

CMS CLARIFIES QUALIFYING STAY IN VA HOSPITAL

One of the main admission requirements for a skilled stay in a skilled nursing facility ("SNF") is a three-day qualifying stay in an inpatient hospital. In response to a question discussed on a recent Open Door Forum, the Centers for Medicare & Medicaid Services ("CMS") released a memorandum discussing if a stay in a Department of Veterans Affairs Hospital ("VA Hospital") can count as a qualifying stay for Medicare purposes.

Frequently, a VA Hospital will not be enrolled in Medicare due to the specific patients they treat. The caller in the Open Door Forum questioned if a stay in a VA Hospital could be used as a three-day qualifying stay, even if the VA Hospital is not enrolled in Medicare.

The answer is yes; so long as the VA Hospital meets Medicare's definition of an emergency hospital. The Medicare Benefit Policy Manual, which discusses the three-day qualifying stay for SNF services, states that the qualifying stay does not need to take place in a hospital that actually participates in Medicare, as long as the hospital meets at least the definition of an emergency hospital.

CMS defines an emergency hospital as a nonparticipating hospital that meets the requirements of the law's definition of a 'hospital' relating to full-time nursing services and licensure. A federal hospital, such as a VA Hospital, does not need to be licensed under a state's licensing scheme to satisfy this definition.

The memorandum is available [here](#).

Should you have any questions, please contact:

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