the data to be readily verified by qualified auditors.

10:52-6.3 Consistency

(a) Consistency refers to continued uniformity during a period and from one period to another in methods of accounting, mainly in valuation bases and methods of accrual, as reflected in the financial statements of an accounting entity. Consistency is very important to the development and analysis of trends on a year to year basis and as a means of forecasting. However, consistency does not require continued adherence to a suboptimal method or procedure. Any change of accounting procedure, consistent with the materiality principle, must be brought to the attention of the Division by way of a cover letter which will accompany the hospital's Financial Elements Report to include both a

description and analysis of reporting impact of such accounting procedure changes.

1. As an example, the accounting principle of accrual reporting may cause some hospitals who currently account for vacation on a cash basis to incur a one time reporting of expenses related to vacation time earned by employees but not yet taken. Such one time costs must be included in a cover letter and the Financial Elements Report shall identify only those vacations costs accrued in the current reporting period.

(b) Any accounting and reporting changes due to subsequent revisions of this plan or the documents referred to herein shall be reported in accordance with the instructions which accompany those revisions.

10:52-6.4 Full disclosure

The concept of full disclosure requires that all significant data be clearly and completely reflected in accounting reports. For example, if a hospital were to change its method of accounting for certain transactions, and if the change was a material effect on the reported financial position the nature of the change in method and its effect must be disclosed when reporting costs. No fact that would influence the decisions of management, the governing board, or other users of financial statements shall be omitted from or concealed in accounting reports.

10:52-6.5 Materiality

An amount is material if its exclusion from the financial statements would cause misleading or incorrect conclusions to be drawn by users of the statements.

10:52-6.6 Basis of valuation

(a) Historical cost is the basis used in accounting for the valuation of all assets and in recording all expenses (except fair market value in the case of donated non-cash goods and services). Historical cost, simply defined, is the amount of cash or cash equivalents given in exchange for properties or services at the time of acquisition. It is the basis for the valuation of assets and for the recording of most expenses. Cost ordinarily has been the basis of accounting for assets and expenses because it is a permanent and objective measurement that reflects the accountability of management for the utilization of hospital funds.

(b) Although the basis for developing capital-related financial elements shall be Division approved replacement costs of plant and equipment, where appropriate, hospitals shall be required to maintain records and report assets and related depreciation according to both historical values and price leveled values as prescribed in this plan.

(c) Long-term investments shall be reported at current market value as with corresponding income or loss reported as realized or unrealized.

(d) Hospitals frequently acquire property, equipment, services and supplies by donation. The property, equipment, service and/or supply shall be considered donated when acquired without the hospital's making any payment for it in the form of cash, property or service. The property, equipment, service or supply shall be valued at acquisition at the fair market value which is the price that the asset would cost by bona fide bargaining between well-informed buyers and sellers at the date of donation (regardless of the date of receipt). The fair market value of donated services must be recorded when there is the equivalent of an employer-employee relationship and an objective basis for valuing such services. The value of services donated by organizations may be evidenced by a contractual relationship which may provide the basis for valuation. The amounts recorded shall not exceed those paid others for similar work.

(e) The value of donated goods or services of a type not consistent with the definition given shall not be included as operating expenses (for example, donated services of individuals, such as volunteers, students and trustees).

10:52-6.7 Accrual accounting

In order to provide the necessary completeness, accuracy and meaningfulness in reporting data, the accrual basis of accounting is required. Accrual accounting is the recognizing and recording of the effects of transactions and other events on the assets and liabilities of the hospital entity in the time periods in which they apply rather than when cash is received or paid.

10:52-6.8 Accounting for minor moveable equipment

(a) Minor moveable equipment includes, but is not limited to, such items as waste baskets, bed pans, silverware, mops and buckets. The general characteristics of this equipment are:

1. In general, no fixed location and subject to use by various departments within a hospital;
2. Comparatively small in size and unit cost; and
3. Generally, a useful life of less than three years.

(b) There are three ways in which the cost of minor moveable equipment may be recorded:

1. The original cost of this equipment may be capitalized and not depreciated. Any replacements of or additions to this base stock would be charged to operating expense.
2. The original investment in this equipment may be capitalized and written off over three years. All subsequent purchases shall be written off over three years.
3. All purchases of minor equipment may be capitalized and depreciated over their estimated useful lives.

(c) Once a hospital has elected one of these methods, that method must be used consistently thereafter.

Amended by R.2000 d.29, effective January 18, 2000.

See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

In (a), inserted “, but is not limited to,” following “includes”, and substituted “and buckets” for “, buckets, etc.” following “mops” in the introductory paragraph.

10:52-6.9 Accounting for capital facilities costs

(a) Capital Facilities costs include owned or leased land, land improvements, buildings, fixed equipment, leasehold improvements, major moveable equipment and related debt service requirements.

(b) Land improvements include, but are not limited to, paving, tunnels, underpasses, on-site sewer and water lines, parking lots, shrubbery, fences and walls. (if replacement is the responsibility of the hospital).

(c) Buildings include the basic walled structure or shell of a hospital and additions thereto.

(d) Fixed Equipment and Building Components include roofs and attachments to buildings such as wiring, electrical fixtures, plumbing, elevators, heating systems, air conditioning systems, etc. The general characteristics of this equipment are:

1. Affixed to the building and not subject to transfer of movement;
2. Used for general purpose rather than for specific department functions.

(e) Leasehold improvements include betterments and additions made by the tenant to the lease property. Such improvements become the property of the lessor after the expiration of the lease.

(f) Major moveable equipment is that equipment which usually is in a relatively fixed location in the building, but is capable of being moved, generally has a specific function related to cost center functions, and has a life expectancy of at least three years.

(g) Debt service requirements are principal and interest on buildings, fixed equipment, land, land improvements, leasehold improvements, and capitalized renovations as well as escrow payments, in addition to principal and interest required under the terms of a mortgage, but not including operating expenses as defined by GAAP and lease payments required for leased assets capitalized in accordance with the GAAP.

1. Classification of Fixed Asset Expenditures shall be as follows:

- i. Assets and related liabilities, as defined above, must be recorded in Unrestricted Funds, since segregation in a separate fund would imply the existence of restrictions on the use of the asset. This includes the costs of construction in progress.

2. Basis of Valuation shall be as follows:

i. Property, Plant, and Equipment, whether owned or leased, must be reported on the basis of cost. Cost shall be defined as historical cost or fair market value at the date of bequest in the case of donated property.

ii. Interest and capitalization on site preparation costs associated with borrowings for, or purchase of, major moveable equipment shall be included with the cost of the equipment.

3. Accounting Control shall be as follows:

i. To maintain accounting control over capital assets of the hospital, a plant asset ledger should be maintained as part of a hospital's general accounting records. Some items of equipment shall be treated as individual units within the plant ledger when their individuality and unit cost justify such treatment. Other items of equipment, if they are similar and are used in a single cost center, may be grouped together and treated in a single unit within the ledger so long as such items are depreciated in a manner equivalent in result to individually depreciating each item.

4. Capitalization Policy shall be as follows:

i. If an asset has, at the time of its acquisition, an estimated useful life of greater than three years and a historical cost in excess of \$300.00, its cost must be capitalized.

ii. If an asset does not meet the above criteria, its cost must be recorded as an expense in the year it is acquired. Alterations and renovations which are in excess of \$300.00 and which extend the life of the asset renovated a minimum of three years must be capitalized. Alterations and renovations that do not meet the above criteria shall be reported as operating expense under repair and maintenance costs in the current period.

iii. The following shall be the required Capitalization Policy for the reporting assets acquired and renovations per (g)6 below, subsequent to a hospital's Medicaid Schedule of Rates. Assets acquired prior to this date shall be reported in accordance with GAAP.

5. Frequently, hospitals borrow funds to construct new facilities or modernize and expand existing facilities. Interest costs incurred during the period of construction must be capitalized as part of the cost of the construction for reporting purposes. The period of construction is considered to extend to the date the constructed asset is put into use. When proceeds from a construction loan are invested and income is derived from such investments during the construction period, the amount of interest expense to be capitalized must be reduced by the amount of such income.

6. Depreciation Policies shall be as follows:

i. Depreciation allowances generated from assets used in the hospital's operations are to be reported as

an operating expense in the unrestricted funds. Straight-line depreciation must be reported for all assets, with replacement cost provisions (subject to appropriate planning requirements) and debt service requirements for capital assets utilized for Services Related to Patient Care provided in N.J.A.C. 10:52-5.9.

ii. The estimated useful life of a depreciable asset is its normal operating or service life in terms of utility to the hospital. Some factors to be considered in determining useful life include normal wear and tear, obsolescence due to reasonably expected technological advances, climatic or local conditions and the hospital's policy of repair and replacement. Costs of alterations, renovations, etc. over \$300.00 which extend the life of an asset at least three years shall be added on the remaining book value of the altered or renovated asset and depreciated straight-line over the remaining useful life of the asset.

iii. The preferred depreciation policy for reporting purposes is for hospitals to record one-half year depreciation in the first year an asset is acquired and one-half year depreciation in the last year of the asset's useful life, but that buildings or major renovations be depreciated based on the month first put into use. However, any depreciation policy consistent with GAAP is acceptable.

iv. When an asset is retired, the difference between its book value (historical acquisition cost plus capitalized renovations less accumulated depreciation) and its net salvage value shall be recorded as an adjustment to that year's depreciation expense in the cost center or classification to which the asset was assigned.

v. When Major Moveable Equipment has reached its useful life, but remains in use, its historical cost and accumulated depreciation may be retained in the accounting records by department. However, hospitals must be able to report fully depreciated assets separately from those which are not fully depreciated.

7. Debt Financing for Plant Replacement, Renovation and Expansion purposes shall be as follows:

i. Debt financing for capital facilities may take many forms. Under the terms of most debt financing agreements, the debtor shall be required to perform or is prohibited from performing certain acts. In many instances, debt financing gives rise to special accounting treatment because of discounts and premiums on bond issues, financing charges, formal restrictions on debt proceeds, and sinking and other required funds.

(1) Discounts and premiums arising from the issue of bonds shall be amortized over the life of the related issue(s).

(2) Costs of obtaining debt financing other than discounts (for example, legal fees, underwriting fees,

special accounts costs) shall be reported as deferred costs and amortized over the life of the related debt.

(3) Debt agreements for financing plant replacement and expansion programs may or may not require formal segregation of debt proceeds prior to their use. Proceeds which are not required to be formally segregated prior to their use shall be reported as other noncurrent assets in the Unrestricted Fund.

8. Sinking and Other Required Funds shall be as follows:

i. These funds are usually established to comply with loan provisions whereby specific deposits shall be used to insure that adequate funds are available to meet future payments of:

(1) Interest and principal (retirement of indebtedness funds); or

(2) Property insurance, related taxes, repairs and maintenance costs, equipment replacement (escrow funds).

ii. Funds of this nature shall also be required to be held by trustees outside the hospital. Income generated from the investment of such funds may be immediately available to the hospital or such income may be held by the trustee for some future designated purpose.

iii. All internally generating sinking and other required funds shall be accounted for in the following manner:

(1) All fund assets, unless the hospital relinquish control of the fund through a trustee arrangement, must be recorded in the Restricted Internally Generated Plant Replacement Fund as a long-term investment. Payments to a trustee for sinking fund purposes shall be recorded as reductions in the associated long-term debt.

(2) All income generated from the investment of such funds, except as excluded in (g)8i-iii above, must be recorded as non-operating revenue in this fund, except as required under, "Interest Expense during Period of Construction" (see N.J.A.C. 10:52-6.9). Income generated from funds under covenant agreement may be accounted for as an addition to the appropriate restricted fund balance account.

9. Early Debt Retirement shall be as follows:

i. Many bond contracts provide for the calling of any portion or all of the issue at the option of the issuer at a stated value usually above par, for the purpose of enabling the organization to reduce its indebtedness before maturity as occasion arises, or to take advantage of opportunities to borrow on more favorable terms. Bonds are often retired piecemeal through sinking fund operations.

ii. Costs incidental to the recall of bonds before their date of maturity are considered debt cancellation costs. Such costs include bond recall penalties, unamortized bond discounts and expenses, legal and accounting fees, etc. These costs must be reduced by any unamortized bond premiums and recorded in the Unrestricted Fund in accordance with GAAP.

Amended by R.2000 d.29, effective January 18, 2000.

See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

In (b), inserted ", but are not limited to," following "include", and substituted "and walls" for ", walls, etc." following "fences"; and in (g)6i, changed N.J.A.C. reference.

10:52-6.10 Timing differences

Timing differences result when accounting policies and practices used in an organization's accounting differ from those used for reporting operations to governmental units collecting taxes or to outside agencies establishing or making payments based upon the reported operations. These differences shall be reported on the hospital's records when they arise in accordance with relevant American Institute of Certified Public Accountants (AICPA) policies.

10:52-6.11 Self-insurance

(a) Self-insurance by a hospital for potential losses due to unemployment, and worker's compensation claims, but excluding self-insurance for employee health care, to be provided by the hospital asserted or otherwise, places all or part of the risk of such losses on the hospital rather than passing all or part of such losses to a third party. Where this method of insuring is used by the hospital, the payments into the fund or pool (if one is maintained) or payments on actual losses incurred shall be considered as insurance expense.

(b) The method of self-insurance elected by a hospital, other than for those items listed in (a) above, must conform to the following:

1. The hospital or pool establishes a fund with a recognized independent fiduciary such as a bank or a trust company as a self-insurance fund. The hospital or pool and fiduciary enter into a written agreement which includes all of the following elements:

i. The fiduciary agreement must include the appropriate legal responsibilities and obligations required by State laws.

ii. The fiduciary must have legal title to the fund and be responsible for proper administration and control. The fiduciary cannot be related to the provider either through ownership or control. Thus, the home office of a chain organization or a religious order of which the hospital is an affiliate cannot be the fiduciary. In addition, investments which may be made by the fiduciary from the fund are limited to those approved under State law governing the use of such fund; notwithstanding this, loans by the fiduciary from the fund to the hospital or persons related to the hospital shall not be permitted.

iii. The agreement must provide that withdrawals must be for malpractice and comprehensive general patient liability losses only and those expenses listed in (d) below. Any rebates, dividends, etc. to the hospital from the fund shall be used to reduce allowable cost. Furthermore, evidence of a practice of payments from the fund for purposes unrelated to the proper administration of the fund may result in a withdrawal of recognition of the self-insurance fund. In such instances, payments into the fund shall not be considered an allowable cost.

iv. The agreement must require that a financial statement be forwarded to the hospital or pool members by the fiduciary no later than 60 days after the end of each annual insurance reporting period. This statement must show the balance in the fund at the beginning of the period, current period contributions, and amount and nature of final payments, including a separate accounting for claims management, legal expenses, claims paid, etc., and the fund balance. This report and fiduciary's records must be available for review and audit.

v. The agreement must provide that any income earned by the fund less any income taxes attributable to such income must become part of the fund and must be used in establishing adequate fund levels.

2. Soundness of the fund, as follows:

i. The hospital shall receive and retain an annual certified statement from an independent actuary, insurance company, or broker that has actuarial personnel experienced in the field of medical malpractice and general liability insurance. To be independent, there must not be any financial ownership or control, either directly or indirectly in the hospital.

ii. The actuary, insurance company, or broker shall determine the amount necessary to be paid into the fund. The fund should include reserves for losses based on accepted actuarial techniques customarily employed by the casualty insurance industry and expenses related to the self-insurance fund as specified in (b)4 below. The actuary, insurance company, or broker shall also provide for an estimate of the amounts to be in excess of what is reasonably needed to support anticipated disbursements from the fund.

iii. The actuary, insurance company, or broker must state the actuarial basis and the coverage period used in establishing reserve levels. Reserves shall not be recognized as allowable costs for losses specifically denied herein. Thus, reserve payments shall not be recognized for items such as:

(1) Losses in excess of the greater of 10 percent of a hospital's net worth or \$100,000 where a hospital

elects to pay losses directly in lieu of establishing a funded self-insurance fund;

(2) Losses in excess of coverage levels which do not reflect the decisions of prudent management; and

(3) Losses in excess of coverage for events that occurred prior to a hospital's participation under the Commission.

iv. The actuary, insurance company, or broker must provide its workpapers upon request.

3. A hospital or pool shall have an ongoing claims process and risk management program. The hospital or pool must demonstrate that it has an ongoing claims process to determine whether malpractice and comprehensive general patient liability exists, its cause, and the cost of claims. A hospital or pool may either utilize its qualified personnel or an independent contractor, such as an insurance company, to adjust claims. In addition, a hospital or pool must obtain adequate legal assistance in carrying out its claims process. Each hospital must also have an adequate risk management program to examine the cause of losses and to take action to reduce the frequency and severity of them. Such risk management program has the essential characteristics of programs required by insurers which currently insure providers for these risks. Therefore, a hospital must have an ongoing safety program and professional and employee training programs, etc., to minimize the frequency and severity of malpractice and comprehensive general patient liability incidents.

4. The following expenses shall be considered costs attributable to a self-insurance fund established by a hospital or pool: expenses of establishing the fund or pool; expenses for administering the claims management program; expenses involved with maintenance of the fund by the fiduciary; legal expenses; actuarial expenses; excess insurance coverage (if purchased by the fiduciary or pool); risk management (if performed by the fiduciary or pool), to the extent that such expenses are related to the hospital's self-insurance program. All other expenses shall not be considered costs attributable to the fund, but shall be included in provider administrative and general costs in the year incurred.

10:52-6.12 Related organizations

(a) Auxiliaries, guilds, fund raising groups and other related organizations frequently assist hospitals. Such organizations are independent if they are so characterized by their own charter, by-laws, tax-exempt status and governing board or a sufficient combination of these characteristics to demonstrate their independent existence from the hospital. The financial reporting of these organizations shall be separate from or combined with reports of the hospitals.

(b) A hospital itself may be a subsidiary to or under the control of a large organization such as a university, governmental entity or parent corporation. It is typical in such situations for hospitals to receive services from these related organizations. Examples of services received are: administration; purchasing; general accounting; and menu planning. In addition, related organizations lease property, plant and equipment to hospitals, as well as paying for various other items, such as insurance. The related organization then usually charges for the service either directly or through a management fee. To be included as Costs Related to Patient Care, all such charges must be similar to those which would have been charged if the transacting organizations were not related. The direct charges must be recorded in the appropriate cost centers as billed, and the management fee must be distributed to the functional centers where services are provided. The hospital shall maintain documentation of the actual management service for which a management fee is recorded.

(c) Disclosure of information by hospitals dealing with related firm(s):

1. For the purpose of insuring prudent buying, hospitals shall report the existence of a related organization and each type of service provided, to the Division, if the total transactions amount to greater than \$10,000 per year.

2. Hospitals may be related to one or more separate organizations if:

i. The hospital controls through contracts or other legal documents the authority to direct the separate organizations' management or policies;

ii. The separate organization controls through contracts or other legal documents the authority to direct the hospitals' management or policies; and/or

iii. The hospital is for all practical purposes the primary beneficiary of the separate organization.

(d) At the Division's request relevant information reported to the Division may include:

1. The nature of the legal relationship between the hospital and the related firm(s);

2. Frequency of business transactions between the hospital and the firm(s);

3. Purchase or lease contractual arrangements between the hospital and firm(s);

4. The amount of money involved; and

5. The financial statements of all related organizations.

10:52-6.13 Financial elements (generally)

The financial elements of the rates shall include the reasonable cost of the following: direct patient care; depreciation expense and interest payments; paid taxes, excluding income taxes; education, research and training programs, not otherwise paid for by the State; preservation, replacement and improvement of facility and equipment subject to appropriate planning requirements; reasonable working capital; and where applicable and appropriate, reasonable return on investment. All non-direct costs must be allocated based upon the proportion of Medicaid/NJ KidCare fee-for-service beneficiaries serviced by the hospital.

Amended by R.1995 d.141, effective March 6, 1995.

See: 27 N.J.R. 34(a), 27 N.J.R. 908(a).

Amended by R.2000 d.29, effective January 18, 2000.

See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

Substituted a reference to Medicaid/NJ KidCare fee-for-service beneficiaries for a reference to Medicaid recipients.

10:52-6.14 Services related to Medicaid/NJ KidCare fee-for-service patient care

(a) Services related to Patient Care include Direct Patient Care; Paid Taxes excluding Income Taxes; and Educational, Research and Training Programs as further defined in N.J.A.C. 10:52-6.14 through 6.17.

(b) Services Related to Patient Care include Routine Services, Ambulatory Services, Ancillary Services, Patient Care General Services, and Institutional Services. Costs Related to Patient Care include salaries and wages, physician compensation, employee fringe benefits, medical and surgical supplies, drugs, non-medical and non-surgical supplies, purchased services and other direct expenses and major moveable equipment costs as determined in accordance with N.J.A.C. 10:52-6.20 through 6.24.

(c) All non-physician services and supplies provided to hospital inpatients, whether provided directly by the hospital or by a vendor, shall be considered services and costs related to patient care.

(d) All costs of services and supplies purchased from a vendor shall be subject to review for reasonableness by the Division.

Amended by R.2000 d.29, effective January 18, 2000.

See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

In (a) and (b), deleted "Medicaid" preceding "Patient", and changed N.J.A.C. references.

10:52-6.15 Direct patient care

Direct patient care is the provision by a hospital of medically necessary and appropriate health care services to a Medicaid/NJ KidCare fee-for-service beneficiary.

Amended by R.2000 d.29, effective January 18, 2000.

See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

Deleted "Medicaid" at the beginning, and substituted a reference to Medicaid/NJ KidCare fee-for-service beneficiaries for a reference to Medicaid recipients.

10:52-6.16 Paid taxes

Taxes are monies paid to a governmental unit for conducting business related to direct patient care within its jurisdiction. Taxes are a financial element of the Preliminary Cost Base except for Federal, State, or local income, excess profit, or franchise taxes, taxes on property not used for direct patient care, and interest and/or penalties paid thereon. Taxes related to financing of operations through the issuance of bonds, property transfers, issuance or transfer of stocks, and the like, are not classified as taxes; rather, they shall be amortized or depreciated with the cost of the security or asset. Sales and real estate taxes paid by a hospital in the provision of Services Related to Patient Care shall be included as Paid Taxes. All sales and real estate taxes for Services Related to Patient Care shall be reported in the General Administrative Services cost center and also reported separately from other classifications of expense. Employment related taxes, such as FICA, Unemployment Compensation, and Workers' Compensation, shall be classified as employee fringe benefits for all employees, including hospital-based physicians. Monies received by a hospital which chooses to self-insure in lieu of payment of Unemployment Compensation taxes and the associated administrative costs of such a self-insurance program are included as financial elements and classified as employee fringe benefits, if such monies are reasonably related to the hospital's unemployment compensation experience.

10:52-6.17 Educational, research and training programs

(a) Educational program costs are the costs incurred by a hospital in the provision of a formally organized, planned program of study in a health service profession approved by an organization which recognizes the professional stature of health services education programs at the national level, net of any grants, tuition, and/or donations received for this purpose. To the extent that approved residencies for primary care physicians require training in ambulatory care facilities associated with a hospital, such reasonable expenses are included. Costs incurred by a hospital for direct patient care services rendered by medical, nursing, or allied health school personnel through an approved program in the hospital are financial elements provided that such costs would be included as financial elements if directly incurred by the hospital rather than under such arrangements. If not salaried or paid a stipend by the hospital, students shall not be considered as functioning in an employee capacity and thus no dollar amount shall be imputed and reported for their services.

(b) Research program costs are those costs incurred by a hospital in systematic, intensive study directed toward a better scientific knowledge of the provision of health care services in a program of the National Institutes of Health or other program approved by the Commissioner of the Department of Health and Senior Services. Specific purpose grants or other funds received to offset the costs of such programs from the Federal government, New Jersey State government, New Jersey Heart Association, or other governmental or charitable organizations sponsoring such programs are applied to offset Costs Related to Patient Care.

(c) Training program costs are the costs of providing to employees orientation or other health care related training, including inservice and on-the-job training, primarily designed to benefit the hospital by helping employees better perform their assigned tasks. The costs of providing such training shall be classified as administrative expense. Costs of training and/or educational programs which primarily benefit the employee (for example, tuition reimbursement programs) rather than the hospital shall be classified as employee fringe benefits and shall be reported as such in the appropriate cost centers.

Amended by R.2000 d.29, effective January 18, 2000.
See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

In (b), substituted a reference to the Commissioner of the Department of Health and Senior Services for a reference to the Commission.

10:52-6.18 Capital facilities

(a) With respect to Buildings and Fixed Equipment, the cost of Capital Facilities used for Services Related to Medicaid Patient Care, except for Major Moveable Equipment as defined in N.J.A.C. 10:52-6.19, are included as financial elements for all hospitals through a Capital Facilities Allowance.

(b) The amount of Revenue Related to Patient Care prospectively included for Capital Facilities in a hospital's Schedule of Rates is to be funded in the form of cash and/or investments in the Internally Generated Plant Replacement and Renovation Fund (Plant Fund).

10:52-6.19 Major moveable equipment

(a) Major Moveable Equipment includes straight line depreciation costs on owned or capitalized leased Major Moveable Equipment plus a Price Level Depreciation Allowance in excess of this historical depreciation and operating lease/rent payments relative to Major Moveable Equipment utilized for Services Related to Patient Care. Leased Major Moveable Equipment is to be capitalized or reported as operating lease costs in accordance with GAAP.

1. Major Moveable Equipment Costs so determined are reported as a Natural Classification of Expense of each cost center.

2. Major Moveable Equipment utilized by more than one functional cost center must be assigned to the using cost centers based on an estimate of each center's utilization.

3. Capitalized repair and installation costs shall be included with the cost of the equipment.

4. Interest associated with capitalized financing purchases or leases shall be excluded and reported as reconciling items, since the Internally Generated Major Moveable Equipment Replacement Fund is established to provide sufficient funds to replace purchased equipment or meet installment payments for financed equipment (both principal and interest).

Amended by R.2000 d.29, effective January 18, 2000.
See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

10:52-6.20 Natural classifications of expense

(a) Salaries and wages, including stipends, payable in cash, for services performed by an employee for a hospital (except a physician, including compensation for time not worked such as on call) vacation, holiday and sickpay or the monetary value assigned to direct services provided to the hospital by a person performing in an employee relationship are considered remuneration. Monetary value shall not be assigned to the services of students or other volunteer workers. All labor costs (including deferred income which qualifies as pension costs) shall be included in the accounting period during which the employee accrues the payment for their services.

(b) The following applies to the Physician Compensation—Hospital Component:

1. That portion of compensation for a physician's (M.D., D.O., D.D.S./M.D.) activities, provided through agreement with a hospital, representing services which are not directly related to an identifiable part of the medical care of an individual patient is the hospital component of physician compensation, and must be split between salaries and fees. Hospital services include teaching, research conducted in conjunction with and as part of patient care (to the extent that such costs are not met by special research funds), administration, general supervision of professional or technical personnel, laboratory quality control activities, committee work, performance of autopsies, and attending conferences as a part of the physician's hospital service activities. The allocation of physician compensation between hospital and professional components and documentation thereof is to be in accordance with Medicare HIM-15, section 2108, incorporated herein by reference, for provider component. To obtain the Medicare HIM-15 document or other Medicare manuals write to:

Department of Health and Human Services
 Health Care Financing Administration
 Division of Medicare
 Regional Office 2
 26 Federal Plaza
 New York, New York 10278

(c) The following applies to the Physician Compensation—Professional Component:

1. That portion of compensation for a physician's services provided through agreement with a hospital pertaining to activities which are directly related to the medical care of an individual patient is the professional component of physician compensation (for example, remuneration for the identifiable medical services by the physician which contribute to the diagnosis of the patient's condition or to his or her treatment) and must be split between salaries and fees. The allocation of physician compensation between hospital professional components and documentation thereof is to be in accordance with Medicare HIM-15, section 2108. For the address for obtaining Medicare documents, see (b) above.

(d) Employee Fringe Benefits are amounts paid to or on behalf of an employee, in addition to direct salary or wages, and from which the employee or his beneficiary derives a personal benefit before or after the employee's retirement or death.

1. Fringe Benefits associated with physicians shall be reported with physician's compensation.

2. Pensions, annuities and deferred income arrangement costs for past and current services shall be accounted for and reported in accordance with Employee Retirement Insurance and Security Act (ERISA) and Internal Revenue Service (IRS) requirements. Employee Fringe Benefits include: FICA; State and Federal unemployment insurance; disability insurance; life insurance; employee health insurance; retirement (net of actuarial and realized gains on the investment of related funds); Workers' Compensation insurance; other payroll related employee benefits; tuition reimbursement and other training; moving expenses of new employees of a non-recurring nature; the cost of providing free or subsidized meals or cost to the employee at less than charges to employees; employee parking lot costs net of any revenue received for operation of the facility, and other non-payroll employee benefits.

