

The purpose of this HPMS Email is to request that organizations conduct additional training on the manual clarifications made pursuant to the Jimmo v. Sebelius Settlement Agreement. Those manual clarifications, made in Change Request (CR) 8458, and additional materials for use in conducting this training, can be found linked to below or as accompanying attachments to this HPMS Email:

Links for Education:

https://urldefense.proofpoint.com/v2/url?u=https-3A_www.cms.gov_Regulations-2Dand-2DGuidance_Guidance_Transmittals_Downloads_R179BP.pdf&d=DwICAw&c=slyEua23mErVOKShhdWSGw&r=15YmgT4fXiC0ds9ZY75RjAkCA34ol-45AbYujc_wpM&m=n9WZakzP2okNxz0iMKLrld4uTtCHjIUyUMMXx3ZcLHI&s=Bjhb1nNpCOuxTx5e-eV2AxfaNURLz2QAPrGZAVfs_0&e=

https://urldefense.proofpoint.com/v2/url?u=https-3A_www.cms.gov_outreach-2Dand-2Deducation_medicare-2Dlearning-2Dnetwork-2Dmln_mlnmattersarticles_downloads_mm8458.pdf&d=DwICAw&c=slyEua23mErVOKShhdWSGw&r=15YmgT4fXiC0ds9ZY75RjAkCA34ol-45AbYujc_wpM&m=n9WZakzP2okNxz0iMKLrld4uTtCHjIUyUMMXx3ZcLHI&s=pnLjLtggl0G6g8IMINrAfNcPUNJXMInKim7j2tAzJd0&e=

https://urldefense.proofpoint.com/v2/url?u=https-3A_www.cms.gov_Medicare_Medicare-2DFee-2Dfor-2DService-2DPayment_SNFPPS_Downloads_Jimmo-2DFactSheet.pdf&d=DwICAw&c=slyEua23mErVOKShhdWSGw&r=15YmgT4fXiC0ds9ZY75RjAkCA34ol-45AbYujc_wpM&m=n9WZakzP2okNxz0iMKLrld4uTtCHjIUyUMMXx3ZcLHI&s=YeUwbgAfljJELVwCqZjyeee43q1dcUxcWWUvQ3abKFM&e=

https://urldefense.proofpoint.com/v2/url?u=https-3A_www.cms.gov_Medicare_Medicare-2DFee-2Dfor-2DService-2DPayment_SNFPPS_Downloads_jimmo-5Ffact-5Fsheet2-5F022014-5Ffinal.pdf&d=DwICAw&c=slyEua23mErVOKShhdWSGw&r=15YmgT4fXiC0ds9ZY75RjAkCA34ol-45AbYujc_wpM&m=n9WZakzP2okNxz0iMKLrld4uTtCHjIUyUMMXx3ZcLHI&s=GL4Gwj-hlGMlBWBpOGdbH-yCAk69ltWc7i-bzjds-pQ&e=

Attached for Education:

1. PowerPoint from the National Call for Contractors and Adjudicators held on December 16, 2013
2. New clarified summary

CMS requests that the information contained in the links and attachments be conveyed to the appropriate staff and plan providers within 90 days of the date of this notice as part of the organizations' larger educational efforts to ensure that services are provided and coverage determinations are adjudicated accurately and appropriately in accordance with existing Medicare policy.

CMS reminds the Medicare community of the Jimmo Settlement Agreement (January 2013), which clarified that the Medicare program covers skilled nursing care and skilled therapy services under Medicare's skilled nursing facility, home health, and outpatient therapy benefits when a beneficiary needs skilled care in order to maintain function or to prevent or slow decline or deterioration (provided

all other coverage criteria are met). Specifically, the Jimmo Settlement required manual revisions to restate a "maintenance coverage standard" for both skilled nursing and therapy services under these benefits:

- . Skilled nursing services would be covered where such skilled nursing services are necessary to maintain the patient's current condition or prevent or slow further deterioration so long as the beneficiary requires skilled care for the services to be safely and effectively provided.
- . Skilled therapy services are covered when an individualized assessment of the patient's clinical condition demonstrates that the specialized judgment, knowledge, and skills of a qualified therapist ("skilled care") are necessary for the performance of a safe and effective maintenance program. Such a maintenance program to maintain the patient's current condition or to prevent or slow further deterioration is covered so long as the beneficiary requires skilled care for the safe and effective performance of the program.

The Jimmo Settlement may reflect a change in practice for those providers, adjudicators, and contractors who may have erroneously believed that the Medicare program covers nursing and therapy services under these benefits only when a beneficiary is expected to improve. The Settlement is consistent with the Medicare program's regulations governing maintenance nursing and therapy in skilled nursing facilities, home health services, and outpatient therapy (physical, occupational, and speech) and nursing and therapy in inpatient rehabilitation hospitals for beneficiaries who need the level of care that such hospitals provide.