3. The cost of providing health care services to employees shall be included in classifications of expense in various cost centers providing the funds. Such costs will be factored into the Preliminary Cost Base and Schedule of Rates by certain revenue adjustments. Where a hospital elects to self-insure for Workers' Compensation or unemployment insurance, costs reported shall be the amounts set aside for that accounting period plus associated administrative costs, where a separate fund was established, to the actual amounts of claims paid during the accounting year if a fund is not established. Where a hospital provides free or subsidized health care services to employees or physicians, the hospital's customary charges shall be generated and accounted for separately as personnel health allowances.

4. In order to preserve comparability of hospital expenses for provision of direct patient care, purchased employee health insurance expenses shall be reported as a separate cost center and shall not be distributed to the labor costs of each center. Employee Fringe Benefits shall be assigned to the cost center in which the employee's compensation is reported on the following basis:

| Benefit | Basis of Assignment |
|---|---------------------|
| FICA—non-physician and physician | Direct Cost |
| All other Payroll Related Benefits including Unemployment Insurance, Disability Insurance, Worker's Compensation and Pension and Retirement | Salaries |
| Life Insurance | Salaries or FTEs |
| Employee Education and Training | FTEs |
| Room and Board | FTEs |
| Cafeteria | FTEs |
| Parking Lot | FTEs |

(e) Other Direct Expenses include all other direct non-capital operating expenses not classified elsewhere and reported for Costs Related to Patient Care. Other Direct Expenses include the following: utilities; non-physician professional fees; licensing fees; dues assessments; travel; postage; printing and duplicating costs; outside training sessions; subscriptions; paid taxes as defined in N.J.A.C. 10:52-6.16; and insurance, other than employee fringe benefit insurance programs.

Recodified from N.J.A.C. 10:52-6.22 and amended by R.2000 d.29, effective January 18, 2000.
See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).
In (e), changed N.J.A.C. reference.

10:52-6.21 Medical and Surgical Supplies

(a) Medical and Surgical Supplies are medically necessary supplies, appliances, and minor moveable equipment (as defined in N.J.A.C. 10:52-6.8) furnished by, used at, and reported by a hospital for the care and treatment of a patient during a patient's episode of hospital care. Medically necessary supplies exclude all supplies furnished by a hospital but used by a patient after his episode of care except those items where it would be medically unreasonable to limit the patient's use of the item to his episode of hospital care (see N.J.A.C. 10:52-6.8 for the reporting of minor moveable equipment). The fair market value of donated Medical and Surgical Supplies is assigned to this classification if the commodity would otherwise be purchased by the hospital.

(b) Medical and Surgical Supplies include prosthetic devices, surgical supplies, anesthetic materials, oxygen and other medical gases, intravenous solutions, drugs including medically prescribed food supplements, biologicals, admission kits furnished by the hospital to inpatients not possessing such materials, and other medical care materials. The purchase cost of blood and blood components shall be excluded.

(c) The invoice/inventory cost and related revenue of all Medical and Surgical Supplies for which a separate charge is made to a patient for the use or consumption of the supply must be reported in the Medical and Surgical Supplies or Drugs Sold to Patients cost and revenue centers.

(d) Medical and Surgical Supplies issued by Central Supply Services or Pharmacy for which a separate charge is not made to a patient must be accounted for as an interdepartmental transfer at invoice/inventory cost to the cost center using the supplies and materials. The cost of reusable patient non-charge items used by more than one functional center must remain in or be transferred to the Central Supply Services cost center. The cost of reusable patient non-charged items used by one functional center should be reported in that center. The cost of other Medical and Surgical Supplies not requisitioned from Central Supply Services and for which a separate charge is not made to a

patient must be reported in the functional cost center in which the supplies and/or materials are consumed.

(e) The overhead associated with the issuing of Medical and Surgical Supplies shall be reported in the Central Supply Services or Pharmacy cost centers. Except for reusable supplies in (d) above and differences between beginning and end of year inventories, no Medical and Surgical Supplies shall be reported in the Central Supply Services or Pharmacy cost centers.

Recodified from N.J.A.C. 10:52-6.23 by R.2000 d.29, effective January 18, 2000.
See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

10:52-6.22 Non-Medical and Non-Surgical Supplies

Non-Medical and Non-Surgical Supplies include the invoice/inventory cost of supplies, instruments, and minor equipment (other than Medical and Surgical Supplies) required for the operation of a hospital for purposes other than the direct provision of care to a patient are reported in the using cost and revenue centers. All rebates and quantity purchase discounts shall be offset against these costs.

Recodified from N.J.A.C. 10:52-6.24 by R.2000 d.29, effective January 18, 2000.
See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).
Former N.J.A.C. 10:52-6.22, Natural classifications of expense, recodified to N.J.A. 10:52-6.20.

10:52-6.23 Purchased Services

Purchased Services include the cost of all services purchased that could be accomplished by a hospital's own employees but for which the hospital elects to contract (not necessarily with a formal contract). All physician services shall be classified as physician compensation.

Recodified from N.J.A.C. 10:52-6.25 by R.2000 d.29, effective January 18, 2000.
See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).
Former N.J.A.C. 10:52-6.23, Medical and Surgical Supplies, recodified to N.J.A. 10:52-6.21.

10:52-6.24 Major Moveable Equipment

Major Moveable Equipment, as defined in N.J.A.C. 10:52-6.8 are expenses to be included in the costs of each center at historical depreciation costs (for both owned and capitalized leased equipment) plus a price level replacement cost premium, as discussed in N.J.A.C. 10:52-6.8 and operating lease expenses. Interest expense incurred through purchase or capitalized leases of Major Moveable Equipment shall not be included with Major Moveable Equipment costs since the use of price level depreciation of such equipment for the financial elements is intended to replace this financial requirement of hospitals and provide adequate funds to replace equipment at the expiration of useful life.

Recodified from N.J.A.C. 10:52-6.26 by R.2000 d.29, effective January 18, 2000.
See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

Former N.J.A.C. 10:52-6.24, Non-Medical and Non-Surgical Supplies, recodified to N.J.A. 10:52-6.22.

10:52-6.25 Reports of costs and revenues

(a) The financial elements shall take into account a facility's income from all sources, including specific purpose grants and other funds from governmental sources, but excluding income and principal from board or donor restricted funds, gifts and special fund raising projects. Expenses incurred and revenues generated by a hospital for items not included in the definitions of Services Related to Patient Care (that is Routine Services, Ambulatory Services, Ancillary Services, Patient Care General Services, and Institutional Services) shall be classified as either other operating expenses and revenues or non-operating revenue. These expenses and revenues shall be accounted for separately to determine if and how they shall be applied to Costs Related to Patient Care and the Capital Facilities Allowance to determine the hospital's total financial elements or the Current Cost Base. (For Preliminary Cost Bases established using data from all Other Operating and Non-Operating Revenues and Expenses reported as Standard Hospital Accounting and Rate Evaluation (SHARE) cost center costs and "expense recoveries" shall be treated as Case B, as defined in (a)2 below). There are three cases into which such reconciliations are classified:

1. Case A—Expenses and revenues related to activities which the hospital has selected to engage in but which are not an integral part of, or necessary for, the provision of patient care. Such expenses and revenues are netted against each other. Gains are applied as reductions to the Current Cost Base used to determine hospital payment rates, but any losses are not applied.

2. Case B—Expenses and revenues related to activities which the hospital has elected to engage in and which are an integral part of, or necessary for, the provision of patient care. Such expenses and revenues are netted against each other. Losses are applied as increases to the Current Cost Base and gains are applied as reductions.

3. Case C—Expenses and revenues related to activities which are specifically excluded under the State rules. Expenses and revenues shall not be netted against each other. Neither gains nor losses shall be applied in determination of the Current Cost Base.

(b) Items of other operating expense and revenue shall be excluded from Services Related to Patient Care reporting centers. Other operating expenses and revenues so determined, in addition to non-operating revenues, shall be classified to account for all revenue and expense transactions of the hospital's Unrestricted Fund per the hospital's financial statements. Accounting differences between the hospital's financial statements and the Financial Elements Report shall be reconciled.

(c) Other operating expenses and revenues and non-operating revenues shall be categorized below as:

1. Excluded health care services;
2. Education and research;
3. Sales and services not related to patient care;
4. Patient convenience items;
5. Administrative items; and
6. Other income.

(d) Expenses and revenues of these items are netted against each other and the resulting total gains subtracted from or total losses added to Costs Related to Patient Care and the Capital Facilities Allowance to determine the hospital's Current Cost Base, depending on the Case (A, B, or C) into which the item is classified in N.J.A.C. 10:52-6.27 through 6.33. Items not listed in N.J.A.C. 10:52-6.27 through 6.33 shall be assigned to the case whose definition in (c) above best matches the nature of the item.

Recodified from N.J.A.C. 10:52-6.27 by R.2000 d.29, effective January 18, 2000.

See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

Former N.J.A.C. 10:52-6.25, Purchased Services, recodified to N.J.A.C. 10:52-6.23.

10:52-6.26 Excluded health care services

(a) Non-Acute Care Services provided by a hospital such as skilled nursing care (approved or unapproved), intermediate care, residential care services, long-term psychiatric care and long-term rehabilitation and intermediate care services are not properly acute hospital functions, and hence shall be excluded and treated as Case C. Sufficient accounting records shall be maintained to account for the costs of such operations and such costs shall be excluded from Costs Related to Patient Care by cost center per N.J.A.C. 10:52-5.9 and 5.13.

(b) Organs acquired by a hospital and donated to a pool or patient at another hospital are not properly service related to care of patients at the donating hospital, and hence costs and revenues shall not be included in the service definitions. The acquisition costs incurred shall be accounted for in accordance with the definition of the Organ Acquisition cost center but not reported therein. However, costs of such donated organs shall be applied as increases to Costs Related to Patient Care and Revenues and shall be applied as offsets (Case B).

(c) In order to encourage hospital solicitation of blood donations, the purchase cost of whole blood or the equivalent units of blood extender and/or plasma shall be excluded and treated as Case C.

(d) When a hospital utilizes the laboratory, data processing, physical therapy department, or other services of a hospital, such costs shall not be included in the Costs Related to Patient Care of the hospital providing the services. The associated costs (including overhead) and revenue shall be excluded from the definitions of those centers in the providing hospital and treated as Case B.

(e) When a physician's compensation arrangement with a hospital requires some or all of the physician's fees received directly from patients to be turned over to the hospital, such fees shall not be included in Revenue Related to Patient Care and are treated as Case B.

(f) The cost and revenue related to excluded ambulatory services outpatient renal and home dialysis shall be treated as Case C. Revenues and expenses are netted, and neither gains nor losses shall be added to the Preliminary Cost Base. Sufficient accounting records shall be maintained to account for the costs of such operations and such direct and indirect cost shall be excluded from Costs Related to Patient Care.

(g) Concerning the following excluded ambulatory services:

1. The revenues and expenses associated with the provision of HealthStart Maternity Care Health Support Services shall be treated as Case C, netted against each other, with neither gains nor losses added to the Preliminary Cost Base.

2. As to HealthStart Pediatric Continuity of Care, in hospitals with salaried pediatricians, revenues and expenses associated with the non-institutional Medicaid capitated fee shall be treated as Case C and netted against each other. Gains and losses shall be excluded from the Preliminary Cost Base.

Recodified from N.J.A.C. 10:52-6.28 and amended by R.2000 d.29, effective January 18, 2000.

See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

In (a), changed N.J.A.C. reference. Former N.J.A.C. 10:52-6.26, Major Moveable Equipment, recodified to N.J.A.C. 10:52-6.24.

10:52-6.27 Education and research

(a) Approved Education and Research Income such as grants, or contract payments, tuitions and fees received as direct support for approved educational and research programs (with the exception of those from the Graduate Medical Education Program for primary care residency programs in Family Practice, Internal Medicine, Pediatrics or Obstetrics/Gynecology) (see N.J.A.C. 10:52-6.71) are used to offset such expenses and treated as Case B. Transfers of Specific Purpose Fund Revenues to the Unrestricted Fund shall be reported as non-operating revenue.

(b) Non-Approved Education and Research (not approved in accordance with N.J.A.C. 10:52-6.17) costs and revenues up to the amount of such costs are excluded. Overhead expenses shall be included in the costs of such program as Case A.

(c) Salaried house physicians hired by the hospital to supplement house coverage of attending physicians or patient units such as residents of non-hospital programs shall be included as Case B. Coverage of emergency services and other ambulatory and ancillary services by such physicians shall be included in the cost center definition of these services.

Recodified from N.J.A.C. 10:52-6.29 and amended by R.2000 d.29, effective January 18, 2000.

See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

In (a), changed N.J.A.C. reference. Former N.J.A.C. 10:52-6.27, Reports of costs and revenues, recodified to N.J.A.C. 10:52-6.25.

10:52-6.28 Sales and services not related to patient care

(a) Provision of General Services to an External Organization: The provision of data processing, laundry, house-keeping, managerial or other general services by a hospital to an organization other than another health care facility shall be excluded and treated as Case A. Costs of such arrangements shall include associated overhead and be reported in accordance with the reporting of related organizations (see N.J.A.C. 10:52-6.12).

(b) Sale of Medical Supplies (other than for an episode of hospital care) to patients such as take-home drugs, excluding those items where it would be medically unreasonable to limit the patient's use to the episode of hospital care, and others shall be excluded. Take-home supplies for renal dialysis and home health care shall be included when included in the provisions of Medicare HIM-29 and HIM-11 (Case A). For the address for obtaining Medicare documents see N.J.A.C. 10:52-6.20(b).

(c) Sale of scrap revenue shall be excluded from the revenue center and treated as Case B.

(d) Medical Records Transcription for patients, their legal advocates, or other non-hospital personnel shall be excluded. Costs (to be reported to the revenue received unless direct costing is available) and revenue shall be treated as Case A.

(e) Cafeteria operations, including vending machines, shall be treated as Case C, except for the subsidization of employee meals and meals for students in approved programs. Cafeteria operating losses shall be apportioned among employees, students and others. Subsidization of employee (including resident) meals shall be included as an employee fringe benefit. Subsidization of student meals shall be included as other direct expenses in either EDU or GME cost centers.

(f) Gift and Coffee Shops revenue and expense (including sales tax expense) as well as other activities which may be supported by volunteers shall be excluded from Services Related to Patient Care. Net gains from the operation of gift and coffee shops operated by volunteers shall not be offset against Costs Related to Patient Care (Case C).

(g) Services Rendered to Staff physicians by a hospital which normally would be incurred in a physician's private practice, such as the provision of medical secretarial services, shall be excluded and treated as Case C so long as the physician's compensation is not provided through agreement with a hospital.

(h) Parking lot or parking garage expenses and revenues at the site of the hospital shall be netted and the remainder apportioned between employees and others. The provision of parking facilities to:

1. Employees shall be included—Losses incurred from the operation of an employee parking lot shall be included as an employee fringe benefit;

2. Staff physicians parking shall be included and treated as Case B; and

3. Others shall be included as Case B if the hospital's charge for parking is not substantially inconsistent with other parking facilities in the community where the hospital is located. If the Commission determines that the hospital's parking charges are not competitive with other parking facilities, the provision of parking to others shall be treated as Case C.

(i) Non-Patient Room and Board expenses and revenues shall be netted and apportioned among employees, students and others. Sufficient accounting records shall be maintained to identify all related expenses as well as the number of persons housed. The provision of Room and Board to:

1. Employees and residents (including rotating residents who spend some portion of their residency at the hospital) shall be included. Losses incurred from housing an employee shall be included as an employee fringe benefit as Case B, see N.J.A.C. 10:52-6.20(d).

2. Students shall be included if in an approved educational program. Losses incurred from housing a student shall be assigned to Nursing and Allied Health Education (EDU) N.J.A.C. 10:52-6.72 and Graduate Medical Education (GME) Case B, see N.J.A.C. 10:52-6.73, or Non-Approved Education and Research as Case A.

3. Others not involved with the patient services of the hospital shall be excluded (Case A).

Recodified from N.J.A.C. 10:52-6.30 and amended by R.2000 d.29, effective January 18, 2000.

See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

In (b) and (i)1, changed N.J.A.C. references. Former N.J.A.C. 10:52-6.28, Excluded health care services, recodified to N.J.A.C. 10:52-6.26.

10:52-6.29 Patient convenience items

(a) Television and Radio provided to patients shall be excluded and net gains or losses from such services shall be treated as Case C.

(b) Telephone and Telegraph services provided to patients, including the appropriate portion of the hospital's switchboard costs shall be excluded and net gains or losses from such services treated as Case C.

(c) Luxury Meals and Items provided to patients or guests shall be excluded and treated as Case A.

(d) Non-Patient Room Rental Income generated from boarders related to or visitors of a patient shall be excluded from Revenue Related to Patient Care and treated as Case B.

(e) Private-Duty Nursing Services when provided through the hospital at the request of the patient and not prescribed by the attending physician shall be excluded and treated as Case C.

(f) Private Room Differential Income above a hospital's most common charge for a semi-private room for similar routine services, when specifically requested by the patient shall be excluded and treated as Case C. When ordered by the attending physician for medical necessity, income shall be excluded and treated as Case C. Hospitals should maintain separate revenue classifications for medically necessary and patient convenience private room revenue. Patients admitted or transferred to private rooms because of the unavailability of semi-private rooms shall be charged at the semi-private room rate, with a courtesy allowance (Policy Discount) generated for the differential. No attempt shall be made to identify private room Routine Service cost differentials.

Recodified from N.J.A.C. 10:52-6.31 by R.2000 d.29, effective January 18, 2000.

See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

Former N.J.A.C. 10:52-6.29, Education and research, recodified to N.J.A.C. 10:52-6.27.

10:52-6.30 Administrative items

(a) Administrative Expense Exclusions, as listed in this section, shall not be included in Costs Related to Patient Care and, as such, shall not be included in expenses defined as General Administrative Services (Case C);

1. Life insurance premiums for employees where the hospital is the direct beneficiary;

2. Stockholders servicing costs, such as those incurred to schedule and hold annual meetings;

3. Advertising costs, conducted by hospital personnel or agents of the hospital, which are directed at increasing utilization or medical staff membership, except where attempts to increase medical staff membership is for the procurement of a scarce medical service needed in the service area of the hospital;

4. Costs of membership in organizations not related to the development and operation of the hospital and the rendering of patient care services (for example social or fraternal organizations) shall not be included as an employee fringe benefit; and

5. Monies paid by a hospital to the home office, corporate or order headquarters for:

i. Non-patient care related enterprises;

ii. Abandoned home office planning costs for construction of a new facility; or

iii. The imputed value of services performed by non-paid workers in the case of religious orders.

(b) Income and Other Taxes including penalties for late payment of taxes (see N.J.A.C. 10:52-6.16 for full description) shall not be included as Costs Related to Patient Care and, as such, shall not be included in expenses defined as General Administrative Services (see N.J.A.C. 10:52-6.72).

(c) Purchase Discounts, revenue from rebates and quantity discounts shall be reported as expense recoveries.

(d) Non-Capital Interest Expenses (interest other than interest for Capital Facilities or Major Moveable Equipment) shall be excluded from Costs Related to Patient Care since short term borrowing, etc. is addressed through the Financial Element Working Capital Requirements (see N.J.A.C. 10:52-6.25(a)) (Case C).

(e) Interest Expense for Major Moveable Equipment shall be excluded from Costs Related to Patient Care and treated as Case C. However, hospitals under the "Conditional Accept" or "Not Accept" options, may appeal to the Director to have this interest expense or the interest expense in (d) above included in their Preliminary Cost Bases.

Recodified from N.J.A.C. 10:52-6.32 and amended by R.2000 d.29, effective January 18, 2000.

See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

In (b) and (d), changed N.J.A.C. references. Former N.J.A.C. 10:52-6.30, Sales and services not related to patient care, recodified to N.J.A.C. 10:52-6.28.

10:52-6.31 Non-operating revenues (net of expenses)

(a) Income, net of expenses, or Investment in Rental Property to physicians or others shall be excluded from Revenue Related to Patient Care and treated as Case A.

(b) Income or Investment, net of transaction expense, of Operating Fund and/or interest income from financial charges on delinquent accounts receivable shall be applied as offsets against Costs Related to Patient Care and treated as Case B.

(c) Income or Investments, net of transaction expense, of Board Designated Funds shall not be included in Costs Related to Patient Care and treated as Case C.

(d) Unrestricted Income from Donor Restricted Plant and Endorsement Funds shall not be included in Revenue Related to Patient Care and treated as Case C.

(e) Transfer from Restricted Funds, other than Specified Purpose Funds (that is, expenditures from principal and interest on gifts which are donor restricted) shall not be included as Revenue Related to Patient Care and treated as Case C.

(f) Unrestricted Donations, net of fund raising costs, shall not be included at Revenue Related to Patient Care and treated as Case C.

(g) Transfer of Specific Purpose Funds to the Unrestricted Fund and Specific Purpose Grants and other funds received from the Federal Government, New Jersey State Government, New Jersey Heart Association, or other governmental or charitable organizations shall be offset against Costs Related to Patient Care (with the exception of those from the Graduate Medical Education Program for primary care residency programs in Family Practice, Internal Medicine, Pediatrics or Obstetric/Gynecology). However, grants on behalf of the medically indigent shall be reported as contra-deducted from Gross Revenue Related to Patient Care (operating). "Seed Money" received with a grant shall be similarly offset against operating expenses unless this results in grants being withheld from New Jersey institutions (Case B).

(h) Primary Care Residency Specific Purpose Grants and income from primary care residency specific purpose funds (that is grants for the support of LCGME approved residency program in Internal Medicine, Pediatrics, Obstetrics/Gynecology and Family Practice) shall not offset the costs of such programs and treated as Case C.

(i) Interest Income on Trustee-held funds related to borrowings or loans is a Case B, unless a hospital is prohibited from using the funds to offset current debt service obligations. If the hospital is prohibited from using the funds, the interest and income earned shall be a Case C until these funds are released for the hospital's benefit.

Recodified from N.J.A.C. 10:52-6.33 by R.2000 d.29, effective January 18, 2000.

See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

Former N.J.A.C. 10:52-6.31, Patient convenience items, recodified to N.J.A.C. 10:52-6.29.

10:52-6.32 Reporting of costs and revenues

Costs and Revenues Related to Patient Care shall be reported in accordance with N.J.A.C. 10:52-6.33 through 6.77.

Recodified from N.J.A.C. 10:52-6.34 and amended by R.2000 d.29, effective January 18, 2000.

See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

Changed N.J.A.C. reference. Former N.J.A.C. 10:52-6.32, Administrative items, recodified to N.J.A.C. 10:52-6.30.

10:52-6.33 Medical-Surgical Acute Care Units (MSA)

(a) The functions of the Medical-Surgical Acute Care Units (MSA) included in the MSA cost center are as follows:

1. Medical-Surgical Acute Care Units provide care to patients on the basis of physicians' orders and approved nursing care plans. Medical-Surgical Acute Care shall include the cost and revenue associated with services to all patients treated in beds normally designated as Medical-Surgical, regardless of the clinical specialty of attending physicians or age of the patient. Include the cost and revenue of beds designated as definitive observation or intermediate care (such as, "step down") beds.

2. Revenue generated from charge differentials between private and semi-private rooms (except those assigned for medical necessity) shall be reported here, and also reported as reconciling items. Medical and Surgical Supplies shall be reported in accordance with N.J.A.C. 10:52-6.21.

3. Functions include serving and feeding of patients; collecting sputum, urine, and feces samples; monitoring of vital signs; operating of specialized equipment related to this function; preparing of equipment and assisting physicians during patient examination and treatment; changing dressings, cleansing wounds and incisions; observing and recording emotional stability of patients; assisting in bathing patients and helping into and out of beds; observing patients for reaction to drugs; administering specified medications; infusing intravenous fluids; answering patients' call signals; and keeping patients' room (personal effects) in order.

(b) Units of Service: Patients (Admissions and Transfers In) and Patient Days.

Recodified from N.J.A.C. 10:52-6.35 and amended by R.2000 d.29, effective January 18, 2000.

See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

In (a), inserted "included in the MSA cost center" in the introductory paragraph, and changed N.J.A.C. reference in 2. Former N.J.A.C. 10:52-6.33, Non-operating revenues (net of expenses), recodified to N.J.A.C. 10:52-6.31.

10:52-6.34 Obstetric Acute Care Unit (OBS)

(a) The functions included in the Obstetric Acute Care Unit (OBS) cost center are as follows:

1. The provision of care to the mother before, during and following delivery on the basis of physicians' orders and approved nursing care plans shall be provided in the Obstetric Acute Care Unit. Obstetrics may include services to clean gynecological patients treated in beds licensed by the Department of Health and Senior Services as obstetrics.

2. All revenue generated from charge differentials between private and semi-private rooms (except those assigned for medical necessity) shall be reported as reconciling items. Medical and Surgical Supplies shall be reported in accordance with N.J.A.C. 10:52-6.21.

3. Functions shall include: instructing of mothers in postnatal care and care of the newborn; feeding of patients; collecting of sputum, urine and feces samples; monitoring of vital signs; operating specialized equipment related to this function; preparing of equipment and assistance of physicians in changing dressings and cleansing wounds and incisions; observing and recording emotional stability of patients; assisting in bathing patients and helping into and out of beds; observing patients for reaction of drugs; administering specified medications; infusing intravenous fluids; answering patients' call signals; and keeping patients' rooms (personal effects) in order.

(b) Units of Service: Patients (Admissions and Transfers In) Patient Days.

Recodified from N.J.A.C. 10:52-6.36 and amended by R.2000 d.29, effective January 18, 2000.

See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

In (a), substituted "included in the Obstetric Acute Care Unit (OBS) cost center" for "of Obstetric Acute Care Unit (OBS)" in the introductory paragraph, and changed N.J.A.C. reference in 2. Former N.J.A.C. 10:52-6.34, Reporting of costs and revenues, recodified to N.J.A.C. 10:52-6.32.

10:52-6.35 Pediatric Acute Care Units (PED)

(a) The functions included in the Pediatric Acute Care Units (PED) cost center are as follows:

1. Pediatric Acute Care Units provide care to Pediatric patients (normally children less than 14 years of age and including "boarder patients") in Pediatric nursing units on the basis of physicians' orders and approved nursing care plans. Pediatric Acute Care shall include the costs and revenues associated with all patients, regardless of age, treated on units normally reserved for the care of patients less than 14 years of age and shall not include the costs and revenues of treating patients less than 14 years of age in Medical Surgical and Psychiatric Acute Units. Cost and Revenue associated with swing beds (that is, those not designated (excluding for one type of patient) shall be apportioned among the appropriate Routine Service Centers, as defined in N.J.A.C. 10:52-6.33 through 6.76 based on actual utilization.

2. All revenue generated from charge differentials between private and semi-private rooms (except those assigned for medical necessity) shall be reported as reconciling items. Medical and Surgical Supplies shall be reported in accordance with N.J.A.C. 10:52-6.23.

3. Functions shall include the following: serving and feeding of patients; collecting of sputum, urine and feces samples; monitoring of vital signs; operating of specialized equipment related to this function; preparing of equipment and assisting of physicians during patient examination and treatment; changing dressings and cleansing wounds and incisions; observing and recording emotional stability of patients; assisting in bathing patients and helping into and out of beds; observing patients for reaction to drugs; administering specified medications; infusing intravenous fluids; answering patients' call signals; and keeping patients' rooms (personal effects) in order.

(b) Units of Service: Patients (Admissions and Transfers In) and Patient Days.

Recodified from N.J.A.C. 10:52-6.37 and amended by R.2000 d.29, effective January 18, 2000.

See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

In (a), substituted "included in the Pediatric Acute Care Units (PED) cost center" for "of Pediatric Acute Care Units (PED)" in the introductory paragraph, and changed N.J.A.C. reference in 1. Former N.J.A.C. 10:52-6.35, Medical-Surgical Acute Care Units (MSA), recodified to N.J.A.C. 10:52-6.33.

Recodified from N.J.A.C. 10:52-6.77 and amended by R.2000 d.29, effective January 18, 2000.

See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

In (a), substituted "included in the Employee Health Insurance (EHI) cost center" for "of the Employee Health Insurance (EHI)" in the introductory paragraph. Former N.J.A.C. 10:52-6.75, Inpatient Administrative Services (IAM), recodified to N.J.A.C. 10:52-6.73.

10:52-6.76 Repairs and Maintenance (RPM)

(a) The functions included in the Repairs and Maintenance (RPM) cost center are as follows:

1. The Repairs and Maintenance center shall be responsible for maintenance and operation of an institution's buildings and equipment in a state of readiness required to perform hospital operations. Repairs and Maintenance of physical plant not used for services related to patient care (for example, rental of apartments) shall be reported as reconciling items. Renovation of capital assets is to be distinguished from Repairs and Maintenance Expenses and capitalized with the asset according to the criteria described in 10:52-6.19.

2. The maintenance and repair of specialized equipment in areas such as Diagnostic Radiology, Therapeutic Radiology, or Laboratory shall report such costs in those centers. Biomedical engineers' expenses shall be in this cost center.

3. Functions shall include the following: All maintenance of buildings and plant equipment including painting; maintenance of moveable equipment to the extent done by institution employees; and minor improvements and renovation of buildings and plant equipment.

Recodified from N.J.A.C. 10:52-6.78 and amended by R.2000 d.29, effective January 18, 2000.

See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

In (a), substituted "included in the Repairs and Maintenance (RPM) cost center" for "of the Repairs and Maintenance (RPM)" in the introductory paragraph. Former N.J.A.C. 10:52-6.76, Malpractice Insurance (MAL), recodified to N.J.A.C. 10:52-6.74.

10:52-6.77 Utilities Cost (UTC)

(a) The functions included in the Utilities Cost (UTC) cost center are as follows:

1. The center shall be used to account for all utility costs such as electricity, gas, oil, disposal services and water. A breakdown of the cost and source of these utilities shall be provided.

2. Telephones shall not be considered utilities and thus such costs and revenues shall not be reported in this center. Costs associated with utilities provided to buildings and areas not involved in patient care shall be excluded and reported as reconciling items.

Recodified from N.J.A.C. 10:52-6.79 and amended by R.2000 d.29, effective January 18, 2000.

See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

In (a), substituted "included in the Utilities Cost (UTC) cost center" for "of the Utilities Cost (UTC)" in the introductory paragraph.

Former N.J.A.C. 10:52-6.77, Employee Health Insurance (EHI), recodified to N.J.A.C. 10:52-6.75.

10:52-6.78 (Reserved)

Recodified to N.J.A.C. 10:52-6.76 by R.2000 d.29, effective January 18, 2000.

See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

10:52-6.79 (Reserved)

Recodified to N.J.A.C. 10:52-6.77 by R.2000 d.29, effective January 18, 2000.

See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

SUBCHAPTER 7. DIAGNOSIS RELATED GROUPS (DRG)

10:52-7.1 Diagnosis Related Groups (DRG)

(a) Diagnosis Related Groups (DRG) represent categories of hospital inpatients with similar clinical characteristics and, except for outliers, patients in each DRG can be expected to consume similar amounts of hospital resources. Assignment of a patient to a DRG requires the following information:

1. Principal diagnosis;
2. Secondary diagnosis;
3. Principal and other procedures;
4. Age;
5. Sex;
6. Discharge status; and
7. Birthweight (neonate): A newborn under 29 days of age.

(b) The appropriate classifications are reported here and these are the only classifications allowable for DRG assignment.

1. Principal diagnosis: The condition established after study shall be chiefly responsible for occasioning the admission of a patient to the hospital for care. The principal diagnosis must be coded using the International Classification of Diseases, 9th Revision, with Clinical Modifications (ICD-9-CM).

2. Secondary diagnosis: Conditions that exist at the time of admission or develop subsequently which affect the treatment received and/or the length of stay. Diagnoses which have no bearing on the treatment received during a current hospital stay are not appropriate for use in DRG assignment. All secondary diagnoses must be coded using ICD-9-CM.

3. Principal and other procedures: Diagnostic and therapeutic procedures performed during a patient stay. All procedures must be coded using ICD-9-CM.

4. Age: Patient's chronological age at admission in years.
5. Sex: Patient's sex as male or female.
6. Discharge Status: The circumstances under which a patient left the hospital, coded as routine discharge to home, discharged against medical advice, transferred or died.
7. Birthweight: A newborn's weight in grams at birth.
8. Neonate: A newborn under 29 days of age.

(c) Admission: Patient hospitalized for a condition related to a recent spell of illness.

1. Patients who are treated and subsequently admitted through the emergency room shall be considered admitted to the hospital at the time the physician orders the admission. The cause of the admission shall be considered the cause of the emergency room treatment. Therefore, the course of treatment shall be considered one admission. Services rendered in the emergency room shall be reflected in the inpatient record and UB-92 claim form.

2. Similarly, a patient admitted for a course of treatment as a Same Day Surgery (SDS) patient, who subsequently is admitted from that mode of treatment shall be considered one admission. Services rendered in the SDS mode shall be reflected in the inpatient record and UB-92 claim form.

3. Readmissions are patients admitted to an acute care hospital at another time during the last seven days.

Amended by R.2000 d.29, effective January 18, 2000.

See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

In (c), substituted references to UB-92 claim forms for references to UB-82 claim forms in 1 and 2.

10:52-7.2 Calculation of payment rates

(a) Outliers are patients displaying atypical characteristics relative to other patients in a DRG. The three categories of outliers are defined and the methodology for outlier payment is established as follows.

1. High length of stay: Patients assigned to a DRG, but whose Length of Stay (LOS) is longer than the high LOS trim point.
 - i. The rate is the inlier rate per case plus a per diem for each acute day from the date of admission to the date of discharge.
2. Low length of stay: Patients assigned to a DRG, but whose Length of Stay (LOS) is shorter than the trim point.
 - i. Payment is limited to either the lower of the inlier rate per case or the sum of the acute days multiplied by the low per diem.

3. Transfer patients: Patients under medical advice requiring continued acute care who are transferred from one Acute Care Facility to another Acute Care Facility.

- i. Where a patient's discharge status is that of a transfer to another acute care facility (inpatient), the rate is limited to the lower of the inlier rate per case or the sum of the acute days multiplied by the low outlier per diem. The hospital which received the transfer patient (and that patient is subsequently a non-transfer status discharge) will receive the appropriate rate per case or per diem based upon DRG assignment and trim point status.

4. The payment rates for DRGs with no base year experience will be calculated using Medicaid Statewide base year costs.

Amended by R.1995 d.141, effective March 6, 1995.

See: 27 N.J.R. 34(a), 27 N.J.R. 908(a).

10:52-7.3 List of Diagnosis Related Groups

(a) The following are Major Diagnostic Categories (Organ System Approach):

1. Diseases and Disorders of the Nervous System.
2. Diseases and Disorders of the Eye.
3. Diseases and Disorders of the Ear, Nose, Mouth and Throat.
4. Diseases and Disorders of the Respiratory System.
5. Diseases and Disorders of the Circulatory System.
6. Diseases and Disorders of the Digestive System.
7. Diseases and Disorders of the Hepatobiliary System and Pancreas.
8. Diseases and Disorders of the Musculoskeletal System and Connective Tissue.
9. Diseases and Disorders of the Skin, Subcutaneous Tissue and Breast.
10. Endocrine, Nutritional and Metabolic Diseases and Disorders.
11. Diseases and Disorders of the Kidney and Urinary Tract.
12. Diseases and Disorders of the Male Reproductive System.
13. Diseases and Disorders of the Female Reproductive System.
14. Pregnancy, Childbirth and the Puerperium.
15. Normal Newborns and Other Neonates with Certain Conditions Originating in the Perinatal Period.
16. Diseases and Disorders of Blood and Blood Forming Organs and Immunological Disorders.

17. Myeloproliferative Diseases and Disorders, and Poorly Differentiated Neoplasms.
18. Infectious and Parasitic Diseases (Systemic or Unspecified Sites).
19. Mental Diseases and Disorders.
20. Alcohol/Drug Use and Alcohol/Drug Induced Organic Mental Disorders.
21. Injuries, Poisonings and Toxic Effects of Drugs.
22. Burns.
23. Factors Influencing Health Status and Other Contacts with Health Services.
24. Human Immunodeficiency Virus (HIV) Infections.
25. Multiple Significant Trauma.

(b) The following are abbreviations used in ICD-9 CM DRG English descriptors.

1. w AGE 70 CC: Patients who are over age 70 and/or have a substantial complication or comorbidity.
2. WO AGE 70 CC: Patients who are age 0-70 and have no substantial complication or co-morbidity.
3. W CC: Patients with a substantial complication or co-morbidity.
4. WO CC: Patients without a substantial complication or co-morbidity.
5. O.R. Procedures: therapeutic or diagnostic procedures generally performed in a fully equipped operating room (O.R.).
6. URI: Upper Respiratory Infection.
7. AMI: Acute Myocardial Infarction.
8. CHF: Congestive Heart Failure.
9. D & C: Dilation and Curettage.
10. FUO: Fever of Unknown Origin.
11. NEC: Not Elsewhere Classifiable.

Amended by R.2000 d.29, effective January 18, 2000.
See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

SUBCHAPTER 8. GRADUATE MEDICAL EDUCATION AND INDIRECT MEDICAL EDUCATION

10:52-8.1 Calculation of the amount of Graduate Medical Education (GME) and Indirect Medical Education (IME) reimbursement to be distributed

(a) Effective for services on or after October 1, 1996, and prior to July 6, 1998, the amount of hospital reimbursement

for GME and IME to be distributed shall be calculated based on Medicare principles of reimbursement to major teaching hospitals. Major teaching hospitals are defined as those hospitals which had a minimum of 45 intern and resident full-time equivalents (FTEs) in all approved and accredited residencies from the 1993 Medicare first finalized audited cost report.

(b) Medicare principles of reimbursement for GME and IME are as follows:

1. Direct GME is calculated based on Medicaid's and NJ KidCare-Plan A's fee-for-service share of the major teaching hospitals' intern and resident FTEs multiplied by their specific per resident amounts as reported on the Medicare audited cost report (including subsequent amendments) in Worksheet E-3 Part IV for the year in which payment is being made.

2. IME is calculated based on Medicare's IME formula, at 42 C.F.R. 412.105, incorporated herein by reference. The major teaching hospitals' IME factor, as calculated by the Medicare IME formula, is multiplied by their hospital-specific Medicaid and NJ KidCare-Plan A fee-for-service inpatient DRG payments (net of GME and IME) to arrive at the Medicaid and NJ KidCare-Plan A fee-for-service IME payment. The components of Medicare's IME formula, IME intern and resident FTEs and maintained beds, are from the audited Medicare cost report (including subsequent amendments) in Worksheet S-3 for the year in which payment is being made.

Amended by R.1998 d.340, effective July 6, 1998.
See: 30 N.J.R. 1260(a), 30 N.J.R. 2486(b).

In (a), inserted "and prior to July 6, 1998," following "1996,;" and in (b), inserted references to NJ KidCare-Plan A fee-for-service throughout.

10:52-8.2 Distribution of Graduate Medical Education (GME) and Indirect Medical Education (IME) reimbursement

Effective for services on or after October 1, 1996, and prior to July 6, 1998, hospital reimbursement for GME and IME as calculated in N.J.A.C. 10:52-8.1, shall be distributed to all teaching hospitals based on the hospital-specific percentage of total weighted GME FTEs, where weighted GME FTEs equals the hospital-specific current GME FTEs times the hospital-specific Medicaid and NJ KidCare-Plan A fee-for-service days divided by the total Medicaid and NJ KidCare-Plan A fee-for-services days for all teaching hospitals. The source for the GME FTEs and the Medicaid and NJ KidCare-Plan A fee-for-service days is the Medicare audited cost report including subsequent amendments for the year in which payment is being made.

Amended by R.1998 d.340, effective July 6, 1998.
See: 30 N.J.R. 1260(a), 30 N.J.R. 2486(b).

Inserted "and prior to July 6, 1998" following "1996,," and inserted references to NJ KidCare-Plan A fee-for-service days throughout.
Amended by R.2000 d.29, effective January 18, 2000.
See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

Changed N.J.A.C. reference.

10:52-8.3 Establishment of GME and IME interim method of reimbursement

Effective for services provided on or after January 21, 1997, and prior to July 6, 1998, all teaching hospitals are required to submit, for the year in which payment shall be made, their estimated average intern and resident GME and IME FTE count and maintained beds by November 1 of the preceding year to the Division's settlement agent. The settlement agent shall review the submitted information for reasonableness and consistency and forward the information to the Division. Effective for services on or after October 1, 1996, and prior to July 6, 1998, the Division shall calculate Medicaid's and NJ KidCare-Plan A fee-for-service GME and IME payment based on the major teaching hospitals' submitted data and their Medicaid and NJ KidCare-Plan A fee-for-service inpatient DRG payments (net of IME and GME) from their most current fiscal year Unisys settlement data report with 24 months of paid data. Once the fee-for-service GME and IME payment is calculated, it shall be distributed to all teaching hospitals in accordance with N.J.A.C. 10:52-8.2 utilizing the submitted FTE count and the Medicaid and NJ KidCare-Plan A fee-for-service days from the teaching hospitals' most current fiscal year Unisys settlement data report with 24 months of paid data. The payment shall be made in equal monthly installments and reconciled in accordance with N.J.A.C. 10:52-8.4.

Amended by R.1998 d.340, effective July 6, 1998.
See: 30 N.J.R. 1260(a), 30 N.J.R. 2486(b).

Inserted "and prior to July 6, 1998" in the first and third sentences, and inserted references to NJ KidCare-Plan A fee-for-service throughout.

Amended by R.2000 d.29, effective January 18, 2000.
See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

Substituted references to the Division's settlement agent for references to Blue Cross and Blue Shield of New Jersey and changed N.J.A.C. references throughout.

10:52-8.4 Establishment of GME and IME final method of reimbursement

Effective for services on or after October 1, 1996 and prior to July 6, 1998, the Medicaid and NJ KidCare-Plan A fee-for-service GME and IME final payment shall be calculated in accordance with N.J.A.C. 10:52-8.1 and distributed to all teaching hospitals in accordance with N.J.A.C. 10:52-8.2. A reconciliation of the final GME and IME distribution of payment to the interim GME and IME distribution of payment shall be made and additional disbursement or recoupment shall be made in accordance with N.J.A.C. 10:52-4.7(a)1 through 5.

Amended by R.1998 d.340, effective July 6, 1998.
See: 30 N.J.R. 1260(a), 30 N.J.R. 2486(b).

Inserted "and prior to July 6, 1998" and inserted a reference to NJ KidCare-Plan A fee-for-service in the first sentence.

Amended by R.2000 d.29, effective January 18, 2000.
See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

Changed N.J.A.C. references throughout.

10:52-8.5 Hospital fee-for-service reimbursement for Graduate Medical Education (GME) effective on or after July 6, 1998

(a) Effective for payments on or after July 6, 1998, the GME payment shall be distributed in 12 monthly lump sum payments during the State Fiscal Year. The amount distributed shall be considered the final GME payment and shall not be reconciled. The GME payment shall not exceed the amount appropriated for GME each State Fiscal Year. This GME payment represents both direct GME and Indirect Medical Education (IME).

(b) The source of the data used to allocate the GME payment is the most recent Medicare submitted cost report with corresponding 24-month fee-for-service Medicaid and NJ KidCare-Plan A inpatient paid claims data as of February 1 prior to the year of distribution. GME resident full-time-equivalents and total hospital days shall come from the Medicare submitted cost report. The hospital-specific Medicaid and NJ KidCare-Plan A fee-for-service days shall come from the 24-month data fee-for-service Medicaid and NJ KidCare-Plan A inpatient paid claims data.

(c) The intern and resident full-time equivalents (FTEs) as reported on the Medicare submitted cost report may be audited by the Division of Medical Assistance and Health Services or its agent prior to payment. An adjustment, if necessary, to the submitted intern and resident FTEs shall be made in accordance with the audit.

New Rule, R.1998 d.340, effective July 6, 1998.
See: 30 N.J.R. 1260(a), 30 N.J.R. 2486(b).

10:52-8.6 Distribution of Graduate Medical Education (GME) effective on or after July 6, 1998

(a) Effective for payments on or after July 6, 1998, the amount appropriated for GME shall be distributed to all eligible acute care teaching hospitals. An eligible acute care teaching hospital is defined as an acute care teaching hospital that has a combined Medicaid and NJ KidCare-Plan A fee-for-service utilization at or above the median of all New Jersey acute care hospitals. The Medicaid and NJ KidCare-Plan A fee-for-service utilization is calculated using the hospital-specific Medicaid and NJ KidCare-Plan A fee-for-service days divided by the hospital-specific total days.

(b) The distribution of the GME payment to eligible acute care teaching hospitals is based on the hospital-specific percentage of total weighted GME FTEs, where weighted GME FTEs equals the hospital-specific GME FTEs times the hospital-specific Medicaid and NJ KidCare-Plan A fee-for-service days divided by the total Medicaid and NJ KidCare-Plan A hospital fee-for-service days for all eligible hospitals.

1. The combined GME and Hospital Relief Subsidy Fund (HRSF) for each eligible acute care teaching hospital which receives a direct State appropriation shall be contained at its calendar year 1997 HRSF plus its calendar year 1997 interim GME/IME payment. The balance shall be distributed proportionately to the remaining qualifying GME hospitals.

New Rule, R.1998 d.340, effective July 6, 1998.
 See: 30 N.J.R. 1260(a), 30 N.J.R. 2486(b).

SUBCHAPTER 9. REVIEW AND APPEAL OF RATES

10:52-9.1 Review and appeal of rates

(a) All hospitals, within 15 working days of receipt of the Proposed Schedule of Rates shall notify the Division of any calculation errors in the rate schedule. If upon review it is determined by the Division that the error is of substantial value, a revised rate will be issued to the hospital within 10 working days. If the discrepancy is determined to be substantial and a revised Schedule of Rates is not issued by the Division within 10 working days, notification time frames above will not become effective until the hospital receives a revised Schedule of Rates.

(b) Any hospital which seeks an adjustment to its rates shall agree to an operational review at the discretion of the Department of Human Services.

1. A request for a rate review must be submitted by a hospital in writing to the Department of Human Services, Division of Medical Assistance and Health Services, Office of Reimbursement Services, PO Box 712, Mail Code #49, Trenton, New Jersey 08625-0712 within 20 calendar days after publication of the rates by the Department of Human Services (DHS).

i. A hospital shall identify its rate review issues and submit supporting documentation in writing to the Division within 80 calendar days after publication of the rates by the DHS.

2. The Division will not approve an increase in a hospital's rates unless the hospital demonstrates that it would sustain a marginal loss in providing inpatient services to Medicaid and NJ KidCare-Plan A fee-for-service beneficiaries at the rates under appeal even if it were an economically and efficiently operated hospital. Marginal loss is the amount by which a hospital's rate year's Medicaid and NJ KidCare-Plan A fee-for-service reimbursement for inpatient services is expected to fall short of the incremental costs, defined as the variable or additional out of pocket costs, that the hospital expects to incur providing inpatient hospital services to Medicaid and NJ KidCare-Plan A fee-for-service patients during the rate year. These incremental costs are over and above the inpatient costs the hospitals would expect to incur during the rate year even if it did not provide service to Medicaid and NJ KidCare-Plan A fee-for-service patients. Any hospital seeking a rate increase must demonstrate the cost it must incur in providing services to Medicaid and NJ KidCare-Plan A fee-for-service beneficiaries and the extent to which it has taken all reasonable steps to contain or reduce the costs of providing inpatient hospital

services. The hospital may be required at a minimum to submit to the Department of Human Services, the following information:

- i. Operational reviews;
- ii. Efficiency studies and reports identifying opportunities for cost savings;
- iii. Minutes of the meeting of the hospital's board of directors and board's finance committee;
- iv. Reports of the Joint Commission on the Accreditation of Health Care Organizations;
- v. Management letters;
- vi. The hospital's strategic plans, long range plans, facilities plans and marketing plans;
- vii. The hospital's annual report;
- viii. Any analyses of the hospital's marginal cost in providing services to Medicaid and NJ KidCare-Plan A fee-for-service or other categories of patients;
- ix. Cost accounting documentation or reports pertaining to the hospital's cost incurred in treating Medicaid and NJ KidCare-Plan A fee-for-service beneficiaries or the comparative cost of treating Medicaid and NJ KidCare-Plan A fee-for-service and other patients;
- x. A copy of the hospital's most recent Medicare cost report with all supporting schedules;
- xi. Contracts with other payors providing for negotiated rates or discounts from billed charges; and
- xii. Evidence that the appealed rates jeopardize the long term financial viability of the hospital (that is, that the hospital is sustaining a marginal loss in treating Medicaid and NJ KidCare-Plan A fee-for-service beneficiaries) and that the hospital is necessary to provide access to care for Medicaid and NJ KidCare-Plan A fee-for-service beneficiaries.

(c) The Division shall review the documentation and determine if an adjustment is warranted.

(d) The Division shall issue a written determination with an explanation as to each request for a rate adjustment. If a hospital is not satisfied with the Division's determination, the hospital may request an administrative hearing pursuant to N.J.A.C. 10:49-10. If a hospital elects to request an administrative hearing, the request must be made within 20 calendar days from the date the Division's determination was received by the hospital. The Administrative Law Judge will review the reasonableness of the Division's reason for denying the requested rate adjustment based on the documentation that was presented to the Division. Additional evidence and documentation shall not be considered. The Director of the Division of Medical Assistance and Health Services shall thereafter issue the final agency decision either adopting, modifying or rejecting the Administrative

Law Judge's initial Office of Administrative Law decision. Thereafter, review may be had in the Appellate Division.

Amended by R.1995 d.141, effective March 6, 1995.

See: 27 N.J.R. 34(a), 27 N.J.R. 908(a).

Amended by R.1997 d.43, effective January 21, 1997.

See: 28 N.J.R. 4022(a), 29 N.J.R. 350(b).

Added (b)2, inserted provisions defining marginal loss and incremental costs; and in (d), inserted provision providing time period for an administrative hearing request.

Amended by R.1997 d.541 effective December 15, 1997 (operative January 1, 1998).

See: 29 N.J.R. 3227(a), 29 N.J.R. 5325(a).

Amended by R.2000 d.29, effective January 18, 2000.

See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

In (b), substituted a reference to the Office of Reimbursement Services for a reference to the Office of Budget, Fiscal Affairs and Information Systems in 1, and substituted references to beneficiaries for references to recipients and inserted references to NJ KidCare Plan—A fee-for-service throughout 2.

Case Notes

Existence of state's administrative process did not preempt hospital association's action to enjoin state from using its revised rate setting methodology for general inpatient hospital services. *New Jersey Hosp. Ass'n v. Waldman, C.A.3 (N.J.)1995, 73 F.3d 509.*

Remand of Medicaid rate appeal by hospitals was required, where Division of Medical Assistance failed to provide reasons for its decisions that errors in rates alleged by hospitals were not calculation errors, that requests for rate relief must be pursued under special procedure for rate appeal, and that alleged calculation errors were not substantial. *Atlantic City Med. v. Squarrell, 349 N.J.Super. 16, 793 A.2d 10.*

Decision by the acting commissioner summarily rejecting hospitals' appeals seeking reimbursement of Medicaid inpatient hospital costs was arbitrary and capricious and an abdication of the responsibility under the Division of Medical Assistance and Health Services' own regulations to consider these appeals on the merits. *In re Zarbrugg Mem. Hospital, 349 N.J.Super. 27, 793 A.2d 17.*

Decisions by the Division of Medical Assistance and Health Services to consider only a single issue found to be dispositive of hospitals' Medicaid rate appeals did not violate any of the statutory or regulatory provisions governing the Medicaid program or constitute an abuse of discretion. *Hospital Center at Orange v. Guhl, 331 N.J.Super. 322, 751 A.2d 1077 (N.J.Super.A.D. 2000).*

Regulations promulgated by state department of human services regarding hospital rates for Medicaid patients were valid where they allowed hospitals to challenge impact of designation of labor market areas as part of rate adjudication process. *Matter of Adoption of N.J.A.C. 10:52-5.14(d)2 and 3, 276 N.J.Super. 568, 648 A.2d 509 (A.D.1994), certification denied 142 N.J. 448, 663 A.2d 1355.*

Denial of Medicaid rates review upheld due to hospital's failure to submit sufficient information. *In re: St. Mary's Hospital (Hoboken) 1995 Medicaid Rates, 97 N.J.A.R.2d (DMA) 65.*

Denial of Medicaid rates review upheld due to hospital's failure to submit sufficient information. *In re Palisades General Hospital, 1995 Medicaid Rates, 97 N.J.A.R.2d (DMA) 61.*

Denial of Medicaid rates review upheld due to hospital's failure to submit sufficient information. *In re Hackettstown Community Hospital's 1995 Medicaid Rates, 97 N.J.A.R.2d (DMA) 57.*

Adjustment letter insufficient notice of Medicaid rate change reversed. *In the Matter of Cathedral Healthcare System, Inc., 1994 Medicaid Rates, 97 N.J.A.R.2d (DMA) 54.*

Hospital's challenge to proposed schedule of Medicaid reimbursement rate untimely if filed six months later. *Saint Peter's Medical Center v. Division of Medical Assistance and Health Services, 97 N.J.A.R.2d (DMA) 51.*

Hospital's rate request will be denied if it fails to show loss attributable to rendering Medicaid services while running efficient and economically-operated facility. *Newcomb Medical Center v. Division of Medical Assistance and Health Services, 97 N.J.A.R.2d (DMA) 46.*

Denial of Medicaid rates appeal upheld due to hospital's failure to submit sufficient information. *In Re Cathedral Healthcare System, Inc., 97 N.J.A.R.2d (DMA) 27.*

SUBCHAPTER 10. HCFA COMMON PROCEDURE CODING SYSTEM (HCPCS) FOR HOSPITAL OUTPATIENT LABORATORY SERVICES

10:52-10.1 Introduction

(a) The New Jersey Medicaid and NJ KidCare fee-for-service program utilizes the Health Care Financing Administration's (HCFA) Common Procedure Coding System (HCPCS). HCPCS follows the American Medical Association's Physicians' Current Procedural Terminology architecture, employing a five position code and as many as two 2-position modifiers. Unlike the CPT numeric design, the HCFA assigned codes and modifiers contain alphabetic characters. HCPCS was developed as a three level coding system.

1. LEVEL I CODES (Narratives found in CPT)

These codes are adapted from CPT for utilization primarily by Physicians, Podiatrists, Optometrists, Certified Nurse Midwives, Certified Nurse Practitioners, Independent Clinics and Independent Laboratories. CPT is a listing of descriptive terms and numeric identifying codes and modifiers for reporting medical services and procedures performed by physicians.

Copyright restrictions make it impossible to print excerpts from CPT procedure narratives for Level I codes. Thus, in order to determine those narratives it is necessary to refer to CPT, which is incorporated herein by reference, as amended and supplemented.

2. LEVEL II CODES (Narratives found at N.J.A.C. 10:52-10.3)

These codes are assigned by HCFA for physicians and non-physician services which are not in CPT.

3. LEVEL III CODES (Narratives found at N.J.A.C. 10:52-10.3)

These codes are assigned by the Division to be used for those services not identified by CPT codes or HCFA assigned codes. Level III codes identify services unique to New Jersey.

(b) The responsibility of the provider when rendering specific services and requesting reimbursement is listed in both Subchapter 1 and Subchapter 2 of N.J.A.C. 10:52, Hospital Services.

(c) Regarding specific elements of HCPCS codes which requires attention of provider, the lists of HCPCS code numbers for Pathology and Laboratory are arranged in tabular form with specific information for a code identified under columns with titles such as: "IND," "HCPCS CODE," "MOD," "DESCRIPTION," and "MAXIMUM FEE ALLOWANCE." The information identified under each column is summarized below:

| Column Title | Description |
|-----------------------|--|
| IND | <p>(Indicator Qualifier) Lists alphabetic symbols used to refer provider to information concerning the New Jersey Medicaid and NJ KidCare fee-for-service program's qualifications and requirements when a procedure or service code is used.</p> <p>Explanation of indicators and qualifiers used in this column are identified below: "A" preceding any procedure code indicates that these tests can be and are frequently done as groups and combinations (profiles) on automated equipment. "F" preceding any procedure code indicates that this code, when used primarily for the diagnosis and treatment of infertility, is not covered by the New Jersey Medicaid or NJ KidCare program. "L" preceding any procedure code indicates that the complete narrative for the code is located at N.J.A.C. 10:52-10.3. "N" preceding any procedure code indicates that qualifiers are applicable to that code. These qualifiers are listed by procedure code number at N.J.A.C. 10:52-10.4.</p> |
| HCPCS CODE | Lists the HCPCS procedure code numbers. |
| MOD | Lists alphabetic and numeric symbols. Services and procedures may be modified under certain circumstances. When applicable, the modifying circumstance should be identified by the addition of alphabetic and/or numeric characters at the end of the code. The New Jersey Medicaid program's recognized modifier codes are listed at N.J.A.C. 10:52-10.5. |
| DESCRIPTION | Lists the code narrative. (Narratives for Level I codes are found in CPT. Narratives for Level II and Level III codes are found at N.J.A.C. 10:52-10.3.) |
| MAXIMUM FEE ALLOWANCE | Lists the New Jersey Medicaid and NJ KidCare fee-for-service program's maximum reimbursement schedule for Pathology and Laboratory services. If the symbols "S.C.C." (Subject Cost-to-Charge) are listed instead of a dollar amount, it means that service is subject to the cost-to-charge ratio. If the symbols "N.A." (Not Applicable) are listed instead of a dollar amount, it means that service is not reimbursable. |

1. The fee listed under "Office Total Fee(s)" represents the combined technical and professional component of the reimbursement for the procedure code notwithstanding any statement to the contrary in the narrative. It will be paid only to one provider and will not be broken down into its component parts.

2. The fee schedule for all diagnostic Medical, Radiology and Pathology services performed in a hospital setting is indicated in the "Prof. Comp" and represents the professional component for those hospital based physicians whose contract is based on fee-for-service.

(d) Regarding alphabetic and numeric symbols under "IND" and "MOD", these symbols when listed under the "IND" and "MOD" columns are elements of the HCPCS coding system used as qualifiers or indicators (as in the "IND" column) and as modifiers (as in the "MOD" column). They assist the physician in determining the appropriate procedure codes to be used, the area to be covered, the minimum requirements needed, and any additional parameters required for reimbursement purposes.

1. These symbols and/or letters must not be ignored because in certain instances requirements are created in addition to the narrative which accompanies the CPT/HCPCS procedure code as written in CPT-4. The provider will then be liable for the additional requirements and not just the CPT/HCPCS procedure code narrative. These requirements must be fulfilled in order to receive reimbursement.

2. If there is no identifying symbol listed, the CPT/HCPCS code narrative prevails.

Amended by R.2000 d.29, effective January 18, 2000.
 See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

Inserted references to NJ KidCare fee-for-service and substituted references to CPT for references to CPT-4 throughout; in (a), inserted a reference to Certified Nurse Practitioners in 1, and changed N.J.A.C. reference in 3; and in (c), inserted a reference to NJ KidCare.

10:52-10.2 HCPCS procedure codes and maximum fee allowance schedule for pathology/laboratory

| Ind | HCPCS Code | Mod | Maximum Fee Allowance | |
|-----|------------|-----|-----------------------|---------------|
| | | | Office Total Fee | \$ Prof. Comp |
| N | 36415 | | 1.80 | |
| N | 80002 | | 5.00 | |
| N | 80003 | | 5.90 | |
| N | 80004 | | 5.90 | |
| N | 80005 | | 5.90 | |
| N | 80006 | | 5.90 | |
| N | 80007 | | 7.10 | |
| N | 80008 | | 7.10 | |
| N | 80009 | | 7.10 | |
| N | 80010 | | 7.50 | |
| N | 80011 | | 7.50 | |
| N | 80012 | | 7.50 | |
| N | 80016 | | 7.50 | |
| N | 80018 | | 11.00 | |
| N | 80019 | | 11.00 | |
| N | 80050 | | 36.00 | |
| N | 80055 | | 15.00 | |
| N | 80058 | | 5.90 | |

| Maximum Fee Allowance | | | | | Maximum Fee Allowance | | | | |
|-----------------------|------------|-----|------------------|---------------|-----------------------|------------|-----|------------------|---------------|
| Ind | HCPCS Code | Mod | Office Total Fee | \$ Prof. Comp | Ind | HCPCS Code | Mod | Office Total Fee | \$ Prof. Comp |
| N | 80059 | | 30.00 | | | 82009 | | 5.00 | |
| N | 80061 | | 15.00 | | | 82010 | | 10.00 | |
| N | 80072 | | 12.00 | | | 82013 | | 14.00 | |
| N | 80090 | | 28.80 | | | 82024 | | 30.00 | |
| N | 80091 | | 12.00 | | | 82030 | | 34.00 | |
| | 80092 | | 37.00 | | A | 82040 | | 1.80 | |
| | 80100 | | 5.20 | | | 82042 | | 4.30 | |
| | 80101 | | 5.20 | | | 82043 | | 4.30 | |
| | 80102 | | 15.00 | | | 82044 | | 1.00 | |
| | 80150 | | 15.00 | | | 82055 | | 4.50 | |
| | 80152 | | 15.00 | | | 82075 | | 8.80 | |
| | 80154 | | 21.50 | | | 82085 | | 13.75 | |
| | 80156 | | 20.00 | | | 82088 | | 40.00 | |
| | 80158 | | 20.00 | | | 82101 | | 16.30 | |
| | 80160 | | 15.00 | | | 82103 | | 7.80 | |
| | 80162 | | 15.00 | | | 82104 | | 7.80 | |
| | 80164 | | 10.00 | | | 82105 | | 10.20 | |
| | 80166 | | 15.00 | | | 82106 | | 10.20 | |
| | 80168 | | 24.50 | | | 82108 | | 38.00 | |
| | 80170 | | 12.60 | | | 82128 | | 12.90 | |
| | 80172 | | 1.80 | | | 82130 | | 25.00 | |
| | 80174 | | 15.00 | | | 82131 | | 24.00 | |
| | 80176 | | 18.00 | | | 82135 | | 20.00 | |
| | 80178 | | 9.00 | | | 82140 | | 6.00 | |
| | 80182 | | 12.00 | | | 82143 | | 4.20 | |
| | 80184 | | 12.80 | | | 82145 | | 12.00 | |
| | 80185 | | 19.00 | | A | 82150 | | 4.50 | |
| | 80186 | | 19.00 | | | 82154 | | 40.00 | |
| | 80188 | | 20.00 | | | 82157 | | 29.00 | |
| | 80190 | | 15.00 | | | 82160 | | 38.00 | |
| | 80192 | | 15.00 | | | 82163 | | 21.00 | |
| | 80194 | | 15.00 | | | 82164 | | 20.00 | |
| | 80196 | | 7.00 | | | 82172 | | 20.00 | |
| | 80198 | | 15.00 | | | 82175 | | 7.20 | |
| | 80200 | | 12.60 | | | 82180 | | 3.60 | |
| | 80202 | | 12.00 | | | 82190 | | S.C.C. | |
| | 80299 | | 10.80 | | | 82205 | | 12.00 | |
| | 80400 | | 34.00 | | | 82232 | | 24.50 | |
| | 80402 | | 96.00 | | | 82239 | | 20.00 | |
| | 80406 | | 98.00 | | | 82240 | | 5.69 | |
| | 80408 | | 130.00 | | A | 82250 | | 3.00 | |
| | 80410 | | 127.00 | | A | 82251 | | 4.50 | |
| | 80412 | | S.C.C. | | | 82252 | | 2.50 | |
| | 80414 | | 61.00 | | | 82270 | | 1.20 | |
| | 80415 | | 50.00 | | | 82273 | | 3.70 | |
| | 80418 | | S.C.C. | | | 82286 | | 7.60 | |
| | 80420 | | 74.00 | | | 82300 | | 30.00 | |
| | 80422 | | 45.00 | | | 82306 | | 30.00 | |
| | 80424 | | 33.00 | | | 82307 | | 25.00 | |
| | 80426 | | 130.00 | | | 82308 | | 34.00 | |
| | 80428 | | 60.00 | | A | 82310 | | 3.00 | |
| | 80430 | | 73.00 | | | 82330 | | 14.70 | |
| | 80432 | | 125.00 | | | 82331 | | 7.50 | |
| | 80434 | | 100.00 | | | 82340 | | 3.60 | |
| | 80435 | | 95.00 | | | 82355 | | 9.00 | |
| | 80436 | | 75.00 | | | 82360 | | 12.00 | |
| | 80438 | | 50.00 | | | 82365 | | 9.00 | |
| | 80439 | | 100.00 | | | 82370 | | 9.00 | |
| | 80440 | | 60.00 | | A | 82374 | | 3.30 | |
| | 80500 | | 9.00 | | | 82375 | | 6.00 | |
| | 80502 | | 13.00 | | | 82376 | | 3.00 | |
| | 81000 | | 1.20 | | | 82378 | | 22.40 | |
| | 81002 | | 1.00 | | | 82380 | | 6.00 | |
| | 81003 | | 1.50 | | | 82382 | | 12.00 | |
| | 81005 | | 1.00 | | | 82383 | | 12.00 | |
| | 81007 | | 3.82 | | | 82384 | | 18.00 | |
| | 81015 | | .40 | | | 82387 | | 24.00 | |
| | 81025 | | 3.00 | | | 82390 | | 6.00 | |
| | 81050 | | 3.40 | | | 82397 | | 21.00 | |
| | 82000 | | 15.00 | | | 82415 | | 18.50 | |
| | 82003 | | 26.00 | | A | 82435 | | 3.00 | |

| Maximum Fee Allowance | | | | | Maximum Fee Allowance | | | | |
|-----------------------|------------|-----|------------------|---------------|-----------------------|------------|-----|------------------|---------------|
| Ind | HCPCS Code | Mod | Office Total Fee | \$ Prof. Comp | Ind | HCPCS Code | Mod | Office Total Fee | \$ Prof. Comp |
| | 82436 | | 3.00 | | | 82787 | | 49.00 | |
| | 82438 | | 3.00 | | | 82800 | | 5.20 | |
| | 82441 | | 8.92 | | | 82803 | | 16.50 | |
| A | 82465 | | 3.00 | | | 82805 | | 8.00 | |
| | 82480 | | 4.50 | | | 82810 | | 10.00 | |
| | 82482 | | 11.27 | | | 82820 | | 14.92 | |
| | 82485 | | 30.00 | | | 82926 | | 6.00 | |
| | 82486 | | 4.40 | | | 82928 | | 6.00 | |
| N | 82487 | | 4.00 | | | 82938 | | 26.00 | |
| N | 82488 | | 15.00 | | | 82941 | | 16.00 | |
| N | 82489 | | 15.00 | | | 82943 | | 20.00 | |
| | 82491 | | 21.50 | | | 82946 | | 13.00 | |
| | 82495 | | 30.00 | | A | 82947 | | 4.34 | |
| | 82507 | | 40.00 | | | 82948 | | 1.50 | |
| | 82520 | | 17.00 | | | 82950 | | 3.00 | |
| | 82525 | | 9.00 | | | 82951 | | 5.00 | |
| | 82528 | | 19.70 | | | 82952 | | 1.00 | |
| | 82530 | | 17.00 | | | 82953 | | 10.00 | |
| | 82533 | | 17.00 | | | 82955 | | 6.00 | |
| | 82540 | | 3.00 | | | 82960 | | 7.00 | |
| A | 82550 | | 4.80 | | | 82962 | | 2.60 | |
| | 82552 | | 7.80 | | | 82963 | | 26.50 | |
| | 82553 | | 7.50 | | | 82965 | | 6.30 | |
| | 82554 | | 16.00 | | | 82975 | | 22.00 | |
| A | 82565 | | 3.00 | | A | 82977 | | 4.80 | |
| | 82570 | | 3.00 | | | 82978 | | 12.00 | |
| | 82575 | | 4.50 | | | 82979 | | 10.00 | |
| | 82585 | | 6.30 | | | 82980 | | 20.00 | |
| | 82595 | | 1.50 | | | 82985 | | 6.60 | |
| | 82600 | | 27.50 | | | 83001 | | 17.00 | |
| | 82607 | | 15.00 | | | 83002 | | 17.00 | |
| | 82608 | | 15.00 | | | 83003 | | 16.00 | |
| | 82615 | | 11.50 | | | 83008 | | 24.00 | |
| | 82626 | | 37.00 | | | 83010 | | 12.00 | |
| | 82627 | | 33.00 | | | 83012 | | 12.00 | |
| | 82633 | | 43.50 | | | 83015 | | 10.20 | |
| | 82634 | | 39.00 | | | 83018 | | 25.00 | |
| | 82638 | | 18.00 | | | 83020 | | 6.00 | |
| | 82646 | | 25.30 | | | 83026 | | 2.00 | |
| | 82649 | | 31.00 | | | 83030 | | 12.00 | |
| | 82651 | | 33.00 | | | 83033 | | 7.00 | |
| | 82652 | | 55.00 | | | 83036 | | 6.60 | |
| | 82654 | | 13.60 | | | 83045 | | 1.50 | |
| | 82664 | | 13.60 | | | 83050 | | 3.00 | |
| | 82666 | | 22.00 | | | 83051 | | 1.20 | |
| | 82668 | | 17.50 | | | 83055 | | 1.50 | |
| | 82670 | | 25.00 | | | 83060 | | 3.00 | |
| | 82671 | | 41.00 | | | 83065 | | 3.00 | |
| | 82672 | | 25.00 | | | 83068 | | 3.00 | |
| | 82677 | | 28.00 | | | 83069 | | 3.00 | |
| | 82679 | | 25.00 | | | 83070 | | 6.00 | |
| | 82690 | | 25.00 | | | 83071 | | 10.00 | |
| | 82693 | | 12.50 | | | 83088 | | 40.00 | |
| | 82696 | | 22.00 | | | 83150 | | 12.00 | |
| | 82705 | | .60 | | | 83491 | | 12.60 | |
| | 82710 | | 7.80 | | | 83497 | | 6.00 | |
| | 82715 | | 7.80 | | | 83498 | | 30.50 | |
| | 82725 | | 15.50 | | | 83499 | | 30.50 | |
| N | 82728 | | 16.00 | | | 83500 | | 34.00 | |
| | 82731 | | 71.20 | | | 83505 | | 40.00 | |
| | 82735 | | 24.00 | | | 83518 | | 8.00 | |
| | 82742 | | 29.50 | | | 83519 | | 15.00 | |
| | 82746 | | 10.50 | | | 83520 | | S.C.C. | |
| | 82747 | | 18.00 | | | 83525 | | 12.00 | |
| | 82757 | | 25.00 | | | 83527 | | 22.00 | |
| | 82759 | | 11.50 | | | 83528 | | 20.00 | |
| | 82760 | | 15.00 | | A | 83540 | | 4.50 | |
| | 82775 | | 30.00 | | A | 83550 | | 7.20 | |
| | 82776 | | 8.90 | | | 83570 | | 6.00 | |
| | 82784 | | 11.30 | | | 83582 | | 6.00 | |
| | 82785 | | 16.00 | | | 83586 | | 7.50 | |

| Maximum Fee Allowance | | | | | Maximum Fee Allowance | | | | |
|-----------------------|------------|-----|------------------|---------------|-----------------------|------------|-----|------------------|---------------|
| Ind | HCPCS Code | Mod | Office Total Fee | \$ Prof. Comp | Ind | HCPCS Code | Mod | Office Total Fee | \$ Prof. Comp |
| | 83593 | | 6.00 | | | 84127 | | 15.00 | |
| | 83605 | | 15.00 | | A | 84132 | | 3.90 | |
| A | 83615 | | 4.20 | | | 84133 | | 3.90 | |
| | 83625 | | 9.00 | | | 84134 | | 20.00 | |
| | 83632 | | 16.00 | | | 84135 | | 12.00 | |
| | 83633 | | 6.30 | | | 84138 | | 12.00 | |
| | 83634 | | 14.00 | | | 84140 | | 50.00 | |
| N | 83655 | | 9.00 | | | 84143 | | 60.00 | |
| | 83661 | | 10.50 | | | 84144 | | 20.00 | |
| | 83662 | | 5.00 | | | 84146 | | 20.00 | |
| | 83670 | | 2.10 | | | 84150 | | 30.00 | |
| | 83690 | | 4.50 | | | 84153 | | 26.00 | |
| | 83715 | | 7.50 | | A | 84155 | | 1.80 | |
| | 83717 | | 22.00 | | | 84160 | | 1.80 | |
| A | 83718 | | 8.00 | | | 84165 | | 6.00 | |
| | 83719 | | 17.00 | | | 84181 | | 25.00 | |
| | 83721 | | 10.00 | | | 84182 | | 26.00 | |
| | 83727 | | 17.00 | | N | 84202 | | 10.40 | |
| A | 83735 | | 4.50 | | N | 84203 | | 3.00 | |
| | 83775 | | 5.90 | | | 84206 | | 19.00 | |
| | 83785 | | 35.00 | | | 84207 | | 40.00 | |
| | 83805 | | 26.00 | | | 84210 | | 16.00 | |
| | 83825 | | 8.40 | | | 84220 | | 13.00 | |
| | 83835 | | 10.20 | | | 84228 | | 17.00 | |
| | 83840 | | 4.50 | | | 84233 | | 16.00 | |
| | 83857 | | 12.00 | | | 84234 | | 20.00 | |
| | 83858 | | 22.00 | | | 84235 | | 63.20 | |
| | 83864 | | 13.00 | | | 84238 | | 43.00 | |
| | 83866 | | 15.00 | | | 84244 | | 25.00 | |
| | 83872 | | 3.20 | | | 84252 | | 30.00 | |
| | 83873 | | 25.00 | | | 84255 | | 37.00 | |
| | 83874 | | 12.00 | | | 84260 | | 44.00 | |
| | 83883 | | S.C.C. | | | 84270 | | 25.00 | |
| | 83885 | | 19.00 | | | 84275 | | 16.00 | |
| | 83887 | | 20.00 | | | 84285 | | 28.80 | |
| | 83890 | | 5.71 | | A | 84295 | | 3.90 | |
| | 83892 | | 5.71 | | | 84300 | | 3.90 | |
| | 83894 | | 5.71 | | | 84305 | | 16.00 | |
| | 83896 | | 5.71 | | | 84307 | | 16.00 | |
| | 83898 | | 30.00 | | | 84311 | | 7.50 | |
| | 83912 | | 31.39 | | | 84315 | | 3.00 | |
| | 83915 | | 6.00 | | | 84375 | | 29.00 | |
| | 83916 | | 20.00 | | | 84392 | | 7.00 | |
| | 83918 | | 19.00 | | | 84402 | | 38.00 | |
| | 83925 | | 22.00 | | | 84403 | | 32.00 | |
| | 83930 | | 9.50 | | | 84425 | | 32.00 | |
| | 83935 | | 9.90 | | | 84430 | | 3.60 | |
| | 83957 | | 65.00 | | | 84432 | | 13.00 | |
| | 83945 | | 17.00 | | | 84436 | | 6.00 | |
| | 83970 | | 54.00 | | | 84437 | | 6.00 | |
| | 83986 | | 4.30 | | | 84439 | | 10.00 | |
| | 83992 | | 18.00 | | | 84442 | | 12.00 | |
| | 84022 | | 20.00 | | | 84443 | | 24.00 | |
| | 84030 | | 6.00 | | | 84445 | | 27.80 | |
| | 84035 | | 4.90 | | | 84446 | | 19.00 | |
| | 84060 | | 3.60 | | | 84449 | | 30.00 | |
| | 84061 | | 3.60 | | A | 84450 | | 3.00 | |
| | 84066 | | 14.00 | | A | 84460 | | 3.00 | |
| A | 84075 | | 3.60 | | | 84466 | | 19.00 | |
| | 84078 | | 3.60 | | A | 84478 | | 8.30 | |
| | 84080 | | 3.60 | | | 84479 | | 6.00 | |
| N | 84081 | | 24.00 | | | 84480 | | 15.00 | |
| | 84085 | | 7.90 | | | 84481 | | 15.00 | |
| | 84087 | | 15.00 | | | 84482 | | 15.00 | |
| A | 84100 | | 3.00 | | | 84485 | | 3.30 | |
| | 84105 | | 3.00 | | | 84488 | | 3.30 | |
| | 84106 | | 1.80 | | | 84490 | | 3.30 | |
| | 84110 | | 7.50 | | | 84510 | | 12.70 | |
| | 84119 | | 3.00 | | A | 84520 | | 3.00 | |
| | 84120 | | 7.50 | | | 84525 | | 3.00 | |
| | 84126 | | 37.00 | | | 84540 | | 3.00 | |

| Maximum Fee Allowance | | | | | Maximum Fee Allowance | | | | |
|-----------------------|------------|-----|------------------|---------------|-----------------------|------------|-----|------------------|---------------|
| Ind | HCPCS Code | Mod | Office Total Fee | \$ Prof. Comp | Ind | HCPCS Code | Mod | Office Total Fee | \$ Prof. Comp |
| | 84545 | | 6.00 | | | 85347 | | 3.00 | |
| A | 84550 | | 3.00 | | | 85348 | | 1.20 | |
| | 84560 | | 3.00 | | | 85360 | | 12.00 | |
| | 84577 | | 6.00 | | | 85362 | | 3.00 | |
| | 84578 | | .40 | | | 85366 | | 8.00 | |
| | 84580 | | 2.10 | | | 85370 | | 5.00 | |
| | 84583 | | 2.10 | | | 85378 | | 5.00 | |
| | 84585 | | 12.00 | | | 85379 | | 5.00 | |
| | 84586 | | 50.00 | | | 85384 | | 9.60 | |
| | 84588 | | 49.50 | | | 85385 | | 9.60 | |
| | 84590 | | 6.00 | | | 85390 | | 7.00 | |
| | 84597 | | 20.00 | | | 85400 | | 9.00 | |
| | 84600 | | 18.00 | | | 85410 | | 9.00 | |
| N | 84620 | | 16.00 | | | 85415 | | 10.00 | |
| | 84630 | | 16.00 | | | 85420 | | 9.00 | |
| | 84681 | | 22.00 | | | 85421 | | 15.00 | |
| | 84702 | | 11.39 | | | 85441 | | 6.00 | |
| | 84703 | | 3.00 | | | 85445 | | 5.00 | |
| | 84830 | | 3.00 | | | 85460 | | 9.40 | |
| | 84999 | | S.C.C. | | | 85475 | | 10.00 | |
| | 85002 | | 1.20 | | | 85520 | | 19.00 | |
| N | 85007 | | 2.40 | | | 85525 | | 17.00 | |
| | 85008 | | 1.20 | | | 85530 | | 16.00 | |
| | 85009 | | 1.20 | | | 85535 | | 3.00 | |
| | 85013 | | 1.50 | | | 85540 | | 8.90 | |
| N | 85014 | | 1.50 | | | 85547 | | 10.50 | |
| N | 85018 | | 1.20 | | | 85549 | | 28.00 | |
| N | 85021 | | 1.80 | | | 85555 | | 4.80 | |
| N | 85022 | | 3.00 | | | 85557 | | 4.80 | |
| N | 85023 | | S.C.C. | | | 85576 | | 10.00 | |
| N | 85024 | | 4.80 | | | 85585 | | 1.00 | |
| N | 85025 | | S.C.C. | | N | 85590 | | 3.00 | |
| N | 85027 | | 4.80 | | N | 85595 | | 3.00 | |
| | 85029 | | 2.75 | | | 85597 | | 20.00 | |
| | 85030 | | 3.25 | | | 85610 | | 3.00 | |
| | 85031 | | 3.00 | | | 85611 | | 4.50 | |
| N | 85041 | | 1.20 | | | 85612 | | 13.00 | |
| N | 85044 | | 3.00 | | | 85613 | | 10.00 | |
| | 85045 | | 4.00 | | | 85635 | | 8.40 | |
| N | 85048 | | 1.20 | | | 85651 | | 1.50 | |
| | 85060 | | S.C.C. | | | 85660 | | 3.00 | |
| | 85095 | | S.C.C. | | | 85670 | | 6.60 | |
| | 85097 | | S.C.C. | | | 85675 | | 6.42 | |
| | 85102 | | S.C.C. | | | 85705 | | 7.90 | |
| | 85130 | | S.C.C. | | | 85730 | | 3.00 | |
| | 85170 | | .60 | | | 85732 | | 3.00 | |
| | 85175 | | 3.90 | | | 85810 | | 15.00 | |
| | 85210 | | 3.00 | | | 85999 | | S.C.C. | |
| | 85220 | | 25.00 | | | 86000 | | .90 | |
| | 85230 | | 25.00 | | | 86003 | | 20.00 | |
| | 85240 | | 25.00 | | | 86005 | | 5.00 | |
| | 85244 | | 29.00 | | | 86021 | | 9.00 | |
| | 85246 | | 10.00 | | | 86022 | | 9.00 | |
| | 85247 | | 10.00 | | | 86023 | | 15.00 | |
| | 85250 | | 27.00 | | | 86038 | | 7.80 | |
| | 85260 | | 26.00 | | | 86039 | | 15.00 | |
| | 85270 | | 26.00 | | | 86060 | | 3.60 | |
| | 85280 | | 26.00 | | | 86063 | | 1.20 | |
| | 85290 | | 8.00 | | | 86077 | | S.C.C. | |
| | 85291 | | 7.00 | | | 86078 | | S.C.C. | |
| | 85292 | | 28.00 | | | 86079 | | S.C.C. | |
| | 85293 | | 28.00 | | | 86140 | | 3.00 | |
| | 85300 | | 15.00 | | | 86147 | | 38.00 | |
| | 85301 | | 16.00 | | | 86155 | | 14.00 | |
| | 85302 | | 17.00 | | | 86156 | | 3.00 | |
| | 85303 | | 18.00 | | | 86157 | | 9.00 | |
| | 85305 | | 17.00 | | | 86160 | | 9.00 | |
| | 85306 | | 18.00 | | | 86161 | | 9.00 | |
| | 85335 | | 10.00 | | | 86162 | | 15.60 | |
| | 85337 | | 10.00 | | | 86171 | | 4.50 | |
| | 85345 | | 1.80 | | | 86185 | | 7.90 | |

| Maximum Fee Allowance | | | | Maximum Fee Allowance | | | | | |
|-----------------------|------------|-----|------------------|-----------------------|-----|------------|-----|------------------|---------------|
| Ind | HCPCS Code | Mod | Office Total Fee | \$ Prof. Comp | Ind | HCPCS Code | Mod | Office Total Fee | \$ Prof. Comp |
| | 86215 | | 18.50 | | | 86635 | | 10.00 | |
| | 86225 | | 13.00 | | | 86638 | | 12.50 | |
| | 86226 | | 15.00 | | | 86641 | | 12.50 | |
| | 86235 | | 25.00 | | | 86644 | | 23.00 | |
| | 86243 | | 15.90 | | | 86645 | | 12.00 | |
| | 86255 | | 7.80 | | | 86648 | | 18.00 | |
| | 86256 | | 12.50 | | | 86651 | | 12.00 | |
| | 86277 | | 16.00 | | | 86652 | | 12.00 | |
| | 86280 | | 5.40 | | | 86653 | | 12.00 | |
| | 86287 | | 10.00 | | | 86654 | | 12.00 | |
| | 86289 | | 15.00 | | | 86658 | | 12.00 | |
| | 86290 | | 18.00 | | | 86663 | | 12.00 | |
| | 86291 | | 15.00 | | | 86664 | | 23.00 | |
| | 86293 | | 12.00 | | | 86665 | | 25.00 | |
| | 86295 | | 12.00 | | | 86668 | | 12.00 | |
| | 86296 | | 10.00 | | | 86671 | | 15.00 | |
| | 86299 | | 12.60 | | | 86674 | | S.C.C. | |
| | 86302 | | 19.00 | | | 86677 | | 12.00 | |
| | 86306 | | 20.00 | | | 86682 | | 12.00 | |
| | 86308 | | 3.00 | | | 86684 | | 15.00 | |
| | 86309 | | 5.00 | | | 86687 | | 12.00 | |
| | 86310 | | 4.50 | | | 86688 | | 13.00 | |
| | 86311 | | 26.00 | | | 86689 | | 21.20 | |
| | 86316 | | 30.00 | | | 86692 | | 20.00 | |
| | 86317 | | 8.00 | | | 86694 | | 12.80 | |
| | 86318 | | 7.00 | | | 86695 | | 12.80 | |
| | 86320 | | 10.50 | | | 86698 | | 15.00 | |
| | 86325 | | 25.00 | | | 86701 | | 13.00 | |
| | 86327 | | 25.00 | | | 86702 | | 13.00 | |
| | 86329 | | 20.00 | | | 86703 | | 21.00 | |
| | 86331 | | 4.50 | | | 86710 | | 12.00 | |
| | 86332 | | 33.00 | | | 86713 | | 20.00 | |
| | 86334 | | 31.20 | | | 86717 | | S.C.C. | |
| | 86337 | | 13.71 | | | 86720 | | 15.00 | |
| | 86340 | | 20.00 | | | 86723 | | 15.00 | |
| | 86341 | | 25.00 | | | 86727 | | 15.00 | |
| | 86343 | | 6.00 | | | 86729 | | 12.00 | |
| | 86344 | | 10.86 | | | 86732 | | 15.00 | |
| | 86353 | | 32.00 | EACH MITOGEN | | 86735 | | 15.00 | |
| | 86359 | | 40.00 | | | 86738 | | 12.00 | |
| | 86360 | | 55.00 | | | 86741 | | 12.00 | |
| | 86376 | | 6.60 | | | 86744 | | 12.00 | |
| | 86378 | | 26.00 | | | 86747 | | 12.00 | |
| | 86382 | | 20.00 | | | 86750 | | 12.00 | |
| | 86384 | | 10.86 | | | 86753 | | 12.00 | |
| | 86403 | | 8.00 | | | 86756 | | 12.00 | |
| | 86430 | | 1.80 | | | 86759 | | 12.00 | |
| | 86431 | | 4.50 | | | 86762 | | 12.00 | |
| | 86485 | | S.C.C. | | | 86765 | | 10.00 | |
| | 86490 | | S.C.C. | | | 86768 | | 12.00 | |
| | 86510 | | S.C.C. | | | 86771 | | 12.00 | |
| | 86580 | | S.C.C. | | | 86774 | | 5.40 | |
| | 86585 | | S.C.C. | | | 86777 | | 12.00 | |
| | 86586 | | S.C.C. | | | 86778 | | 15.00 | |
| | 86588 | | 13.20 | | | 86781 | | 12.00 | |
| | 86590 | | 8.00 | | | 86784 | | 8.00 | |
| | 86592 | | 1.50 | | | 86787 | | 12.60 | |
| | 86593 | | 3.00 | | | 86790 | | S.C.C. | |
| | 86602 | | 10.00 | | | 86793 | | 8.00 | |
| | 86603 | | 10.00 | | | 86800 | | 13.00 | |
| | 86606 | | 10.00 | | | 86805 | | 22.00 | |
| | 86609 | | 10.00 | | | 86806 | | 22.00 | |
| | 86612 | | 10.00 | | | 86807 | | 55.00 | |
| | 86615 | | 10.00 | | | 86808 | | 39.00 | |
| | 86618 | | 25.00 | | | 86812 | | 12.60 | |
| | 86619 | | 10.00 | | | 86813 | | 19.00 | |
| | 86622 | | 8.00 | | | 86816 | | 19.00 | |
| | 86625 | | 10.00 | | | 86817 | | 19.00 | |
| | 86628 | | 10.00 | | | 86821 | | 68.00 | |
| | 86631 | | 10.00 | | | 86822 | | 50.00 | |
| | 86632 | | 15.00 | | | 86849 | | S.C.C. | |

| Maximum Fee Allowance | | | | | Maximum Fee Allowance | | | | |
|-----------------------|------------|-----|------------------|---------------|-----------------------|------------|-----|------------------|---------------|
| Ind | HCPCS Code | Mod | Office Total Fee | \$ Prof. Comp | Ind | HCPCS Code | Mod | Office Total Fee | \$ Prof. Comp |
| | 86850 | | 4.20 | | | 87174 | | 10.00 | |
| | 86860 | | 4.20 | | | 87175 | | 15.00 | |
| | 86870 | | 9.00 | | | 87176 | | 6.40 | |
| | 86880 | | 5.00 | | | 87177 | | 5.10 | |
| | 86885 | | 6.80 | | | 87178 | | 24.00 | |
| | 86886 | | 5.00 | | | 87179 | | 24.00 | |
| | 86890 | | 75.00 | | | 87181 | | 5.80 | |
| | 86891 | | 75.00 | | N | 87184 | | 9.00 | |
| | 86900 | | 2.00 | | | 87186 | | 13.00 | |
| | 86901 | | 2.00 | | | 87187 | | 13.00 | |
| | 86903 | | 11.70 | | | 87188 | | 6.00 | |
| | 86904 | | 11.70 | | | 87190 | | .60 | |
| | 86905 | | 3.00 | | | 87192 | | .60 | |
| | 86906 | | 2.00 | | | 87197 | | 15.00 | |
| | 86910 | | 12.60 | | | 87205 | | 4.20 | |
| | 86911 | | 5.00 | | | 87206 | | 4.20 | |
| | 86915 | | 67.50 | | | 87207 | | 3.00 | |
| | 86920 | | 12.00 | | | 87208 | | 5.10 | |
| | 86921 | | 12.00 | | | 87210 | | 2.40 | |
| | 86922 | | 12.00 | | | 87211 | | 5.10 | |
| | 86940 | | 9.50 | | | 87220 | | 2.40 | |
| | 86941 | | 12.50 | | | 87230 | | 27.00 | |
| | 86945 | | S.C.C. | | | 87250 | | 28.00 | |
| | 86950 | | S.C.C. | | | 87252 | | 29.50 | |
| | 86965 | | S.C.C. | | | 87253 | | 6.00 | |
| | 86970 | | S.C.C. | | | 87270 | | 10.00 | |
| | 86971 | | S.C.C. | | | 87274 | | 12.80 | |
| | 86972 | | S.C.C. | | | 87320 | | 12.50 | |
| | 86975 | | S.C.C. | | | 87490 | | 20.00 | |
| | 86976 | | S.C.C. | | | 87491 | | 38.00 | |
| | 86977 | | S.C.C. | | | 87590 | | 25.00 | |
| | 86978 | | S.C.C. | | | 87591 | | 38.00 | |
| | 86985 | | S.C.C. | | | 87620 | | 25.00 | |
| | 86999 | | S.C.C. | | | 87621 | | 38.00 | |
| | 87001 | | 9.00 | | | 87999 | | S.C.C. | |
| | 87003 | | 15.00 | | | 88104 | | S.C.C. | 7.00 |
| | 87015 | | 5.10 | | | 88106 | | S.C.C. | 7.00 |
| N | 87040 | | 9.00 | | | 88107 | | S.C.C. | 7.00 |
| N | 87045 | | 9.00 | | | 88108 | | S.C.C. | 7.00 |
| N | 87060 | | 9.00 | | | 88125 | | S.C.C. | |
| N | 87070 | | 9.00 | | | 88130 | | 9.65 | 7.00 |
| | 87072 | | 6.00 | | | 88140 | | 4.20 | 3.00 |
| | 87075 | | 9.00 | | | 88141 | | 6.00 | |
| | 87076 | | 6.00 | | | 88142 | | 18.00 | |
| | 87081 | | 9.00 | | | 88143 | | 18.00 | |
| | 87082 | | 4.00 | | | 88144 | | 18.00 | |
| | 87083 | | 4.00 | | | 88145 | | 18.00 | |
| | 87084 | | 3.00 | | | 88147 | | 13.48 | |
| | 87085 | | 4.00 | | | 88148 | | 13.48 | |
| | 87086 | | 6.00 | | | 88150 | | 6.00 | |
| | 87087 | | 2.70 | | | 88151 | | 6.00 | |
| | 87088 | | 2.70 | | | 88152 | | 6.00 | |
| | 87101 | | 8.00 | | | 88153 | | 6.00 | |
| | 87102 | | 8.00 | | | 88154 | | 6.00 | |
| | 87103 | | 8.00 | | N | 88155 | | 6.00 | |
| | 87106 | | 8.00 | | | 88156 | | 6.00 | |
| | 87109 | | 14.00 | | | 88157 | | 6.00 | |
| | 87110 | | 15.00 | | | 88160 | | S.C.C. | |
| | 87116 | | 6.00 | | | 88161 | | S.C.C. | 7.00 |
| | 87117 | | 9.00 | | | 88162 | | S.C.C. | |
| | 87118 | | 12.00 | | | 88164 | | 6.00 | |
| | 87140 | | 3.00 | | | 88165 | | 6.00 | |
| | 87143 | | 3.00 | | | 88166 | | 6.00 | |
| | 87145 | | 3.00 | | | 88167 | | 6.00 | |
| | 87147 | | 3.00 | | | 88170 | | S.C.C. | |
| | 87151 | | 3.00 | | | 88171 | | S.C.C. | |
| | 87155 | | 3.00 | | | 88172 | | S.C.C. | |
| | 87158 | | 3.00 | | | 88173 | | S.C.C. | |
| | 87163 | | 12.00 | | | 88180 | | S.C.C. | |
| | 87164 | | 6.00 | | | 88182 | | 300.00 | |
| | 87166 | | 6.00 | | | 88199 | | S.C.C. | |

| Ind | HCPCS Code | Mod | Maximum Fee Allowance | |
|-----|------------|--------|-----------------------|---------------|
| | | | Office Total Fee | \$ Prof. Comp |
| | 88230 | | 90.00 | |
| | 88233 | | 90.00 | |
| | 88235 | | 90.00 | |
| | 88237 | | 90.00 | |
| | 88239 | | 90.00 | |
| | 88245 | | 184.00 | |
| | 88248 | | 230.00 | |
| | 88250 | | 184.00 | |
| | 88262 | | 184.00 | |
| | 88263 | | 184.00 | |
| | 88267 | | 230.00 | |
| | 88280 | | 37.00 | |
| | 88283 | | 46.00 | |
| | 88285 | | 2.00 | |
| | 88289 | | 40.00 | |
| | 88300 | S.C.C. | | 7.00 |
| | 88302 | S.C.C. | | 15.00 |
| | 88304 | S.C.C. | | 19.00 |
| | 88305 | S.C.C. | | 30.00 |
| | 88307 | S.C.C. | | 44.00 |
| | 88309 | S.C.C. | | 66.00 |
| | 88311 | S.C.C. | | |
| | 88312 | S.C.C. | | 8.00 |
| | 88313 | S.C.C. | | 5.00 |
| | 88314 | S.C.C. | | 7.00 |
| | 88318 | S.C.C. | | |
| | 88319 | S.C.C. | | |
| | 88321 | S.C.C. | | |
| | 88323 | S.C.C. | | |
| | 88325 | S.C.C. | | |
| | 88329 | S.C.C. | | |
| | 88331 | S.C.C. | | 41.00 |
| | 88332 | S.C.C. | | |
| | 88342 | S.C.C. | | 7.00 |
| | 88346 | | 40.00 | 7.00 |
| | 88347 | | 45.00 | 7.00 |
| N | 88348 | | 184.00 | 151.00 |
| N | 88349 | S.C.C. | | 151.00 |
| | 88355 | S.C.C. | | 31.50 |
| | 88356 | S.C.C. | | 31.50 |
| | 88358 | S.C.C. | | 31.50 |
| | 88362 | S.C.C. | | 31.50 |
| | 88365 | | 47.25 | 15.75 |
| | 88371 | S.C.C. | | |
| | 88372 | S.C.C. | | |
| | 88399 | S.C.C. | | |
| | 89050 | | 0.90 | |
| | 89051 | | 0.90 | |
| | 89060 | | 8.50 | |
| | 89100 | S.C.C. | | |
| | 89105 | S.C.C. | | |
| | 89125 | | 0.60 | |
| | 89130 | S.C.C. | | |
| | 89132 | S.C.C. | | |
| | 89135 | S.C.C. | | |
| | 89136 | S.C.C. | | |
| | 89140 | S.C.C. | | |
| | 89141 | S.C.C. | | |
| | 89160 | | 2.10 | |
| | 89190 | | 2.20 | |
| | 89300 | | 2.40 | |
| | 89310 | | 4.80 | |
| | 89320 | | 3.00 | |
| | 89325 | | 13.00 | |
| F | 89329 | | 31.00 | |
| F | 89330 | | 8.00 | |
| | 89350 | S.C.C. | | |
| | 89355 | S.C.C. | | |
| N | 89360 | S.C.C. | | |
| | 89399 | S.C.C. | | |

| Ind | HCPCS Code | Mod | Maximum Fee Allowance | |
|-----|------------|-----|-----------------------|---------------|
| | | | Office Total Fee | \$ Prof. Comp |
| L | G0001 | | 1.80 | |
| L | P9610 | | 1.80 | |
| L | P9615 | | 1.80 | |
| L | Q0111 | | 2.40 | |
| L | Q0112 | | 2.40 | |
| L | Q0113 | | 5.10 | |
| L | Q0114 | | 9.60 | |
| L | Q0115 | | 12.33 | |
| L | Q0116 | | 2.00 | |
| LN | W8200 | | 2.00 | |
| L | W8260 | | 33.00 | |
| L | W8265 | | 33.00 | |
| L | W8730 | | 11.00 | |
| L | W8900 | | 10.00 | |
| L | W8920 | | 1.80 | |
| L | W8925 | | .60 | |

Amended by R.2002 d.323, effective October 7, 2002.
 See: 34 N.J.R. 959(a), 34 N.J.R. 3524(a).
 Added HCPCS Code 82731 and its corresponding Office Total Fee.
 Amended by R.2003 d.15, effective January 6, 2003.
 See: 34 N.J.R. 2676(a), 35 N.J.R. 230(c).
 Updated the table of HCPCS procedure codes.

10:52-10.3 HCPCS Code Numbers, Procedure Description and Maximum Fee Schedule; Pathology/Laboratory (Codes and Narratives Not Found in CPT)

| PATHOLOGY/LABORATORY | | | Maximum Fee Allowance |
|----------------------|----------|---|-----------------------|
| HCPCS Ind | Code Mod | Procedure Description | |
| G0001 | | Routine Venipuncture | \$ 1.80 |
| | | QUALIFIER: This service is reimbursable at a fixed rate or at the amount of the hospital charge (whichever is less) per specimen type, per patient encounter, regardless of the number of patient encounters per day. | |
| P9610 | | Catheterization for collection of (urine) specimen(s), single patient | 1.80 |
| | | QUALIFIER: This service is reimbursable at a fixed rate or at the amount of the hospital charge (whichever is less) per specimen type, per patient encounter, regardless of the number of patient encounters per day. | |
| P9615 | | Catheterization for collection of (urine) specimen(s), (multiple) patients | 1.80 |
| | | QUALIFIER: This service is reimbursable at a fixed rate or at the amount of the hospital charge (whichever is less) per specimen type, per patient encounter, regardless of the number of patient encounters per day. | |
| Q0111 | | Wet mount, including preparations of vaginal, cervical or skin specimens | 2.40 |
| Q0112 | | All potassium hydroxide (KOH) preparations | 2.40 |
| Q0113 | | Pinworm examination | 5.10 |
| Q0114 | | Fern test | 9.60 |
| Q0115 | | Post-coital direct, qualitative examinations of vaginal or cervical mucous | 12.33 |

| Ind | HCPCS Code Mod | Procedure Description | Maximum Fee Allowance |
|-----|----------------|--|-----------------------|
| | Q0116 | Hemoglobin by single analyte instruments with self-contained or component features to perform specimen/reagent interaction, providing direct measurements and read-out | 2.00 |
| N | W8200 | Glucose, serum (separate tube, grey top) QUALIFIER: Submitted on same claim, and performed on same date as chemistry profiles | 2.00 |
| | W8260 | Haldol (haloperidol) serum, confirmation test | 33.00 |
| | W8265 | Serentil, serum mesoridazine, quantitative, confirmation test | 33.00 |
| | W8730 | Gonozyne, Gonococcal antigen | 11.00 |

Amended by R.2000 d.29, effective January 18, 2000.

See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

In the table, deleted a reference to home bound, nursing and SNF patients in P9610, and deleted W8900, W8920 and W8925.

10:52-10.4 Pathology and Laboratory HCPCS Codes—Qualifiers

(a) Qualifiers for pathology and laboratory services are summarized below:

1. Chemistry Automated, Multichannel Tests

Applies to CPT Codes: 80002, 80003, 80004, 80005, 80006, 80007, 80008, 80009, 80010, 80011, 80012, 80016, 80018, and 80019. The following list contains those tests which can be and are frequently performed as groups and combinations (profiles) on automated multichannel equipment: Apply this methodology to the above CPT Codes. For reporting one test, regardless of method of testing, use appropriate single test code number. For any combination of tests among those listed below use the appropriate number 80002-80019. Groups of the tests listed here are distinguished from multiple tests performed individually for immediate or "stat" reporting. Laboratory chemistry tests performed on your automated equipment in addition to laboratory chemistry tests listed must be billed as 80002-80019 as part of the automated multichannel test listing.

- Acid—Phosphatase
- Albumin
- Alkaline Phosphatase
- (ALT, SGPT) Aspartate Aminotranferase
- (AST, SGOT) Aspartate Aminotranferase
- Amylase
- Bilirubin, Total
- Bilirubin, Direct
- Blood Urea Nitrogen (BUN)
- Calcium
- Carbon Dioxide (CO2)
- Chlorides (Cl)
- Cholesterol
- Creatine Kinase (CK, CPK)

- Creatinine
- Gamma Glutamyl Transpeptidase (GGTP)
- Glucose (Sugar)
- Iron
- Iron Binding Capacity
- Lactic Dehydrogenase (LD)
- Lipoprotein (HDL Cholesterol)
- Magnesium
- Phosphorus
- Potassium (K)
- Protein, Total
- Sodium (NA)
- Triglycerides
- Uric Acid

NOTE 1: If any two of the following HCPCS procedure codes are performed on the same day by automated equipment and the total reimbursement of the two chemistry tests would have exceeded \$5.00, the maximum reimbursement will not be more than \$5.00: 82040, 82150, 82250, 82251, 82310, 82374, 82435, 82465, 82550, 82565, 82947, 82977, 83540, 83550, 83615, 83718, 83735, 84060, 84075, 84100, 84132, 84155, 84295, 84450, 84460, 84478, 84520, 84550.

NOTE 2: The following calculations and ratios are not eligible for separate or additional reimbursement. Mathematical calculations listed below are not reimbursable:

| | |
|----------------------|----------------|
| A/G Ratio | Globulin |
| BUN/Creatinine Ratio | FTI (T7) |
| Free Calcium | Free Thyroxine |

NOTE 3: Any additional automated multichannel chemistry tests performed on same date as Codes 80002, 80003, 80004, 80005, 80006, 80007, 80008, 80009, 80010, 80011, 80012, 80016, 80018, and 80019 will not be reimbursed at the current allowable fee for each added test when performed on automated multichannel equipment.

NOTE 4: Code (W8200)—Glucose (separate tube, gray top) performed on the same date as the following chemistry profiles 80002, 80003, 80004, 80005, 80006, 80007, 80008, 80009, 80010, 80011, 80012, 80016, 80018 and 80019 will be paid an additional \$2.00.

2. Codes 80050, 80055, 80058, 80059, 80061, 80072, 80090, 80091, 80092. The panels listed must include the laboratory tests assigned by the CPT as the components of the panel. The tests listed with each of the panels identify the defined components of that panel. If any laboratory tests included in the panel are billed a la carte, the tests must be billed as the panel. The laboratory provider may not charge Medicaid or NJ KidCare fee-for-service program more than the lowest charge level offered to another provider. The lowest charges for the laboratory

test comprising the panel must aggregate as equivalent to or greater than the listed panel fee.

NOTE 1: Code 80091—Thyroid panel

Reimbursement not eligible for 84439 when billed in conjunction with 80091 on same day.

NOTE 2: Code 80092—Thyroid panel with TSH

Code 84443—TSH will not be paid a separate reimbursement when performed in conjunction with 80091 or 80092.

3. Codes 82487, 82488, and 82489—Chromatography—must list substance (compound) tested for in block 34 (REMARKS) of the claim form.

4. Code 82728—Ferritin

When the procedure for ferritin is performed in combination with Vitamin B12 or Folate or any of the chemistry analytes listed on codes 80002–80019 the maximum reimbursable fee for code 82728 is \$5.00.

5. Code 84081—Phosphatidylglycerol—test done on newborn or amniotic fluid to determine fetal lung maturity.

6. Code 84202—Protoporphyrin, RBC; quantitative—Utilize only for testing of anemia. Utilize code 84203—Protoporphyrin, RBC; screen when testing for anemia. Code 84203 will no longer be reimbursed when billed in conjunction with code 83655—Blood lead determination (quantitative).

7. Code 84620—Xylose absorption tests, blood and/or urine (D-xylose tolerance test), includes serum & urine levels, up to 5 hourly specimens.

8. Codes 85023 and 85025—Hematology

NOTE: For purpose of reimbursement based on this schedule, a complete blood count (CBC) includes a hematocrit, hemoglobin determination, RBC count, RBC indices, WBC count and differential WBC count (See codes 85021 and 85022), for a platelet count with a CBC (see codes 85023–85025).

Hematology codes 85014, 85018, 85041 and 85048 may not be billed in conjunction with codes for blood count with hemogram (85021, 85022, 85023, 85024, 85025, and 85027).

The code for manual differential WBC count (85007) may not be billed in conjunction with codes 85021, 85022, 85023, 85024, 85025, and 85027.

Codes for platelet count (85590 and 85595) may not be billed in conjunction with codes 985023–85027.

Code 85044 may be billed in conjunction with codes 85023 and 85025, when a complete hemogram is ordered.

9. Codes 87040, 87045, 87060, 87070, 87184—Cultures

NOTE: These codes may only be billed when a pathogenic microorganism is reported. A culture that indicates no growth or normal flora must be billed as a presumptive culture; (87081 and 87082).

10. Code 88155—pap smear

NOTE: Obtaining specimen not a separate eligible service.

11. Code 88348 and 89349—Electron microscopy; diagnostic and scanning are not reimbursable when used as a research tool.

NOTE: For reimbursement purposes, the Medicaid and NJ KidCare fee-for-service programs will pay for the above diagnostic scanning procedure when it pertains to x-ray microanalysis for identification of asbestos particles and heavy metals, i.e., gold, mercury, etc. and also when examining tissue specimens in occasional cases of malabsorption.

12. Code 89360—Sweat (without iontophoresis) test

NOTE: Reimbursement not eligible for qualitative tests. For reimbursement purposes, 84295 will not be reimbursed at any additional charge. Do not bill 84295 in conjunction 89360.

13. Code 36415—Utilize this code only for finger/heel/ear stick for collection of specimen(s). This service is reimbursable in the physician office laboratory (POL) when the specimen is referred out to an independent clinical laboratory for testing. Finger/heel/ear stick is not reimbursable when billed by the independent clinical laboratory.

NOTE: This service is reimbursable at a fixed rate or at the amount of the hospital charge (whichever is less) per specimen type, per patient encounter, regardless of the number of patient encounters per day.

Amended by R.2000 d.29, effective January 18, 2000.

See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

In (a), inserted references to NJ KidCare fee-for-service programs in 2 and 11, and substituted a reference to CPT for a reference to CPT-4 in 2.

10:52-10.5 Pathology and Laboratory HCPCS Codes—Modifiers

(a) Services and procedures may be modified under certain circumstances. When applicable, the modifying circumstance should be identified by the addition of alphabetic and/or numeric characters at the end of the code. The New Jersey Medicaid and NJ KidCare fee-for-service programs' recognized modifier codes are:

Modifier

| Code | Description |
|------|--|
| 22 | Unusual Procedural Services: When the service(s) provided is greater than that usually required for the listed procedure, it may be identified by adding modifier '22' to the usual procedure number. A report may also be appropriate. |
| 26 | Professional Component: Certain procedures are a combination of a physician component and a technical component. When the physician component is reported separately, the service may be identified by adding the modifier '26' to the usual procedure number. |
| 52 | Reduced Services: Under certain circumstances a service or procedure is partially reduced or eliminated at the physician's election. Under these circumstances the service provided can be identified by its usual procedure number and the addition of the modifier '52', signifying that the service is reduced. This provides a means of reporting reduced services without disturbing the identification of the basic service. |
| 90 | Reference (Outside) Laboratory: When laboratory procedures are performed by a party other than the treating or reporting physician, the procedure may be identified by adding the modifier '90' to the usual procedure number. |

Amended by R.2000 d.29, effective January 18, 2000.

See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

In (a), inserted a reference to NJ KidCare fee-for-service programs.

SUBCHAPTER 11. CHARITY CARE

10:52-11.1 Charity care audit functions

(a) The Department of Health and Senior Services shall conduct an audit of disproportionate share hospitals' charity care reported as written-off each calendar year. The Department of Health and Senior Services shall audit charity care at least once, but no more than six times each calendar year.

(b) The Department of Health and Senior Services shall report to the Division of Medical Assistance and Health Services on charity care. This report shall include any adjustments made pursuant to N.J.A.C. 10:52-11.15 or 13.4 or approvals made pursuant to N.J.A.C. 10:52-11.8(c) and (d).

Amended by R.2000 d.29, effective January 18, 2000.

See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

In (b), substituted "report to the Division of Medical Assistance and Health Services" for "make a monthly report to the Essential Health Services Commission" in the first sentence, and changed N.J.A.C. references in the second sentence.

Amended by R.2003 d.485, effective December 15, 2003.

See: 35 N.J.R. 509(a), 35 N.J.R. 5568(a).

In (a), substituted "disproportionate share" for "acute care" preceding "hospitals' charity"; in (b), amended N.J.A.C. references.

10:52-11.2 Sampling methodology

(a) The Department of Health and Senior Services shall audit charity care claims based on a sample which will be developed from the charity claims submitted for pricing as described in N.J.A.C. 10:52-12.2.

(b) The Department of Health and Senior Services shall require hospitals to make a small number of additional charity care accounts available upon audit.

Amended by R.2000 d.29, effective January 18, 2000.

See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

Rewrote (a); and deleted a former (c).

10:52-11.3 Charity care write off amount

(a) The Department of Health and Senior Services shall value charity care claims at the Medicaid rate. The Medicaid rate, for purposes of valuing a given charity care claim, shall be based on the New Jersey Medicaid program's pricing and program policies pursuant to N.J.A.C. 10:52-12.1 and 12.2. For write-off and billing purposes, the hospital shall use the following procedures:

1. Charity Care Write Off Amount equals Charity Care Eligibility Percentage, as determined by N.J.A.C. 10:52-11.8(b) and (c) multiplied by the Medicaid payment rate.

2. In the event that there is a partial payment from a third party, the charity care write-off amount is determined as follows: Charity Care Write Off Amount equals Medicaid payment rate minus third party payment multiplied by Charity Care Eligibility Percentage. Beginning July 1, 1995, charity care availability for persons with health insurance shall be subject to all Federal disproportionate share rules, including the Omnibus Budget Reconciliation Act of 1993, Section 13621.

3. If the third party payment is greater than the Medicaid payment rate, the charity care write-off amount shall be listed as zero.

(b) Applicants eligible for charity care at 100 percent shall not be billed. Any difference between hospital charges and the Medicaid rate shall be recorded as a contractual allowance.

(c) Applicants eligible for charity care at less than 100 percent shall be billed as follows:

1. Applicant Responsibility equals 100 percent minus Charity Care Eligibility Percentage multiplied by Hospital Charges minus any third party payment.

2. Contractual allowance equals Hospital Charges minus any third party payment minus Charity Care Write Off plus Applicant Responsibility.

(d) The Department of Health and Senior Services will calculate the cost of charity care services at the rate that would have been paid by the New Jersey Medicaid program.

Amended by R.2000 d.29, effective January 18, 2000.

See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

In (a)1, changed N.J.A.C. reference; and in (d), substituted a reference to the Department of Health and Senior Services for a reference to the Essential Health Services Commission.

Amended by R.2000 d.299, effective July 17, 2000.

See: 32 N.J.R. 1123(a), 32 N.J.R. 2615(a).

In (a), rewrote the introductory paragraph, and changed N.J.A.C. reference in 1.

10:52-11.4 Differing documentation requirements if patient admitted through emergency room

N.J.A.C. 10:52-11.5 through 11.10 govern documentation requirements for all charity care applications except those for patients admitted through the hospital's emergency room. Documentation requirements for applications of patients admitted through the emergency room are governed by N.J.A.C. 10:52-11.16.

New Rule, R.2000 d.299, effective July 17, 2000.

See 32 N.J.R. 1123(a), 32 N.J.R. 2615(a).

Former N.J.A.C. 10:52-11.4, Charity care screening and documentation requirements, recodified to N.J.A.C. 10:52-11.5.

10:52-11.5 Charity care screening and documentation requirements

(a) The hospital shall provide all patients with an individual written notice of the availability of charity care and Medicaid or NJ KidCare, in a form provided by the Department of Health and Senior Services, at the time of service, but no later than the issuance of the first billing statement to the patient.

(b) The hospital shall correctly assess and document the applicant's eligibility for charity care, based upon the criteria set forth in this subchapter. The applicant's financial file for audit shall contain the completed charity care application in a format approved by the Department of Health and Senior Services, as well as the supporting documentation which led to the determination of eligibility. For purposes of the audit, the hospital shall include in or with the file all other information necessary to demonstrate compliance with any of the audit steps.

(c) The hospital shall ask the applicant if he or she has any third party health insurance, including, but not limited to, coverage through a parent or spouse or coverage for the services under an automobile insurance or workers compensation policy. If the applicant claims to have insurance, the hospital shall document the name of the insurer and the insured, and all other information pertinent to the insurance coverage. The hospital shall also document that the insurance coverage was verified, or the reason why the coverage could not be verified. Verification of insurance shall include the hospital contacting the identified third party insurer. Beginning July 1, 1995, charity care availability for persons with health insurance shall be subject to Federal disproportionate share rules.

(d) If the applicant is uninsured, or the applicant's health insurance is unlikely to pay the bill in full (based on hospital staff's previous experience with the insurer), and the applicant has not paid at the time of service any amounts likely to be remaining, the hospital shall make an initial determination for eligibility for any medical assistance programs available. The hospital shall refer the applicant to the appropriate medical assistance program and shall advise the medical assistance office of the applicant's possible eligibility. The applicant's financial file for audit shall indicate either that the applicant declined to be screened for medical assistance; that the applicant was screened but was determined ineligible; or that the applicant was screened and referred to the medical assistance program for possible eligibility. If the hospital does not screen the applicant for medical assistance, the record shall indicate the reason(s) why the applicant was not screened and the efforts the hospital made to obtain the screening. If an applicant affirmatively declines to be screened or is referred to a medical assistance program and does not return with an appropriate determination, the hospital will use the following procedures:

1. If the applicant affirmatively declines to be screened, or does not complete the medical assistance application process within three months after the date of service, or files an application after the application deadline, but is otherwise documented as eligible for charity care, the hospital:

- i. May bill the applicant, consistent with the manner applied to other patients;

- ii. Shall report the Medicaid value amount as charity care; and

- iii. Shall report any amounts collected from the applicant or any third party as a charity care recovery.

2. If the hospital has not received a response to the medical assistance application from the county board of social services or other medical assistance office within seven months of receipt of a complete application, the hospital shall approve the applicant's charity care application if the applicant meets all other charity care criteria. Should medical assistance be approved following the hospital's charity care approval, the hospital shall report the amounts collected from the medical assistance program as a charity care recovery and issue a redetermination that states that because the applicant is eligible for medical assistance, he or she is no longer eligible for charity care.

3. If the hospital does not inform the applicant of medical assistance by the individual written notice required in (a) above or does not refer an applicant who could reasonably be considered eligible for a medical assistance program within three months of the date of service, the hospital shall record the applicant's bill as a courtesy adjustment and shall not bill or otherwise attempt to collect from the applicant or the Charity Care Program.

(e) Hospitals shall make arrangements for reimbursement for services from private sources, and Federal, state and local government third party payers when a person is found to be eligible for such payment. Hospitals shall collect from any party liable to pay all or part of a person's bill, prior to attributing the services to charity care except in the situations described in (h) and (i) below. The hospital shall, as part of this obligation, pursue reimbursement for the uncollected copayments and deductibles of indigent participants in Title XVIII of the Social Security Act (Medicare). Hospitals shall report any amounts collected from any third party as a charity care recovery. Beginning July 1, 1995, charity care availability for persons with health insurance shall be subject to Federal disproportionate share rules.

(f) An applicant who is responsible for complying with his or her insurer's pre-certification requirements (the specific steps with which the insured must comply in order to have the services reimbursed) shall not be determined to be eligible for charity care, if the bill was unpaid because he or she failed to comply with these requirements. Beginning July 1, 1995, charity care availability for persons with health insurance shall be subject to Federal disproportionate share rules.

(g) An applicant who is determined to be eligible for, and is accepted into, the HealthStart Program shall not be deemed eligible for charity care for services which are covered under this program. Beginning July 1, 1995, charity care availability shall be subject to Federal disproportionate share rules.

(h) Applicants who are eligible for reimbursement under the Violent Crimes Compensation Program shall be screened for eligibility for charity care before referral to the Violent Crimes Compensation Program (see N.J.A.C. 13:75). If the applicant is not eligible for 100 percent coverage under charity care, the charges which are not eligible for coverage under charity care shall be referred to the Violent Crimes Compensation Program. The hospital shall request the applicant to submit a copy of his or her charity care determination form to the Violent Crimes Compensation Board.

(i) Applicants who are eligible for reimbursement under the Catastrophic Illness in Children Relief Fund shall be screened for eligibility for charity care before referral to this Fund. If the applicant is not eligible for 100 percent coverage under charity care, the applicant shall be referred to the Catastrophic Illness in Children Relief Fund (see N.J.A.C. 10:155) for the uncovered portion of the claims.

(j) Hospitals with a Federal Hill-Burton obligation at the time of the application may include applicants written-off to the Hill-Burton Program as eligible for charity care if the applicant meets all of the eligibility standards and documentation requirements set forth in this section through N.J.A.C. 10:52-11.10.

(k) The Charity Care Program shall be the payer of last resort, except for the payers identified in (h) and (i) above.

(l) A charity care applicant shall be eligible for charity care for services rendered per N.J.A.C. 8:31B-4.38 on or after January 1, 1995 if he or she meets the criteria in this subchapter.

Amended by R.2000 d.29, effective January 18, 2000.

See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

In (a) and (b), substituted references to the Department of Health and Senior Services for references to the Essential Health Services Commission; in (d)2, substituted a reference to county boards of social services for a reference to county welfare offices; and in (i), (j) and (l), changed N.J.A.C. references.

Recodified from 10:52-11.4 and amended by R.2000 d.299, effective July 17, 2000.

See: 32 N.J.R. 1123(a), 32 N.J.R. 2615(a).

In (b) and (l), changed N.J.A.C. references. Former N.J.A.C. 10:52-11.5, Identification, recodified to N.J.A.C. 10:52-11.6.

10:52-11.6 Identification

(a) Applicants for charity care shall provide the hospital with the following proper identification: paragraph (a)3 below represents an alternative measure for documenting identification as described in N.J.A.C. 10:52-11.11.

1. The applicant shall provide the hospital with one of the following identification documents: driver's license, social security card, alien registry card, birth certificate, baptismal certificate, paycheck stub, passport, visa, death certificate, employee identification, or attestation that the person is homeless and does not possess any of the above mentioned identification documents. If the documents listed above are not available to the applicant, the hospital staff shall document why the applicant was unable to comply for medical reasons, such as, if the applicant is deceased, or noncommunicative until discharge for medical reasons, and a person to identify the patient cannot be found, the requirement for identification shall be waived.

2. The applicant shall provide the hospital with one of the following documents containing his or her name and address: a driver's license, a voter registration card, a union membership card, an insurance or welfare plan identification card, a student identification card, a utility bill, a Federal income tax form, a state income tax form, or an unemployment benefits statement. If the documents listed above are not available to the applicant, the hospital staff shall document why the applicant was unable to comply and shall ask for proof of identification as described in (a)3 below.

3. The applicant shall provide proof of identification in one of the following ways: a piece of mail addressed

and delivered to the applicant; a signed attestation (which includes the party's name, address and telephone number) from a third party attesting to the applicant's identity; or a signed statement attesting to his or her own identity.

(b) The hospital shall obtain a photocopy of the applicant's identification or attestation and shall produce the copy on audit.

(c) The hospital shall attempt to collect the following information regarding the applicant and, if applicable, the responsible party: name; mailing address; residence telephone number; date of birth; social security number; place and type of employment; and employment address and telephone number, as applicable.

Amended by R.2000 d.29, effective January 18, 2000.

See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

In (a), changed N.J.A.C. reference in the introductory paragraph, inserted a reference to baptismal certificates and paycheck stubs in 1, and inserted a reference to drivers licenses and deleted a reference to baptismal certificates and paycheck stubs in 2.

Recodified from 10:52-11.5 and amended by R.2000 d.299, effective July 17, 2000.

See: 32 N.J.R. 1123(a), 32 N.J.R. 2615(a).

In (a), changed N.J.A.C. reference. Former N.J.A.C. 10:52-11.6, New Jersey residency, recodified to N.J.A.C. 10:52-11.7.

10:52-11.7 New Jersey residency

(a) Applicants for charity care shall provide the hospital with proof of New Jersey residency. An applicant shall provide proof that he or she has been residing in New Jersey since the time of service, has no residency in any other state or country, and has the intent to remain in the State. Paragraph (a)3 below represents an alternative measure for documenting proof of residency.

1. The applicant shall provide the hospital with any of the identification documents listed in N.J.A.C. 10:52-11.6(a)2 that contains the applicant's current residence address and a date from which the hospital can reasonably infer that the applicant has resided in New Jersey since the time of service, has no residency in any other state or country, and has the intent to remain in the State. The hospital may accept an attestation from the applicant that he or she is homeless. If the applicant is unable to provide one of the documents listed at N.J.A.C. 10:52-11.6(a)2, the hospital staff shall document why the applicant was unable to comply, and shall ask for proof of residency as described in (a)2 below.

2. If the applicant cannot provide any of the documentation listed in N.J.A.C. 10:52-11.6(a)2, the applicant shall supply a copy of any undated identification listed in N.J.A.C. 10:52-11.6(a)1 and this paragraph, or any mail received showing the applicant's name and current residence address. If the applicant is unable to provide these documents, the hospital staff shall document why the applicant was unable to comply and ask for proof of residency as described in (a)3 below.

3. The applicant shall provide a signed attestation stating that he or she has been residing in New Jersey since the time of service, has no residency in any other state or country, and has the intent to remain in the State.

(b) Non-New Jersey residents requiring immediate medical attention for an emergency medical condition may apply for charity care. Emergency medical condition shall be restrictively defined as a serious medical situation requiring immediate treatment, in which delay would cause serious risk to life or health. Services available to non-New Jersey residents shall include only those not reasonably available at an alternative non-New Jersey site at the time services are requested.

Amended by R.2000 d.29, effective January 18, 2000.

See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

In (a), changed N.J.A.C. references throughout, and rewrote 2.

Recodified from 10:52-11.6 and amended by R.2000 d.299, effective July 17, 2000.

See: 32 N.J.R. 1123(a), 32 N.J.R. 2615(a).

In (a), changed N.J.A.C. references throughout. Former N.J.A.C. 10:52-11.7, Income eligibility criteria and documentation, recodified to N.J.A.C. 10:52-11.8.

10:52-11.8 Income eligibility criteria and documentation

(a) The hospital shall determine the applicant's family size in accordance with this section. Family size for an adult applicant includes the applicant, spouse, any minor children whom he or she supports, and adults for whom the applicant is legally responsible. The family size for a minor applicant includes both parents, the spouse of a parent, minor siblings and any adults in the family for whom the applicant's parent(s) are legally responsible. If an applicant documents that he or she has been abandoned by a spouse or parent, that spouse or parent shall not be included as a family member. A pregnant female counts as two family members.

(b) The provisions of 42 U.S.C. 9902(2), the poverty guidelines revised annually by the United States Department of Health and Human Services (HHS), are hereby incorporated by reference. (For further information on the poverty guidelines, contact the Office of the Assistant Secretary for Planning and Evaluation, Department of Health and Human Services, Washington, D.C. 20201, Telephone (202) 690-6141.) A person is eligible for charity care or reduced charge charity care if he or she falls into one of the following categories:

1. A person whose individual or, if applicable, family income, as determined by (e) below, is less than or equal to 200 percent of the HHS Poverty Guidelines shall be eligible for charity care for necessary health services without cost.

2. A person whose individual or, if applicable, family income as determined by (e) below, is greater than 200 percent of the HHS Poverty Guidelines but not more than 300 percent of these guidelines is eligible for charity care at a reduced rate as described in (c) below.

(c) A person who is eligible for reduced charge health services shall be charged a percentage of the normal charge for health services as described in the table below. The reduced percentage can be applied to the total bill or, until July 1, 1995, to any remainder after third party payment. Beginning July 1, 1995, charity care availability for persons with health insurance shall be subject to Federal disproportionate share rules.

| Income as a percentage of HHS Poverty Guidelines | Percentage of Charges Paid by Applicant |
|--|---|
| >200 to 225 | 20 |
| >225 to 250 | 40 |
| >250 to 275 | 60 |
| >275 to 300 | 80 |

(d) If qualified medical expenses, as defined for the purposes of Federal income tax deductibility, for applicants eligible for reduced charge charity care exceeds 30 percent of the applicant's or family's, if applicable, annual gross income as calculated by (e) below, such excess will be eligible for 100 percent coverage under charity care. The 30 percent threshold must be met once per family in a 12 month period.

(e) An applicant's income, for the purpose of determining eligibility for charity care or reduced charge charity care, shall be determined as follows:

1. The applicant may provide proof of the actual gross income for the 12 months immediately preceding the services;

2. The applicant may provide proof of actual gross income for the three months immediately preceding services. The hospital shall multiply this amount by four to determine the gross annual income; or

3. The applicant may provide proof of actual gross income for the month immediately preceding service. The hospital shall multiply this amount by 12 to determine the gross annual income.

4. If the applicant provides documentation for more than one salary period specified in paragraphs (e)1 through 3 above, the hospital shall use the period of time during which the salary was the lowest.

5. If the applicant is a welfare recipient and has not documented income as described in (e)1 through 3 above, the hospital shall document income status by obtaining a photocopy of the applicant's welfare identification, and document that the staff of the hospital obtained verification in writing or by phone of the applicant's current benefit amount from the appropriate local welfare office.

6. An applicant shall supply a signed attestation showing his or her unreported income in order for that income to be considered in the eligibility determination, as described in (b) above.

Recodified from 10:52-11.7 by R.2000 d.299, effective July 17, 2000.

See: 32 N.J.R. 1123(a), 32 N.J.R. 2615(a).

(b) An applicant who willfully presents false information will be liable for all hospital charges and subject to civil penalties pursuant to N.J.S.A. 26:2H-18.63.

Recodified from 10:52-11.11 by R.2000 d.299, effective July 17, 2000.
See: 32 N.J.R. 1123(a), 32 N.J.R. 2615(a).

Former N.J.A.C. 10:52-11.12, Application and determination, recodified to N.J.A.C. 10:52-11.13.

10:52-11.13 Application and determination

(a) Consistent with the requirements of N.J.A.C. 10:52-11.6, 11.7, 11.8, 11.9, 11.10, 11.11 and 11.12, the Department of Health and Senior Services shall specify the elements to be included in charity care application and eligibility determination forms used by all disproportionate share hospitals for the Charity Care Program; hospitals shall not omit or add to these elements. The application form shall advise patients of the penalties for providing false information on a charity care application. The list of required elements may be obtained from the Department of Health and Senior Services, Division of Health Services Oversight, Hospital Financial Reporting and Support.

(b) An applicant or responsible party may submit a completed application for a hospital to make a determination for charity care or reduced charge charity care at any time up to one year from the date of outpatient service or inpatient discharge. The hospital shall make the charity care determination and notify the applicant in writing, as soon as possible, but no later than 10 working days from the day the applicant submits a completed initial application. If the application does not include sufficient documentation to make the determination, the hospital shall notify the applicant, in writing, as soon as possible, but no later than 10 working days from the day the applicant submits an incomplete application. The applicant shall be permitted to supply additional documentation at any time up to one year after the date of discharge (inpatient) or service (outpatient). At the hospital's discretion, the hospital may accept a completed application within two years of the date of service (outpatient) or date of discharge (inpatient).

(c) A determination that an applicant is eligible shall indicate:

1. The date on which the eligibility determination was made;
2. The date on which hospital services were requested;
3. The date on which the services were or will be provided to the applicant;
4. That the facility will provide charity care services at no charge or at a specified charge which is less than the allowable charge for the services;
5. The applicant's family size, income and eligibility computation;
6. The length of time that the hospital will provide charity care based on this determination. A hospital shall

not provide charity care on the basis of a determination of eligibility that is more than one year old; and

7. The name and telephone number of a person a hospital can contact to verify eligibility.

(d) The hospital shall provide each applicant who requests charity care and is denied it, in whole or part, with a written and dated statement of the reasons for the denial, including information required in (c) above. In addition, this notice shall state that the applicant may reapply if the applicant believes his or her financial circumstances have changed so as to make him or her eligible for charity care for future services. Where a denial is based on a presumption that the applicant is eligible for, but not enrolled in Medicaid or NJ FamilyCare, the information upon which the denial is based must be documented.

Amended by R.2000 d.29, effective January 18, 2000.

See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

In (a), substituted a reference to the Department of Health and Senior Services for a reference to the Essential Health Services Commission; in (c)7, deleted N.J.A.C. reference; and in (d), inserted a reference to NJ KidCare.

Recodified from 10:52-11.12 by R.2000 d.299, effective July 17, 2000.

See: 32 N.J.R. 1123(a), 32 N.J.R. 2615(a).

Former N.J.A.C. 10:52-11.13, Collection procedures and prohibited action, recodified to N.J.A.C. 10:52-11.14.

Amended by R.2003 d.485, effective December 15, 2003.

See: 35 N.J.R. 509(a), 35 N.J.R. 5568(a).

Rewrote (a) and (b); in (d), substituted "FamilyCare" for "Kid-Care".

10:52-11.14 Collection procedures and prohibited action

Persons determined to be eligible for charity care shall not receive a bill for services or be subject to collection procedures. Persons determined to be eligible for reduced charge charity care shall not be billed or subject to collection procedures for the portion of the bill that is reduced charge charity care.

Recodified from 10:52-11.13 by R.2000 d.299, effective July 17, 2000.

See: 32 N.J.R. 1123(a), 32 N.J.R. 2615(a).

Former N.J.A.C. 10:52-11.14, Adjustment methodology, recodified to N.J.A.C. 10:52-11.15.

10:52-11.15 Adjustment methodology

(a) The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise:

"Alternative documentation adjustment" means an adjustment to a hospital's charity care write-off amount as a result of the periodic audits of a sample of claims submitted during a calendar year. This audit determines whether the total value of sampled claims that are documented by the alternative procedures described in N.J.A.C. 10:52-11.6(a)3, 11.7(a)3, 11.9(a)3 or 11.10(d)3, exceeds permitted limits.

"Charity care write-off amount" means the rendered charity care services, priced at the rate used by the Medicaid program before adjustment, if any, for direct

graduate medical education and indirect medical education factors.

“Compliance adjustment” means an adjustment to a hospital’s charity care write-off amount as a result of the periodic audits of a sample of claims submitted during a calendar year. This audit determines whether there is appropriate documentation showing that all charity care eligibility requirements at N.J.A.C. 10:52-11.5 through 11.11, 11.16 and 11.17 have been met.

“Listing adjustment” means an adjustment to a hospital’s charity care write-off amount as a result of the audit of a sample of these claims submitted during a calendar year. The purpose of this audit is to ensure that the claims contain only those charges that are eligible for reimbursement.

(b) The charity care write-off amount for each account should agree with the reimbursement rate that would have been paid to the hospital by the Medicaid program. To the extent that a hospital’s total charity care write-off amount is overstated, the amount will be reduced by the amount of the overstatement.

(c) In addition to adjustments required to ensure that the charity care write-off amount is equal to the Medicaid reimbursement rates, the write-off amount may also be revised on the basis of listing, alternative documentation and/or compliance adjustments, in that order.

(d) Examples of listing adjustments include changes made if:

1. Medicare or other third-party payer payments were not reflected in the claim;
2. Ineligible expenses, such as standard convenience or personal comfort items as listed in Uniform Billing requirements, are included; or
3. The percentage of the claim to be written off to charity care, based on the hospital’s determination of the applicant’s eligibility, was erroneous.

(e) In accordance with the provisions of N.J.A.C. 10:52-11.11, use of alternative documentation in any one of the steps to determine an applicant’s eligibility for charity care shall cause that applicant’s file to be designated as an alternative documentation file. A ratio shall be developed using sample dollars with alternative documentation as a percentage of total sample dollars. If this ratio is less than or equal to .10, there shall be no adjustment. If this ratio is greater than .10, the ratio shall be reduced by .10 and then multiplied by the hospital’s charity care write-off amount at the Medicaid rate for the calendar year being audited. This amount shall be subtracted from the hospital’s charity care write-off amount for the calendar year being audited at the Medicaid rate after listing adjustment.

(f) In accordance with the provisions of N.J.A.C. 10:52-11.5 through 11.11, noncompliance with any one of the steps to determine an applicant’s eligibility for charity care shall cause that applicant’s file to be designated as a failed compliance file. A ratio shall be developed using sample dollars from failed compliance files as a percentage of total sample dollars. If this ratio is less than .10, there shall be no adjustment. If this ratio is equal to or greater than .10, the ratio shall be multiplied by the hospital’s charity care write-off amount for the calendar year being audited at the Medicaid rate. This amount shall be subtracted from the hospital’s charity care write-off amount at the Medicaid rate after alternative documentation adjustment.

(g) The hospital’s charity care write-off amount total adjusted for (d), (e) and (f) above will constitute the hospital’s audited charity care write-off amount for claims submitted during the calendar year being audited, except for further adjustments that may occur in accordance with N.J.A.C. 10:52-13.4.

(h) The Department of Health and Senior Services’ auditor will provide the hospital with a copy of its audit findings and recommended adjustments. Eligible hospitals shall sign the auditor’s audit findings, indicating their agreement or disagreement with the audited charity care write-off amount. If the hospital disagrees with the audit findings, the hospital shall submit a request for a departmental review within 15 days of receiving the auditor’s report and shall, within the request, detail the reasons for disagreement with the auditor’s findings. The Department will review the auditor’s findings, as well as the hospital’s objections, and will advise the hospital within 30 days of receipt of the request for review of the total dollar value of the hospital’s charity care write-off for the period audited, priced at the Medicaid rate.

(i) A hospital which disagrees with the audit findings may request an administrative hearing, which shall be conducted in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

Amended by R.2000 d.29, effective January 18, 2000.

See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

In (c), changed N.J.A.C. reference.

Recodified from 10:52-11.14 and amended by R.2000 d.299, effective July 17, 2000.

See: 32 N.J.R. 1123(a), 32 N.J.R. 2615(a).

In (c), changed N.J.A.C. reference.

Amended by R.2003 d.485, effective December 15, 2003.

See: 35 N.J.R. 509(a), 35 N.J.R. 5568(a).

Rewrote the section.

10:52-11.16 Charity care applications of patients admitted through emergency room

(a) If a charity care applicant is admitted through the hospital’s emergency room, the requirements set forth in this section shall apply.

1. The hospital shall notify the patient, orally and by providing a copy of the individual written notice referenced in N.J.A.C. 10:52-11.5(a), of the availability of charity care. This notice shall be given prior to the patient's discharge from the hospital.

(b) The hospital shall correctly assess and document the applicant's eligibility for charity care, based upon the criteria set forth in this section. The applicant's financial file for audit purposes shall contain the supporting documentation described in this section.

(c) If the applicant's medical condition permits, the hospital shall ask the applicant, prior to discharge, if he or she has any third party health insurance, including, but not limited to, coverage through a parent or spouse or coverage for the services under an automobile insurance or workers' compensation policy. If the applicant claims to have insurance, the hospital shall document the name of the insurer and the insured, and all other information pertinent to the insurance coverage. The hospital shall also document that the insurance coverage was verified, or the reason why the coverage could not be verified. Verification of insurance shall include the hospital contacting the identified third party insurer. Charity care availability for persons with health insurance shall be subject to Federal disproportionate share rules.

(d) If the applicant's medical condition permits, the hospital shall also, prior to the applicant's discharge, request the following information, which shall be recorded by the hospital on a form approved by the Department of Health and Senior Services:

1. The applicant's name;
2. The address of the applicant's residence;
3. Whether the applicant intends to remain a resident of New Jersey (assuming current residence in New Jersey);
4. The applicant's home telephone number, if any;

5. Whether the applicant is employed and, if so, the employer's name and address;

6. Applicant's best estimate of annual income, including sources of income and income from each source; and

7. Whether the applicant has an account with a bank and, if so, the name and location of the bank.

(e) If the hospital is able to obtain the information listed in (d) above, the hospital shall, prior to the applicant's discharge, ask the applicant to read the form on which the information has been recorded, and verify the information's accuracy by signing the form. The form shall also include a statement authorizing the hospital to contact any person or entity listed on the form in order to obtain and/or verify information relating to the charity care application.

(f) The hospital shall verify that the applicant is not enrolled in a medical assistance program.

(g) If the applicant is determined to be uninsured and not enrolled in a medical assistance program, and the hospital has been able to obtain the information and applicant's signature described in (d) and (e) above, then the hospital shall process the charity care application based on the information obtained. (If the information and applicant's signature described in (d) and (e) above cannot be obtained by the hospital, in whole or in part, then the provisions of (h) below shall apply.) The applicant's charity care eligibility shall be determined based on the following requirements:

1. The applicant's self-identification shall be acceptable to establish identity;
2. The applicant shall be a resident of New Jersey at the time of service, and shall have the intent to remain in the State as demonstrated by the applicant's statement of intent. The hospital shall verify, by telephone or visit, that the applicant can be contacted at the address provided; if the address is in the State, this shall establish New Jersey residency for this purpose. The method of verification shall be documented in the financial file for audit purposes;

3. There shall be an assumption that the applicant's family size, for purposes of the charity care application, is one, consisting of the applicant. The charity care income eligibility guidelines set forth at N.J.A.C. 10:52-11.8(b) and (c) shall be applied to determine eligibility. If the applicant identified an employer, the hospital shall contact that employer to determine the applicant's income. The hospital shall record that information, if provided, and include it in the financial file for audit purposes. If the employer declines to provide that information, that fact shall likewise be documented. The hospital shall annualize any income amount provided by the employer, if necessary, to assess the applicant's eligibility. If the applicant did not identify an employer, or the employer declines to provide income information regarding the applicant, then the applicant's best estimate of annual income (see (d) above) shall be used to determine the applicant's annual income for this purpose; and

4. There shall be an assumption for the purposes of this section that bank account deposits constitute the only assets relevant to the application. If the applicant identified a bank at which he or she holds deposits, then the hospital shall contact the bank to verify the amount held. If the bank provides the requested information, then the amount shall be documented in the financial file for audit purposes. If the bank declines to provide the information, that fact shall likewise be documented. If no bank was identified by the applicant, or the bank declines to provide information regarding the account, there shall be an assumption that the applicant has no assets. Eligibility shall be assessed under the asset limitation set forth at N.J.A.C. 10:52-11.11(a)1.

(h) If the applicant is determined to be uninsured and not enrolled in a medical assistance program, and if the hospital was unable to obtain the information and applicant signature described in (d) and (e) above, then the hospital shall make the following efforts to determine whether the applicant is eligible for charity care. The hospital shall:

1. Make at least two attempts to contact the patient by phone, if a phone number is available, to try to schedule an in-person interview to obtain information relevant to the application. If such an interview can be arranged, the hospital shall obtain the relevant information and process the application based on that information. If such an interview cannot be arranged, this shall be documented in the financial file for audit purposes;

2. Visit the address given by the applicant, or otherwise obtained, and attempt to verify that the applicant lives there. If the applicant is homeless and has not provided the address of a shelter or other temporary residence, this requirement shall not apply. This shall be achieved by direct contact with the applicant, if possible, or by asking persons at the address, neighbors, or by observing the surroundings (for example, name on mailbox). The results of this attempt shall be documented in the financial file for audit purposes. If the hospital is able

to achieve direct contact with the applicant, the hospital shall try to conduct or schedule an in-person interview to obtain information relevant to the application. If such an interview can be arranged, the hospital shall obtain the relevant information and process the application based on that information. If such an interview cannot be arranged, this shall be documented in the financial file for audit purposes; and

3. Attempt to determine the applicant's income and assets, that shall include observing the nature of the applicant's housing, to determine that there are no indications that the applicant would not likely be eligible for charity care, and obtaining information from persons at the applicant's address or from neighbors regarding the applicant's employment or other means of support. The results of these attempts shall be documented in the financial file for audit purposes.

- (i) If the applicant is determined to be eligible for charity care under (g) above or, in the alternative, if the hospital has completed and documented the efforts set forth in (h) above, then the hospital may write off to charity care the claim(s) arising from the admission. Notwithstanding any other provision of this subchapter, if an applicant is determined to be eligible for charity care under (g) above, or in the alternative, if the hospital has completed and documented the efforts set forth in (h) above, and the patient is subsequently transferred to, and admitted at, another hospital, then the hospital admitting the transferred patient may rely upon the charity care determination of the transferring hospital, and write off to charity care the claim(s) arising from the transfer admission. See N.J.A.C. 10:52-11.3 regarding the charity care write off amount. The applicant shall not be deemed to be eligible for charity care for future services based on this determination but would, instead, be required to meet the requirements set forth at N.J.A.C. 10:52-11.5 through 11.10 and 11.12 at the time that future services were rendered unless the applicant was admitted through the emergency room in the future, in which case this section would apply.

- (j) Claims that are written off to charity care under (i) above shall not be included when determining the "alternative documentation" adjustment. See N.J.A.C. 10:52-11.11 and 11.15.

New Rule, R.2000 d.299, effective July 17, 2000.
See: 32 N.J.R. 1123(a), 32 N.J.R. 2615(a).

10:52-11.17 Charity care applications of patients admitted through the emergency room between January 1, 1999, and July 17, 2000

- (a) Notwithstanding any of the other provisions of this subchapter, if a charity care applicant was admitted through the hospital's emergency room between January 1, 1999, and July 17, 2000, inclusive, the requirements set forth in this section may be utilized by the hospital. Submission of claims pursuant to this section is optional. However, if claims are

submitted under this section, the claims shall be submitted in compliance with the terms set forth herein.

(b) The hospital shall correctly assess and document the applicant's eligibility for charity care, based upon the criteria set forth in this section. The applicant's financial file for audit purposes shall contain the supporting documentation described in this section.

(c) The hospital, if it has not already done so, shall ask the applicant if he or she has any third party health insurance, including, but not limited to, coverage through a parent or spouse or coverage for the services under an automobile insurance or workers' compensation policy. If the applicant claims to have insurance, the hospital shall document the name of the insurer and the insured, and all other information pertinent to the insurance coverage. The hospital shall also document that the insurance coverage was verified, or the reason why the coverage could not be verified. Verification of insurance shall include the hospital contacting the identified third party insurer. Charity care availability for persons with health insurance shall be subject to Federal disproportionate share rules.

(d) The hospital shall request the following information from the applicant, which shall be recorded by the hospital on a form approved by the Department of Health and Senior Services:

1. The applicant's name;
2. The address of the applicant's residence;
3. Whether the applicant intends to remain a resident of New Jersey (assuming current residence in New Jersey);
4. The applicant's home telephone number, if any;
5. Whether the applicant is employed and, if so, the employer's name and address;
6. Applicant's best estimate of annual income, including sources of income and income from each source; and
7. Whether the applicant has an account with a bank and, if so, the name and location of the bank.

(e) If the hospital is able to obtain the information listed in (d) above, the hospital shall mail or otherwise provide the form referenced in (d) above to the applicant, and ask the applicant to read the form on which the information has been recorded, and verify the information's accuracy by signing the form. The form shall also include a statement authorizing the hospital to contact any person or entity listed on the form in order to obtain and/or verify information relating to the charity care application. If the form is mailed to the applicant, the hospital shall include in this mailing a stamped, self-addressed envelope, and shall request that the applicant return the form, signed by the applicant, to the hospital.

(f) The hospital shall verify that the applicant is not enrolled in a medical assistance program.

(g) If the applicant is determined to be uninsured and not enrolled in a medical assistance program, and the hospital has been able to obtain the information and applicant's signature described in (d) and (e) above, then the hospital shall process the charity care application based on the information obtained. (If the information and applicant's signature described in (d) and (e) above cannot be obtained by the hospital, in whole or in part, then the provisions of (h) below shall apply.) The applicant's charity care eligibility shall be determined based on the following requirements:

1. The applicant's self-identification is acceptable to establish identity;

2. The applicant shall be a resident of New Jersey at the time of service, and shall have the intent to remain in the State as demonstrated by the applicant's statement of intent. If the address to which the form referenced in (d) above was mailed is in the State, and the signed form was returned by the applicant to the hospital, this shall establish New Jersey residency for this purpose. The method of verification shall be documented in the financial file for audit purposes;

3. There shall be an assumption that the applicant's family size, for purposes of the charity care application, is one, consisting of the applicant. The charity care income eligibility guidelines set forth at N.J.A.C. 10:52-11.8(b) and (c) shall be applied to determine eligibility. If the applicant identified an employer, the hospital shall contact that employer to determine the applicant's income. The hospital shall record that information, if provided, and include it in the financial file for audit purposes. If the employer declines to provide that information, that fact shall likewise be documented. The hospital shall annualize any income amount provided by the employer, if necessary, to assess the applicant's eligibility. If the applicant did not identify an employer, or the employer declines to provide income information regarding the applicant, then the applicant's best estimate of annual income (see (d) above) shall be used to determine the applicant's income for this purpose; and

4. There shall be an assumption for the purpose of this section that bank account deposits constitute the only assets relevant to the application. If the applicant identified a bank at which he or she holds deposits, then the hospital shall contact that bank to verify the amount held. If the bank provides the requested information, then the amount shall be documented in the financial file for audit purposes. If the bank declines to provide the information, that fact shall likewise be documented. If no bank was identified by the applicant, or the bank declines to provide information regarding the account, there shall be an assumption that the applicant has no assets. Eligibility shall be assessed under the asset limitation set forth at N.J.A.C. 10:52-10.11(a)1.

(h) If the applicant is determined to be uninsured and not enrolled in a medical assistance program, and if the hospital was unable to obtain the information and applicant signature described in (d) and (e) above, then the hospital shall make the following efforts to determine whether the applicant is eligible for charity care. The hospital shall:

1. Make at least two attempts to contact the patient by phone, if a phone number is available, to try to schedule an in-person interview to obtain information relevant to the application. If such an interview can be arranged, the hospital shall obtain the relevant information and process the application based on that information. If such an interview cannot be arranged, this shall be documented in the financial file for audit purposes;

2. Visit the address given by the applicant, or otherwise obtained, and attempt to verify that the applicant lives there. If the applicant is homeless and has not provided the address of a shelter or other temporary residence, this requirement shall not apply. This shall be achieved by direct contact with the applicant, if possible, or by asking persons at the address, neighbors, or by observing the surroundings (for example, name on mailbox). The results of this attempt shall be documented in the financial file for audit purposes. If the hospital is able to achieve direct contact with the applicant, the hospital shall try to conduct or schedule an in-person interview to obtain information relevant to the application. If such an interview can be arranged, the hospital shall obtain the relevant information and process the application based on that information. If such an interview cannot be arranged, this shall be documented in the financial file for audit purposes; and

3. Attempt to determine the applicant's income and assets. This includes observing the nature of the applicant's housing, to determine whether there are any indications that the applicant would not likely be eligible for charity care and obtaining information from persons at the applicant's address or from neighbors regarding the applicant's employment or other means of support. The results of these attempts shall be documented in the financial file for audit purposes.

(i) If the applicant is determined to be eligible for charity care under (g) above or, in the alternative, if the hospital has completed and documented the efforts set forth in (h) above, then the hospital may write off to charity care the claim(s) arising from the admission, subject to the following limitation: permitted calendar year 1999 claims can be submitted for consideration for the State fiscal year 2001 charity care subsidy pursuant to this section, in a manner to be specified by the Department of Health and Senior Services, only until August 16, 2000 notwithstanding any other regulatory provision. Permitted calendar year 1999 claims that are submitted after August 16, 2000, but before the end of calendar year 2000, shall be considered for the State fiscal year 2002 charity care subsidy. Permitted claims from the period January 1, 2000 through July 17, 2000 are not

subject to the above-referenced August 16, 2000 submission limitation, and shall be considered for the State fiscal year 2002 charity care subsidy. Notwithstanding any other provision of this subchapter, if an applicant is determined to be eligible for charity care under (g) above or, in the alternative, if the hospital has completed and documented the efforts set forth in (h) above, and the patient is subsequently transferred to, and admitted at, another hospital, then the hospital admitting the transferred patient may rely upon the charity care determination of the transferring hospital, and write off to charity care the claim(s) arising from the transfer admission, subject to the following limitation: permitted calendar year 1999 claims can be submitted for consideration for the State fiscal year 2001 charity care subsidy pursuant to this section, in a manner to be specified by the Department of Health and Senior Services, only until August 16, 2000, notwithstanding any other regulatory provision. Permitted calendar year 1999 claims that are submitted after August 16, 2000, but before the end of calendar year 2000 shall be considered for the State fiscal year 2002 charity care subsidy. Permitted claims from the period January 1, 2000 through July 17, 2000 are not subject to the above-referenced August 16, 2000 submission limitation, and shall be considered for the State fiscal year 2002 charity care subsidy. See N.J.A.C. 10:52-11.3 regarding the charity care write off amount. The applicant shall not be deemed to be eligible for charity care for future services based on this determination, but would, instead, be required to meet the requirements set forth at N.J.A.C. 10:52-11.5 through 11.10 and 11.12 at the time future services were rendered, unless the applicant is admitted through the emergency room in the future, in which case N.J.A.C. 10:52-10.16 would apply.

(j) Claims that are written off to charity care under (i) above shall not be included when determining the "alternative documentation" adjustment. See N.J.A.C. 10:52-11.11 and 11.15.

New Rule, R.2000 d.299, effective July 17, 2000.
See: 32 N.J.R. 1123(a), 32 N.J.R. 2615(a).

SUBCHAPTER 12. CHARITY CARE COMPONENT OF THE DISPROPORTIONATE SHARE HOSPITAL SUBSIDIES

10:52-12.1 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

"Adjudication" means the processing of all submitted claims accepted by the Fiscal Agent during a monthly adjudication cycle, with the outcome being the claim is priced, denied, or processed as a void or adjustment of a previous claim. Voids and adjustments are also either priced or denied.

1. Claims included in files that are rejected during preprocessing are not adjudicated because the claims never enter the system for pricing.

2. Adjudicated claims are reported monthly to the hospital or the hospital's designated agent on the Remittance Advice.

"Adjudication cycle date" is the date on which claims are accepted for pricing by the Fiscal Agent and are adjudicated.

"Clean charity care claim" means a charity care claim that is received by the Fiscal Agent and accepted by the Fiscal Agent in accordance with electronic media procedures and is adjudicated and priced no later than two years after the date of patient discharge (inpatient) or date of service (outpatient). Claims that are denied are not clean claims. A clean charity care claim includes:

1. The name and provider number assigned by the Department of Health and Senior Services to each licensed hospital;
2. The name and, if available, Social Security number of the charity care eligible recipient of the services;
3. The diagnosis(es);
4. The date of service for outpatient services or dates of admission and discharge for inpatient services;
5. The services rendered and the charge for the service; and
6. The data required by the Fiscal Agent in accordance with the Fiscal Agent Billing Supplement, provided that the requirement is not in conflict with the provisions of the New Jersey Administrative Code.

"Pricing cycle" means the Fiscal Agent's charity care claims submission schedule, as described in N.J.A.C. 10:52-12.2(c).

"Remittance Advice (RA)" means the hospital's account statement of activity for the most recent monthly adjudication cycle which reflects the status of all charity care claims, tracked according to a unique Internal Control Number (ICN), adjudicated by the Fiscal Agent during that cycle.

"Submission cut-off date" means the date by which claims shall be received by the Fiscal Agent to assure processing for and possible adjudication in the pricing cycle.

New Rule, R.2003 d.485, effective December 15, 2003.
See: 35 N.J.R. 509(a), 35 N.J.R. 5568(a).

10:52-12.2 Claims for the charity care component of the disproportionate share subsidies of the Health Care Subsidy Fund

(a) This subchapter sets forth the requirements of the New Jersey State Department of Health and Senior Services that the provider shall adhere to when submitting a charity care claim.

(b) A charity care claim shall be submitted in accordance with the electronic media claims (EMC) manual, which is part of the Fiscal Agent Billing Supplement (see (d) below), by an approved method of electronic automated data exchange. In order for a charity care claim to be priced, it must be a clean charity care claim.

(c) The State of New Jersey uses a Fiscal Agent for the pricing of charity care claims.

1. The Department of Health and Senior Services will advise hospitals in December of each year of the Fiscal Agent's pricing cycle and submission cut-off dates for the following calendar year. Charity care claims shall be adjudicated monthly by the Fiscal Agent.

2. Hospitals shall submit claims at least monthly to the Fiscal Agent. Claims submitted after the submission cut-off date shall not be guaranteed to be processed for the upcoming monthly cycle. Hospitals shall be solely responsible for meeting submission cut-off deadlines.

3. Hospitals shall be solely responsible for submission of clean charity care claims in an electronic format that can be processed by the Fiscal Agent.

4. Hospitals shall be solely responsible for verifying receipt and acceptance or rejection by the Fiscal Agent of all submitted claims files.

5. The Fiscal Agent shall reject partially or in its entirety an electronic claims file containing any technical defect(s) that prevent electronic processing. The Fiscal Agent shall advise the hospital or its designated agent in writing, within 10 days of the attempted processing, that the file could not be processed. The notice shall document the reason(s) for the failure to process the electronic claims file. If the hospital designates an agent to submit its charity care claims to the Fiscal Agent, all notices from the Fiscal Agent to the hospital's designated agent shall constitute notice to the hospital.

6. The Fiscal Agent shall deny for pricing all claims that do not meet the criteria for clean charity care claims.

7. The Fiscal Agent shall provide the hospital a charity care claim remittance advice once a month, unless the hospital has failed to submit any claims capable of adjudication during the adjudication cycle. The charity care claim remittance advice shall constitute the hospital's account statement for all charity care claims adjudicated by the Fiscal Agent during the most recent adjudication cycle. The charity care claim remittance advice shall identify codes for claims on the remittance advice, both priced and unpriced. If the hospital designates an agent to submit its charity care claims to the Fiscal Agent, all notices from the Fiscal Agent to the hospital's designated agent shall constitute notice to the hospital.

8. A unique internal control number (ICN) is assigned to each charity care claim that is adjudicated by the fiscal agent. The ICN is reflected on the remittance advice. The ICN can be used to track the status of a claim.

9. All charity care claims adjudicated by the Fiscal Agent are classified as either priced or denied claims. Void and adjustment claims may also be either priced or denied.

i. Priced claims shall be processed in accordance with this subchapter. A charity care claim that is a clean charity care claim for a covered service provided to an eligible charity care recipient by an approved hospital will be priced. The status of the claim shall appear on the claim status page, or pages, of the remittance advice, along with the status of all other claims which are being priced in that cycle.

ii. Denied claims shall be processed in accordance with this subchapter. Reasons for denial of a charity care claim shall be provided on the remittance advice in the form of a code. The hospital shall have the opportunity to resubmit a denied charity care claim in a subsequent cycle, within two years of the date of service (outpatient) or date of discharge (inpatient).

iii. Void and adjustment claims will be processed and adjudicated in accordance with this subchapter. Void and negative adjustment (reduction in payment) claims may be submitted at any time. Adjustments resulting in an increased payment amount shall be submitted within two years of date of service (outpatient) or date of discharge (inpatient).

(d) In addition to information in this section about submitting claims for pricing of outpatient and inpatient charity care claims, a Fiscal Agent Billing Supplement (FAB) is included as an Appendix to this chapter, incorporated herein by reference. The FAB includes information regarding the following:

1. The proper completion and submission of claim forms;
2. The procedure to follow when claims are denied and returned to the provider by the Fiscal Agent during the adjudication process;
3. Third party liability verification;
4. EMC submission;
5. Remittance Advice statements for pricing of claims and adjustments of Medicare;
6. The procedure to follow when a claim is priced in error (void);
7. The procedure for inquiries about claims;
8. The procedure for ordering forms;
9. Provider services; and

10. Item by item instructions for completing the claim form and other forms.

(e) The Fiscal Agent Billing Supplement is not published in the New Jersey Administrative Code but is referenced as an Appendix to this chapter and is not a legal description of the charity care program rules. Should there be any conflict between the Fiscal Agent Billing Supplement and the applicable laws or rules governing the charity care program, the charity care rules contained in this chapter and in N.J.A.C. 10:49 shall take precedence.

Recodified from N.J.A.C. 10:52-12.1 and amended by R.2003 d.485, effective December 15, 2003.

See: 35 N.J.R. 509(a), 35 N.J.R. 5568(a).

Rewrote the section. Former N.J.A.C. 10:52-12.2, Basis of pricing for charity care claims, recodified to N.J.A.C. 10:52-12.3.

10:52-12.3 Basis of pricing for charity care claims

(a) All hospital outpatient and inpatient charity care claims shall be priced based on the New Jersey Medicaid program's pricing and program policies for hospital outpatient and inpatient hospital services. (See this chapter, and, specifically, N.J.A.C. 10:52-1.6, Covered services (inpatient and outpatient services) and N.J.A.C. 10:52-4, Basis of Payment.)

1. Exception: Although the New Jersey Medicaid program reimburses dental services on a fee-for-service schedule for outpatient hospital charity care claims, dental services shall be priced based on hospital outpatient cost to charge ratio as described in N.J.A.C. 10:52-4.3. All other hospital outpatient services for charity care shall also be priced according to the Medicaid hospital outpatient methodology. (See N.J.A.C. 10:52-4.3.)

(b) All hospital outpatient and inpatient charity care claims pricing results shall be considered final and not subject to cost settlements or adjustments resulting from subsequent rate appeal changes when evaluating total charity care amounts.

Amended by R.2000 d.29, effective January 18, 2000.

See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

Changed N.J.A.C. reference.

Recodified from N.J.A.C. 10:52-12.2 by R.2003 d.485, effective December 15, 2003.

See: 35 N.J.R. 509(a), 35 N.J.R. 5568(a).

SUBCHAPTER 13. ELIGIBILITY FOR AND BASIS OF PAYMENT FOR DISPROPORTIONATE SHARE HOSPITALS

10:52-13.1 Disproportionate share adjustment—general eligibility

(a) A disproportionate share hospital (DSH) shall be a hospital designated as such by the Commissioner of the Department of Human Services. At a minimum, each hospi-

tal with a Medicaid inpatient hospital utilization rate that is one standard deviation above the mean Medicaid utilization rate for hospitals receiving Medicaid payments in the State, and every hospital with a low-income utilization rate above 25 percent will be treated as a disproportionate share hospital.

(b) The Commissioner of the Department of Human Services may designate additional hospitals as disproportionate share hospitals if it is determined they serve a large number of low-income mentally ill or developmentally disabled clients.

(c) The Commissioner of the Department of Human Services may make additional disproportionate share payments to facilities operating under N.J.S.A. 18A:64G-1 et seq. providing a high level of charity and uncompensated care to low-income persons and persons with special needs.

(d) The Commissioner of the Department of Human Services may also designate a hospital as eligible for additional disproportionate share payments if it is determined that the hospital provides a high percentage of care (as defined in N.J.A.C. 10:52-13.5) in proportion to total operating revenue to patients with HIV, mental illness, tuberculosis, substance abuse and addiction, complex neonates, HIV as a secondary diagnosis, and mothers with substance abuse. In addition, to be designated as eligible for this additional disproportionate share payment, the facility shall have a high Charity Care plus Medicaid utilization rate (as defined in N.J.A.C. 10:52-13.5).

Amended by R.1997 d.92, effective February 18, 1997.

See: 28 N.J.R. 4698(a), 29 N.J.R. 80(a), 29 N.J.R. 600(b).

Substantially amended (d).

Amended by R.1997 d.541, effective December 15, 1997 (operative January 1, 1998).

See: 29 N.J.R. 3227(a), 29 N.J.R. 5325(a).

In (a), deleted the third sentence.

Recodified from 10:52-8.1 and amended by R.2000 d.29, effective January 18, 2000.

See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

In (d) changed N.J.A.C. references throughout, and substituted a reference to complex neonates, HIV as a secondary diagnosis and mothers with substance abuse for a reference to neonatal complexity at the end of the first sentence.

Amended by R.2003 d.485, effective December 15, 2003.

See: 35 N.J.R. 509(a), 35 N.J.R. 5568(a).

In (d), deleted the last sentence.

10:52-13.2 Disproportionate share hospital (DSH) payment—general

The disproportionate share adjustment shall include an adjustment amount annually determined, as to N.J.A.C. 10:52-13.4, by the Commissioner, Department of Health and Senior Services in consultation with the Commissioner, Department of Human Services and, as to N.J.A.C. 10:52-13.3, 13.5, 13.6 and 13.7 by the Commissioner, Department of Human Services based upon a determination regarding payments for charity care. The annual DSH payments shall be calculated and distributed in accordance with all applicable Federal laws and regulations.

Amended by R.1994 d.432, effective August 15, 1994.

See: 26 N.J.R. 2241(a), 26 N.J.R. 3473(a).

Emergency Amendment, R.1994 d.440, effective August 1, 1994 (expired September 30, 1994).

See: 26 N.J.R. 3485(a).

Petition for Rulemaking.

See: 26 N.J.R. 3756(a).

Adopted Concurrent Proposal, R.1994 d.536, effective September 29, 1994.

See: 26 N.J.R. 3485(a), 26 N.J.R. 4392(a).

Amended by R.1995 d.13, effective January 3, 1995.

See: 26 N.J.R. 2239(a), 27 N.J.R. 152(a).

Petition for Rulemaking.

See: 27 N.J.R. 1818(b), 27 N.J.R. 2014(c).

Emergency amendment R.1996 d.425, effective August 13, 1996 (to expire October 12, 1996).

See: 28 N.J.R. 4115(a).

Adopted concurrent amendment, R.1996 d.520, effective October 11, 1996.

See: 28 N.J.R. 4115(a), 28 N.J.R. 4805(c).

Amended by R.1997 d.92, effective February 18, 1997.

See: 28 N.J.R. 4698(a), 29 N.J.R. 80(a), 29 N.J.R. 600(b).

In (a), amended subsection reference, substituted "charity care" for "charity and uncompensated care from the Health Care Subsidy Fund", and added reference to calculation and distribution of DSH; substantially amended (a)4; and added (a)6.

Amended by R.1997 d.541, effective December 15, 1997 (operative January 1, 1998).

See: 29 N.J.R. 3227(a), 29 N.J.R. 5325(a).

Inserted (a)2i(6), and (a)4i(4); and rewrote (a)6i.

Amended by R.1998 d.340, effective July 6, 1998.

See: 30 N.J.R. 1260(a), 30 N.J.R. 2486(b).

In (a), rewrote 2 and 4, and deleted a former 6.

Recodified from 10:52-8.2(a) and amended by R.2000 d.29, effective January 18, 2000.

See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

Changed N.J.A.C. references throughout.

10:52-13.3 Eligibility and disproportionate share hospital payments for hospitals operating under N.J.S.A. 18A:64G-1

For facilities operating under N.J.S.A. 18A:64G-1 et seq., the disproportionate share allocation may be increased by an amount recommended by the Office of Management and Budget which will consider the total operating cost of the facility less any third party payments, including all other Medicaid payments, as well as payments from non-State sources for services provided by the hospital during the hospital's fiscal year.

Amended by R.1994 d.432, effective August 15, 1994.

See: 26 N.J.R. 2241(a), 26 N.J.R. 3473(a).

Emergency Amendment, R.1994 d.440, effective August 1, 1994 (expired September 30, 1994).

See: 26 N.J.R. 3485(a).

Petition for Rulemaking.

See: 26 N.J.R. 3756(a).

Adopted Concurrent Proposal, R.1994 d.536, effective September 29, 1994.

See: 26 N.J.R. 3485(a), 26 N.J.R. 4392(a).

Amended by R.1995 d.13, effective January 3, 1995.

See: 26 N.J.R. 2239(a), 27 N.J.R. 152(a).

Petition for Rulemaking.

See: 27 N.J.R. 1818(b), 27 N.J.R. 2014(c).

Emergency amendment R.1996 d.425, effective August 13, 1996 (to expire October 12, 1996).

See: 28 N.J.R. 4115(a).

Adopted concurrent amendment, R.1996 d.520, effective October 11, 1996.

See: 28 N.J.R. 4115(a), 28 N.J.R. 4805(c).

Amended by R.1997 d.92, effective February 18, 1997.

See: 28 N.J.R. 4698(a), 29 N.J.R. 80(a), 29 N.J.R. 600(b).

In (a), amended subsection reference, substituted "charity care" for "charity and uncompensated care from the Health Care Subsidy Fund", and added reference to calculation and distribution of DSH; substantially amended (a)4; and added (a)6.

Amended by R.1997 d.541, effective December 15, 1997 (operative January 1, 1998).

See: 29 N.J.R. 3227(a), 29 N.J.R. 5325(a).

Inserted (a)2i(6), and (a)4i(4); and rewrote (a)6i.

Amended by R.1998 d.340, effective July 6, 1998.

See: 30 N.J.R. 1260(a), 30 N.J.R. 2486(b).

In (a), rewrote 2 and 4, and deleted a former 6.

Recodified from 10:52-8.2(a)1 and amended by R.2000 d.29, effective January 18, 2000.

See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

Substituted a reference to disproportionate share allocations for a reference to disproportionate share adjustments determined by the Essential Health Services.

10:52-13.4 Eligibility for disproportionate share hospital payments from the Charity Care Component of the Health Care Subsidy Fund

(a) The recommendation from the Department of Health and Senior Services (DHSS) shall be calculated in the following manner pursuant to N.J.S.A 26:2H-18.

1. The determination of the value of the Charity Care Component of the Health Care Subsidy Fund shall be calculated in the following manner:

i. The Department of Health and Senior Services shall use the results of the charity care audit conducted as its definition of charity care incurred by all hospitals.

ii. The New Jersey Department of Health and Senior Services shall report the results of its audit of New Jersey acute care hospital's charity care that was conducted in accordance with N.J.A.C. 10:52-11 to the Division of Medical Assistance and Health Services.

(1) For purposes of determining annual charity care costs, the criteria in N.J.A.C. 10:52-11 shall not apply to a patient who is investigated by a county adjuster and found to be indigent by a court of competent jurisdiction pursuant to N.J.S.A. 30:4-1 et seq. A patient so found shall qualify for 100 percent charity care coverage. Hospitals with patients who qualify under this provision shall include the appropriate documentation from the court in the patient's file for audit.

(b) All charity care accounts shall be valued in accordance with the Medicaid methodology as follows:

1. For inpatient accounts, the New Jersey Department of Health and Senior Services and the New Jersey Department of Human Services shall value each account at the rate Medicaid would have reimbursed hospitals for the services(s).

2. For outpatient accounts, outpatient charity care accounts submitted during the calendar year will be valued as follows: annual outpatient charity care charges multiplied by the ratio of the annual outpatient Medicaid

interim payments to the annual outpatient Medicaid charges associated with paid claims. This Medicaid outpatient payment-to-charge ratio excludes billings for HealthStart and dental services.

3. Disproportionate share adjustments and final rate settlements for the service period shall not be taken into account for the recognition of charity care costs.

(c) For eligible hospitals, charity care subsidy amounts are determined as follows:

1. Eligible hospitals annual charity care subsidy amount is equal to charity care costs as determined by the audit and valued at Medicaid rates.

2. The Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) rate of increase used to set Medicaid hospital rates will be used to inflate charity care costs in the current year.

3. In no instances shall payments made during a calendar year exceed the preceding years audited and Medicaid rate valued amounts inflated by TEFRA rates used in the hospital rate setting system.

4. Any overpayments which result from interim payments exceeding the audited payment levels shall be recovered by offsetting all Medicaid payments.

(d) For periods in which the data source excludes Direct Graduate Medical Education (GME) and Indirect Medical Education (IME) in the Medicaid rate, the Medicaid rate shall be adjusted by hospital-specific GME and IME add-ons. Unless otherwise specified, for periods through State Fiscal Year 1999, the hospital-specific GME and IME add-ons shall be calculated using the most recent hospital data as of October 1 of each year preceding the distribution year. Effective for periods after State Fiscal Year 1999, the hospital-specific GME and IME add-ons shall be calculated using the most recent hospital data as of February 1 of each State fiscal year preceding the distribution year. These GME and IME add-ons shall not be revised as a result of any subsequent settlement and/or retrospective Medicaid rate adjustments. For the purpose of pricing charity care claims under this section, unless otherwise indicated, the Medicaid rate shall be defined as the Medicaid rate in effect on the date of discharge. The add-ons shall be calculated as follows:

1. The GME add-on shall be calculated as follows:

i. For charity care payments made for January 1998 through June 1998, the charity care GME add-on shall be calculated based on charity care's share of the teaching hospital's aggregate approved GME amount from Worksheet E-3 Part IV as reported on the 1996 submitted Medicare cost report. The hospital-specific charity care share shall be calculated using the sum of the hospital's total charity care gross charges from the New Jersey Hospital Cost Report as reported on Forms E-5 and E-6, divided by the sum of the hospital's gross

charges from the New Jersey Hospital Cost Report as reported on Forms E-5 and E-6, after desk audit. The resulting charity care GME add-on shall be adjusted to exclude those inpatient charity care claims priced at the Medicaid rates prior to October 1, 1996, and shall be based on the percentage of charges written off as charity care between October 1, 1995 and September 30, 1996 with dates of service prior to October 1, 1995.

ii. For charity care payments made in State Fiscal Year 1999, the charity care GME add-on shall be calculated based on the charity care's share of the teaching hospital's aggregate approved GME amount from Worksheet E-3 Part IV as reported on the most recent submitted Medicare cost report as of October 1 preceding the distribution year. The hospital-specific charity care share shall be calculated using the sum of the hospital's total charity care gross charges from the New Jersey Hospital Cost Report as reported on Forms E-5 and E-6, divided by the sum of the hospital's gross charges from the New Jersey Hospital Cost Report as reported on Forms E-5 and E-6, after desk audit.

iii. For charity care payments made after State Fiscal Year 1999, the charity care GME add-on shall be calculated based on the charity care share of the teaching hospital's aggregate approved GME amount from Worksheet E-3 Part IV as reported on the most recent submitted Medicare cost report as of February 1 of each year preceding the distribution year. The hospital-specific charity care share shall be calculated using the sum of the hospital's total charity care gross charges from the New Jersey Hospital Cost Report as reported on Forms E-5 and E-6, divided by the sum of the hospital's gross charges from the New Jersey Hospital Cost Report as reported on Forms E-5 and E-6, after desk audit.

2. The IME add-on shall be calculated as follows:

i. For charity care payments made for January 1998 through June 1998, the IME add-on shall be calculated based on Medicare's IME formula, at 42 C.F.R. 412.105, incorporated herein by reference, as amended and supplemented. The teaching hospital's IME factor, as calculated by the Medicare IME calculation, shall be multiplied by the hospital-specific charity care inpatient claims priced at the Medicaid rate to arrive at the charity care IME add-on. The components of the IME formula, IME intern and resident FTEs and maintained beds shall be taken from the 1996 Medicare submitted cost report. The IME formula used shall be the Medicare formula approved for the 1996 Medicare submitted cost report. This charity care IME add-on shall be adjusted to exclude those inpatient charity care claims priced at the Medicaid rates prior to October 1, 1996. (Charity care claims are priced at the Medicaid rate in effect when the services are rendered.) This adjustment shall be based on the percentage of inpatient charges written off as charity care between October 1, 1995 and September 30, 1996 with dates of service prior to October 1, 1995.

ii. For charity care payments made in State Fiscal Year 1999, the IME add-on shall be calculated based on Medicare's IME formula, at 42 C.F.R. 412.105, incorporated herein by reference, as amended and supplemented. The teaching hospital's IME factor, as calculated by the Medicare IME calculation, shall be multiplied by the hospital-specific charity care inpatient claims priced at the Medicaid rate to arrive at the charity care IME add-on. The components of the IME formula, IME intern and resident FTEs and maintained beds shall be taken from the most recent available Medicare submitted cost report as of October 1 preceding the distribution year. The IME formula used shall be the Medicare formula approved for the most recent available Medicare submitted cost report used for the calculation.

iii. For charity care payments made after State Fiscal Year 1999, the IME add-on shall be calculated based on Medicare's IME formula, at 42 C.F.R. 412.105, incorporated herein by reference, as amended and supplemented. The teaching hospital's IME factor, as calculated by the Medicare IME calculation, shall be multiplied by the hospital-specific charity care inpatient claims priced at the Medicaid rate to arrive at the charity care IME add-on. The components of the IME formula, IME intern and resident FTEs and maintained beds shall be taken from the most recent available Medicare submitted cost report as of February 1 of each year preceding the distribution year. The IME formula used shall be the Medicare formula approved for the most recent available Medicare submitted cost report used for the calculation.

(e) As provided in N.J.S.A. 26:2H-18.59e, the charity care subsidy shall be determined according to the following methodology:

1. The hospital-specific "documented charity care" shall be calculated from the dollar amount of charity care provided by the hospital that is submitted to the charity care fiscal intermediary and valued at the same rate paid to that hospital by the Medicaid program. A sample of the claims submitted by the hospital to the fiscal intermediary shall be subject to an audit conducted pursuant to charity care eligibility criteria. For each fiscal year, documented charity care claims shall be equal to the Medicaid-priced amounts of charity care claims submitted to the fiscal intermediary for the most recent calendar year, adjusted as necessary to reflect the audit results, as well as GME/IME, in accordance with (d) above.

2. The hospital-specific "operating margin" shall be calculated using data from the three most current years' New Jersey Hospital Cost Reports (see N.J.A.C. 8:31B-3.16) and shall be equal to income from operations minus charity care subsidies divided by total operating revenue minus charity care subsidies. After calculating each hospital's operating margin, the Department shall determine the Statewide median operating margin.

3. The hospital-specific “profitability factor” shall be determined annually as follows. Those hospitals that are equal to or below the Statewide median operating margin shall be assigned a profitability factor of “1.” For those hospitals that are above the Statewide median operating margin, the profitability factor shall be equal to:

$$1 - \frac{.75 \times (\text{hospital specific operating margin} - \text{Statewide median operating margin})}{\text{highest hospital specific operating margin} - \text{Statewide median operating margin}}$$

4. The hospital-specific “adjusted charity care” shall be equal to a hospital’s documented charity care times its profitability factor.

5. The hospital-specific “revenue from private payers” shall be equal to the sum of the gross revenues reported to the Department in the hospital’s most recently available New Jersey Hospital Cost Report (see N.J.A.C. 8:31B-3.16) for all non-governmental, or private third party payers, including, but not limited to, Blue Cross and Blue Shield plans, commercial insurers and the non-governmental, or private accounts of health maintenance organizations. Gross revenue derived from governmental accounts of health maintenance organizations from the Medicare, Medicaid and NJ FamilyCare (including NJ KidCare) programs, will not be included in the category of “revenue from private payers.”

6. The hospital-specific “payer mix factor” shall be equal to a hospital’s adjusted charity care divided by its revenue from private payers.

7. The “Statewide target payer mix factor” shall be equal to the lowest payer mix factor to which all hospitals receiving charity care subsidies can be reduced by spending all available charity care subsidy funding for that year.

8. The hospital-specific “income from operations” shall be defined by the Department of Health and Senior Services (Department) in accordance with financial reporting requirements established pursuant to N.J.A.C. 8:31B-3.3.

9. The hospital-specific “total operating revenue” shall be defined by the Department in accordance with financial reporting requirements established pursuant to N.J.A.C. 8:31B-3.3.

10. Charity care subsidy payments shall be based upon hospital-specific documented charity care.

11. If the Statewide total of adjusted charity care is less than available charity care funding, a hospital’s charity care subsidy shall equal its adjusted charity care.

12. If the Statewide total of adjusted charity care is greater than available charity care funding, then the hospital-specific charity care subsidy shall be determined by allocating available charity care funds so as to equalize hospital-specific payer mix factors to the Statewide target payer mix factor. Those hospitals with a payer mix factor greater than the Statewide target payer mix factor shall be

eligible to receive a subsidy sufficient to reduce their factor to that Statewide level. Those hospitals with a payer mix factor that is equal to or less than the Statewide target payer mix factor shall not be eligible to receive a subsidy.

(f) The charity care subsidy payment schedule for the fiscal year shall be implemented the first month after the Department distributes the schedule to all disproportionate share hospitals. The charity care subsidy payment schedule constitutes advice to the hospitals of the allocation of charity care subsidies available for that fiscal year. Hospitals shall receive the charity care subsidy payments in 12 monthly installments.

1. A hospital which suspects that the charity care subsidy payment schedule reflects a calculation error shall notify the Commissioner of DHSS in writing of the suspected calculation error within 15 days of issuance of the schedule. Failure by the charity care subsidy payment schedule to reflect specific charity care claims or hospital cost report data, including corrections, shall not constitute a calculation error. If, upon review, the Commissioner determines that a calculation error did occur, a revised charity care subsidy payment schedule shall be issued.

2. A notice by a hospital of an intent to appeal the amount of its charity care subsidy indicated on the charity care subsidy payment schedule, for reasons other than a calculation error, shall be submitted in writing to the Commissioner within 15 calendar days of issuance of the charity care subsidy payment schedule. Within 30 calendar days of issuance of the charity care subsidy payment schedule, the hospital shall submit to the Commissioner two copies of its appeal, describing in detail the basis of its appeal of the charity care subsidy payment schedule. Appeals shall not include new submissions pertaining to claims and/or cost report data that was not previously submitted in accordance with the time frames and procedures specified in N.J.A.C. 10:52-11 and 12 and N.J.A.C. 8:31B. The appeal document shall list all factual and legal issues, including citation to the applicable provisions of the charity care rules, and shall include written documentation supporting each appeal issue. If the hospital fails to submit the required documentation within the prescribed time frame, such hospital shall have forfeited its right of appeal and the charity care subsidy payment schedule shall be deemed to have been accepted by the hospital.

3. The Commissioner of the Department of Health and Senior Services shall schedule a detailed review to be conducted by the Department with the hospital not more than 45 calendar days following receipt of the appeal document. If the hospital fails to appear on the established date, it shall have forfeited its right of appeal and the charity care subsidy payment schedule shall be deemed to have been accepted by the hospital.

4. At the detailed review with the hospital, the Department representative shall indicate whether the appeal

is supported by sufficient documentation to permit a resolution, and the hospital shall be permitted 10 calendar days after the date of the review in which to submit the additional documentation which the Department indicates is needed for resolution. Following receipt of this documentation, the Department shall neither request nor require further documentation. The Commissioner shall give consideration only to documentation submitted pursuant to the deadlines set forth in this section in deciding upon any of the hospital's appeal issues.

5. Within 30 calendar days of the review with the hospital, the Commissioner will render detailed findings on the factual and legal issues concerning whether an adjustment to the Charity Care Subsidy Payment Schedule is warranted. The Commissioner's decision shall constitute the final agency adjudication.

Amended by R.1994 d.432, effective August 15, 1994.
 See: 26 N.J.R. 2241(a), 26 N.J.R. 3473(a).
 Emergency Amendment, R.1994 d.440, effective August 1, 1994 (expired September 30, 1994).
 See: 26 N.J.R. 3485(a).
 Petition for Rulemaking.
 See: 26 N.J.R. 3756(a).
 Adopted Concurrent Proposal, R.1994 d.536, effective September 29, 1994.
 See: 26 N.J.R. 3485(a), 26 N.J.R. 4392(a).
 Amended by R.1995 d.13, effective January 3, 1995.
 See: 26 N.J.R. 2239(a), 27 N.J.R. 152(a).
 Petition for Rulemaking.
 See: 27 N.J.R. 1818(b), 27 N.J.R. 2014(c).
 Emergency amendment R.1996 d.425, effective August 13, 1996 (to expire October 12, 1996).
 See: 28 N.J.R. 4115(a).
 Adopted concurrent amendment, R.1996 d.520, effective October 11, 1996.
 See: 28 N.J.R. 4115(a), 28 N.J.R. 4805(c).
 Amended by R.1997 d.92, effective February 18, 1997.

See: 28 N.J.R. 4698(a), 29 N.J.R. 80(a), 29 N.J.R. 600(b).

In (a), amended subsection reference, substituted "charity care" for "charity and uncompensated care from the Health Care Subsidy Fund", and added reference to calculation and distribution of DSH; substantially amended (a)4; and added (a)6.

Amended by R.1997 d.541, effective December 15, 1997 (operative January 1, 1998).

See: 29 N.J.R. 3227(a), 29 N.J.R. 5325(a).

Inserted (a)2i(6), and (a)4i(4); and rewrote (a)6i.

Amended by R.1998 d.340, effective July 6, 1998.

See: 30 N.J.R. 1260(a), 30 N.J.R. 2486(b).

In (a), rewrote 2 and 4, and deleted a former 6.

Recodified from 10:52-8.2(a)2 and 3 and amended by R.2000 d.29, effective January 18, 2000.

See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

Rewrote the section.

Amended by R.2001 d.301, effective August 20, 2001.

See: 33 N.J.R. 2062(a), 33 N.J.R. 2811(a).

Added (e).

Amended by R.2003 d.485, effective December 15, 2003.

See: 35 N.J.R. 509(a), 35 N.J.R. 5568(a).

In (b), substituted "in accordance with the Medicaid methodology" for "at the Medicaid rate" in the introductory paragraph, and substituted "submitted" for "written-off" and inserted "interim" preceding "payments" in 2; in (e), inserted "as well as GME/IME, in accordance with (d) above" following "audit results" in 1 and inserted the N.J.A.C. references in 2 and 5; added (f).

10:52-13.5 Eligibility for and payment of Hospital Relief Subsidy Fund DSH

(a) Hospitals eligible for additional disproportionate share payments may receive an additional payment determined by the Commissioner of the Department of Human Services from the Hospital Relief Subsidy Fund. This additional payment shall be based upon the facility's percentage of clients with HIV, mental health, tuberculosis, substance abuse and addiction, complex neonates, HIV as a secondary diagnosis, and mothers with substance abuse.

1. Payments from the Hospital Relief Subsidy Fund shall be calculated and distributed to eligible disproportionate share hospitals, if funds are available, using the most recent calendar year hospital data available as of October 1 of each year for periods through State Fiscal Year 1999. Effective for periods after State Fiscal Year 1999, payments from the Hospital Relief Subsidy Fund shall be calculated and distributed to eligible disproportionate share hospitals, if funds are available, using the most recent calendar year hospital data available as of February 1 of each State fiscal year preceding the distribution year. For the purpose of pricing the problem billed cases listed at (a)1ii(1) below for periods prior to July 6, 1998, the Medicaid rate shall be defined as the rate in effect as of October 1 of each year preceding the distribution year. For the purpose of pricing the problem billed cases listed at (a)1ii(1) below effective on or after July 6, 1998, the Medicaid rate shall be defined as the rate in effect as of February 1 of each State fiscal year preceding the distribution year. Effective for payments on or after July 6, 1998, this payment shall no longer be distributed over a Calendar Year. Instead, it shall be distributed over the State Fiscal Year, July through June.

i. For purposes of determining which hospitals are eligible for payment from the HRSF, a hospital shall satisfy both of the two following independent criteria:

(1) The hospital's cases for the seven categories listed at (a)1ii(1) below, priced at the Medicaid rate, divided by the hospital's Total Operating Revenue, expressed as a percentage, shall be equal to or greater than the median percentage for New Jersey Hospitals receiving Medicaid payments. For periods in which the data source excludes GME and IME in the rate, the Medicaid rate shall be adjusted by a hospital-specific GME and IME add-ons. The hospital-specific GME and IME add-ons shall be calculated as defined in (a)1iv below; and

(2) The hospital's charity care days plus the hospital's Medicaid and NJ KidCare-Plan A days, divided by the hospital's total days, expressed as a percentage, shall be equal to or greater than the median percentage for New Jersey hospitals receiving Medicaid and NJ KidCare-Plan A payments. For payments distributed in State Fiscal Year 1999, the hospital's Medicaid days shall include Medicaid and NJ KidCare-Plan A managed care days if the data is available by May 31, 1998. For payments distributed in State Fiscal Years after State Fiscal Year 1999, the hospital's Medicaid days shall include Medicaid and NJ KidCare-Plan A managed care days if the data is available by February 1 prior to the State fiscal year of distribution.

ii. The subsidy shall be an amount allocated by the Commissioner during the fiscal year for this purpose and shall be distributed in the following manner:

(1) The payments for admissions for the following categories are taken from the same calendar year hospital data as defined in (a)4i above maintained by the New Jersey Department of Health and Senior Services (DHSS):

HIV (MDC 24);

Mental Health (MDC 19);

Substance Abuse (MDC 20);

Complex Neonates (DRG 600 through 618, 622, 623, 626, or 627);

Tuberculosis as a major or minor diagnosis (ICD-9 CM; 010.0 through 018.9);

Mothers with substance abuse (MDC 14 with the following codes: ICD-9 CM; 6483, 6555, 304, and 305); and

HIV as a secondary diagnosis (excluding MDC 24; including ICD-9 CM; 0420 through 0422, 0429 through 0433, 0439, 0440, and 0449).

iii. The funding for the subsidy shall be distributed among eligible facilities based upon the hospital's percentage of payments, priced at the Medicaid rate, including the relevant GME and IME add-ons as defined in (a)1iv below, for patient with the categories in (a)1ii(1) above as a percentage of all payments, priced at the Medicaid rate, including the relevant GME and IME add-ons as defined in (a)1iv below, for patients in these categories in eligible hospitals.

iv. For periods in which the data source excludes GME and IME costs in the Medicaid and NJ KidCare-Plan A fee-for-service rate, the rate shall be adjusted by hospital-specific GME and IME add-ons. Unless otherwise specified in this section, for periods through State Fiscal Year 1999, the hospital-specific GME and IME add-on shall be calculated using the most recent hospital data as of October 1 of each year preceding the distribution year. Unless otherwise specified in this section, effective for periods after State Fiscal Year 1999, the hospital-specific GME and IME add-on shall be calculated using the most recent hospital data as of February 1 of each State fiscal year preceding the distribution year. GME and IME add-ons shall not be revised as a result of any subsequent settlement and/or retrospective Medicaid or NJ KidCare-Plan A rate. The add-ons shall be calculated as follows:

(1) A hospital-specific GME add-on shall be calculated based on the hospital-specific GME per discharge multiplied by the number of cases of the categories defined in (a)1ii(1) above. The hospital-specific GME per discharge shall be calculated on the inpatient share of the aggregate approved GME amount from Worksheet E-3 Part IV of the Medicare submitted cost report divided by the hospital-specific total hospital discharges from Worksheet S-3 Part I of the Medicare submitted cost report.

(2) The hospital-specific IME add-on shall be calculated based on Medicare's IME formula, at 42 C.F.R. 412.105, incorporated herein by reference, as amended and supplemented. The teaching hospital's IME factor, as calculated by the Medicare IME calculation, shall be multiplied by the number of cases of the categories defined in (a)1ii(1) above, priced at the current available Medicaid inpatient rates. The components of the IME formula, IME intern and resident FTEs, and maintained beds shall be taken from the Medicare submitted cost report. The IME formula used shall be the Medicare formula approved for the Medicare submitted cost report used in the calculation.

10:52-13.6 Eligibility and payment for DSH funding from the Hospital Subsidy Fund for Mentally Ill and Developmentally Disabled Clients

(a) Disproportionate Share Hospitals which service a large number of low-income mentally ill or developmentally disabled clients may also be eligible to receive increased disproportionate share payment. The amount of payment to be made to facilities which serve a large number of mentally ill low-income clients will be based upon recommendation by the Division of Mental Health Services within the Department of Human Services to the Commissioner of the Department of Human Services. This recommendation will identify hospitals essential to preserve the fragile network of mental health providers in the State. The Division of Developmental Disabilities may also recommend an additional payment to facilities that serve a large number of developmentally disabled clients. These additional payments will assure that these low-income and special needs clients continue to have access to critical care.

1. The Hospital Subsidy Fund for Mentally Ill and Developmentally Disabled Clients shall be an amount allocated by the Commissioner during the fiscal year for this purpose. It shall be distributed in the following manner:

i. Hospitals who receive funding from the Hospital Relief Subsidy Fund shall only be eligible for a payment from this fund if recognized by the Division of Mental Health Services as a Short Term Care Facility (STCF) or a Child Community Inpatient Service (CCIS). Payments to a STF and CCIS shall be based upon its distribution of beds for these services times a projection of the cost of providing the service in a state facility. Any hospital adding these beds will be eligible for payments from this fund. The initial redistribution of the funds among eligible hospitals will be carried out in August, 1994. In subsequent years, the redistribution will be carried out in January of each year.

ii. Hospitals who are not a STCF or CCIS, but which are under contract with the Division of Mental Health Services shall receive an allocation of funds based upon the percentage of services provided by the hospital as a percentage of all services provided by all hospitals. The initial redistribution of the funds among eligible hospitals will be carried out in August, 1994. In subsequent years, the redistribution will be carried out in January of each year.

Amended by R.1994 d.432, effective August 15, 1994.

See: 26 N.J.R. 2241(a), 26 N.J.R. 3473(a).

Emergency Amendment, R.1994 d.440, effective August 1, 1994 (expired September 30, 1994).

See: 26 N.J.R. 3485(a).

Petition for Rulemaking.

See: 26 N.J.R. 3756(a).

Adopted Concurrent Proposal, R.1994 d.536, effective September 29, 1994.

See: 26 N.J.R. 3485(a), 26 N.J.R. 4392(a).

Amended by R.1995 d.13, effective January 3, 1995.

See: 26 N.J.R. 2239(a), 27 N.J.R. 152(a).

Amended by R.1994 d.432, effective August 15, 1994.

See: 26 N.J.R. 2241(a), 26 N.J.R. 3473(a).

Emergency Amendment, R.1994 d.440, effective August 1, 1994 (expired September 30, 1994).

See: 26 N.J.R. 3485(a).

Petition for Rulemaking.

See: 26 N.J.R. 3756(a).

Adopted Concurrent Proposal, R.1994 d.536, effective September 29, 1994.

See: 26 N.J.R. 3485(a), 26 N.J.R. 4392(a).

Amended by R.1995 d.13, effective January 3, 1995.

See: 26 N.J.R. 2239(a), 27 N.J.R. 152(a).

Petition for Rulemaking.

See: 27 N.J.R. 1818(b), 27 N.J.R. 2014(c).

Emergency amendment R.1996 d.425, effective August 13, 1996 (to expire October 12, 1996).

See: 28 N.J.R. 4115(a).

Adopted concurrent amendment, R.1996 d.520, effective October 11, 1996.

See: 28 N.J.R. 4115(a), 28 N.J.R. 4805(c).

Amended by R.1997 d.92, effective February 18, 1997.

See: 28 N.J.R. 4698(a), 29 N.J.R. 80(a), 29 N.J.R. 600(b).

In (a), amended subsection reference, substituted "charity care" for "charity and uncompensated care from the Health Care Subsidy Fund", and added reference to calculation and distribution of DSH; substantially amended (a)4; and added (a)6.

Amended by R.1997 d.541, effective December 15, 1997 (operative January 1, 1998).

See: 29 N.J.R. 3227(a), 29 N.J.R. 5325(a).

Inserted (a)2i(6), and (a)4i(4); and rewrote (a)6i.

Amended by R.1998 d.340, effective July 6, 1998.

See: 30 N.J.R. 1260(a), 30 N.J.R. 2486(b).

In (a), rewrote 2 and 4, and deleted a former 6.

Recodified from 10:52-8.2(a)4 and amended by R.2000 d.29, effective January 18, 2000.

See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

Made internal designation and internal reference changes throughout.

Petition for Rulemaking.

See: 27 N.J.R. 1818(b), 27 N.J.R. 2014(c).

Emergency amendment R.1996 d.425, effective August 13, 1996 (to expire October 12, 1996).

See: 28 N.J.R. 4115(a).

Adopted concurrent amendment, R.1996 d.520, effective October 11, 1996.

See: 28 N.J.R. 4115(a), 28 N.J.R. 4805(c).

Amended by R.1997 d.92, effective February 18, 1997.

See: 28 N.J.R. 4698(a), 29 N.J.R. 80(a), 29 N.J.R. 600(b).

In (a), amended subsection reference, substituted "charity care" for "charity and uncompensated care from the Health Care Subsidy Fund", and added reference to calculation and distribution of DSH; substantially amended (a)4; and added (a)6.

Amended by R.1997 d.541, effective December 15, 1997 (operative January 1, 1998).

See: 29 N.J.R. 3227(a), 29 N.J.R. 5325(a).

Inserted (a)2i(6), and (a)4i(4); and rewrote (a)6i.

Amended by R.1998 d.340, effective July 6, 1998.

See: 30 N.J.R. 1260(a), 30 N.J.R. 2486(b).

In (a), rewrote 2 and 4, and deleted a former 6.

Recodified from 10:52-8.2(a)5 and amended by R.2000 d.29, effective January 18, 2000.

See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

Made internal designation changes throughout.

10:52-13.7 Calculation and distribution of disproportionate share hospital (DSH) payments as a result of a hospital closure; purpose and procedure

(a) The purpose of this rule is to provide a procedure to redistribute disproportionate share hospital (DSH) payments to provide for the patients who would have been served by a closed general hospital, had the hospital remained open. Hospital closure is defined as cessation of operations as a general hospital facility. When a hospital closes, DSH payments to the closed hospital will immediately cease. The DSH payments that would have gone to that hospital, had that hospital not closed, shall be reallocated and distributed to eligible hospitals, in accordance with Federal and State laws, rules and regulations. The eligible hospitals that are serving or are expected to serve the patients who would have gone to the closed hospital will receive the closed hospital's remaining allocation for the State fiscal year in which the hospital closed. This rule shall be applied to specify the eligible hospitals and the calculation and distribution of the closed hospital's DSH payments. Subsections (b), (c) and (d) below address the charity care subsidy allocated pursuant to N.J.S.A. 26:2H-18.59(e), and any supplemental charity care subsidy allocated pursuant to any appropriations act that may provide for supplemental charity care subsidies; subsection (e) below addresses the Hospital Relief Subsidy Fund.

(b) To be eligible for a portion of the closed hospital's charity care allocation and/or supplemental charity care allocation, a hospital shall satisfy all three of the following criteria:

1. The hospital shall have received a charity care subsidy allocation, under the methodology set forth in N.J.S.A. 26:2H-18.59e, and/or a supplemental charity care subsidy allocation, under the methodology set forth in any appropriations act that may provide for supplemental

charity care subsidies, during the State Fiscal Year in which the closed hospital ceased operations as a general hospital;

2. The hospital shall draw its patients from the same market area, identified by United States Postal Service zip codes, which the closed hospital served. The market area served by the closed hospital shall be determined, based on the most recent available complete calendar year UB data maintained by the Department of Health and Senior Services (DHSS), as follows:

i. Rank zip codes from highest to lowest, based on the percentage of total admissions drawn from each zip code by the closed hospital; and

ii. Include the ranked zip codes in the closed hospital's market area (beginning with the highest-ranked zip code) until the percentage of admissions, when added together, constitutes 75 percent of the closed hospital's total admissions; and

3. The hospital shall demonstrate that it has a market share of 25 percent or more of admissions from the market area that the closed hospital served, as defined in (b)2 above. This determination shall likewise be made based on the most recent available complete calendar year UB data maintained by DHSS, but the closed hospital's UB data will not be included in making this determination.

(c) The available charity care and/or supplemental charity care funds to be reallocated, with respect to the State fiscal year in which the hospital closed, shall be distributed among eligible hospitals based upon each eligible hospital's market share of admissions as a percentage of the market share of admissions of all eligible hospitals, as determined from the results of the calculations in (b)3 above.

(d) In each year after the hospital closed in which the source hospital data precedes the year of closure and includes at least six months of hospital charity care claims data, a charity care and/or supplemental charity care allocation that would have gone to the closed hospital shall be initially calculated. Then the reallocation of the closed hospital's calculated charity care and/or supplemental charity care allocation shall be calculated and distributed to eligible hospitals, using the methodology set forth in (b) above to identify eligible hospitals. The available charity care and/or supplemental charity care funds to be reallocated under this subsection shall be distributed among eligible hospitals based upon each eligible hospital's market share of admissions as a percentage of the market share of admissions of all eligible hospitals, as determined from the results of the calculations pursuant to (b) above.

(e) In each year after the hospital closed in which the source hospital data precedes the year of closure and includes at least six months of hospital data, a Hospital Relief Subsidy Fund (HRSF) allocation that would have gone to the closed hospital shall be initially calculated. Then the

reallocation of the closed hospital's calculated HRSF allocation shall be calculated and distributed to eligible DSHs using the same data as was used for the original allocation, with the exception of market share admission data, which shall be taken from the most recent available UB data in the following manner:

1. To be eligible to receive a portion of the closed hospital's HRSF allocation a hospital shall satisfy all three of the following independent criteria:

i. The hospital shall have received a HRSF allocation, under the methodology set forth in N.J.A.C. 10:52-13.5, during the State fiscal year in which the closed hospital ceased operations as a general hospital;

ii. The hospital shall draw its patients from the same market area, identified by United States Postal Service zip codes, which the closed hospital served. The market area served by the closed hospital shall be determined as defined in (b)2 above; and

iii. The hospital shall have a market share of 25 percent or more of problem-billed admissions. The market share problem-billed admissions shall be based on the number of admissions from the same market area, identified by zip code that the closed hospital served as defined in (d)1ii above, for the problem-billed categories specified in N.J.A.C. 10:52-8.2(a)4i(2)(A).

2. The available HRSF payments to be reallocated shall be distributed among eligible hospitals based upon each eligible hospital's market share of problem-billed admissions as a percentage of the market share of problem-billed admissions of all eligible hospitals, as determined from the results of the calculations in (d)1iii above. The reallocated funds shall be distributed on a monthly basis.

(f) Notwithstanding any other provision of this rule, if the Commissioner of Health and Senior Services and the Commissioner of Human Services agree that, in the case of closure of a hospital eligible to receive DSH funds, maintaining beneficiary access to health care services requires an alternative distribution of a closed hospital's DSH funds, they will do so in accordance with this subsection. Factors the Commissioners will consider in determining whether an alternative distribution will be made shall include, but shall not be limited to, the following:

1. Maintenance of continued timely access to hospital-based services for persons eligible to participate in the New Jersey Hospital Care Payment Assistance Program and/or persons receiving services in the Hospital Relief Subsidy Fund categories; or

2. Continued operation in the same or adjoining municipality as the closed hospital of an acute care hospital, eligible to receive Disproportionate Share payments, belonging to the same system as the closed hospital and serving substantially the same eligible population.

New Rule, R.1998 d.60, effective January 20, 1998.

See: 29 N.J.R. 4376(a), 30 N.J.R. 388(a).

Recodified from 10:52-8.3 and amended by R.2000 d.29, effective January 18, 2000.

See: 31 N.J.R. 3151(a), 32 N.J.R. 276(a).

In (c)1ii, changed N.J.A.C. reference.

Amended by R.2001 d.302, effective August 20, 2001.

See: 33 N.J.R. 2064(a), 33 N.J.R. 2812(a).

Rewrote the section.

APPENDIX

FISCAL AGENT BILLING SUPPLEMENT

AGENCY NOTE: The Fiscal Agent Billing Supplement is appended as a part of this chapter but is not reproduced in the New Jersey Administrative Code. When revisions are made to the Fiscal Agent Billing Supplement, replacement pages will be distributed to providers and copies will be filed with the Office of Administrative Law. For a copy of the Fiscal Agent Billing Supplement, write to:

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