

Enrollment and Billing in Oregon during the COVID-19 Public Health Emergency

Swing bed placements typically occur when a hospital needs to provide post-acute care to a patient when a bed in a nearby skilled nursing facility is not available or in areas of the state where there are no skilled nursing beds. The payment shifts or swings, from standard hospital billing to swing bed payments to provide comparable post-acute care services in the hospital. The Centers for Medicare & Medicaid Services' ([CMS](#)) [blanket 1135 waiver](#), currently in effect, expands swing bed eligibility for the duration of the COVID-19 Public Health Emergency.

This guide provides background information, identifies regulatory partners and regulatory requirements, describes the enrollment process, and describes reimbursement for swing beds.

Background:

“Swing bed” is a reimbursement term that means the care provided and Medicare reimbursement rate “swings” from acute care to post-acute care. A “swing bed hospital” means an acute care hospital or Critical Access Hospital (CAH) participating in Medicare received approval from CMS to provide post-acute care.

Additional CMS swing bed information and Medicare Learning Network (MLN) factsheet here:

- <https://www.cms.gov/Outreach-and-Education/Medicare-Learning-Network-MLN/MLNProducts/Downloads/SwingBedFactsheet.pdf>

CMS has a dedicated Medicare swing bed information page that includes the MLN swing bed fact sheet and other resources including payment information, found here:

- https://www.cms.gov/Medicare/Medicare-Fee-for-Service-Payment/SNFPPS/Downloads/SB_hotlines.pdf
- <https://www.cms.gov/Medicare/Medicare-Fee-for-Service-Payment/SNFPPS/Downloads/sbrural.pdf>

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Regulatory Partners:

OHA-HCRQI:

The Health Facility Licensing & Certification Program (HFLC) within the Oregon Health Authority (OHA) Health Care Regulation & Quality Improvement Section (HCRQI) is responsible for evaluating and certifying each participating hospital or CAH for compliance with the Medicare swing bed requirements.

OHA-HSD:

The Health Systems Division (HSD) is responsible for enrolling providers in Medicaid and ensuring payment at the appropriate reimbursement rate for the services provided.

ODHS-APD:

The Aging and People with Disabilities program (APD) with the Oregon Department of Human Services (ODHS) is responsible for ensuring patents enrolled in Medicaid long term care services receive appropriate care and services. Additionally, APD and OHA can assist hospitals with questions regarding billing.

Regulatory Requirements:

Bed Location:

A hospital or CAH does not have to locate their swing beds in a special section of the facility unless the hospital or CAH requires it. The hospital or CAH may use any acute care inpatient bed within the hospital or CAH to provide swing bed services, except swing bed services cannot be provided in acute care inpatient beds that are used for:

- IPPS-excluded rehabilitation or psychiatric distinct part units (DPUs)
- Intensive care-type units (these beds could be used for swing services in a CAH)
- Newborns

Patient Care Requirements:

The hospital or CAH must also comply with these additional SNF participation requirements as listed 42 CFR Part 483 Requirements for States and Long-Term Care Facilities:

- Residents' rights

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- Admission, transfer, and discharge rights
- Freedom from abuse, neglect, and exploitation
- Social services
- Comprehensive assessment

Note: A CAH is SNF PPS exempt and is not required to use the resident assessment instrument (RAI) specified by the state or to comply with the requirements for frequency, scope, and number of assessments.

- Comprehensive care plan
- Discharge planning
- Specialized rehabilitative services
- Dental services
- Nutrition for assisted nutrition and hydration
- Patient Activities Program

Admissions:

There are additional requirements to be aware of when admitting patients to a swing bed.

- The patient's swing bed stay must be within the same spell of illness as the qualifying stay. There is no length of stay restriction for a swing bed patient in a hospital or CAH.
- A physician's order is required to admit the patient to a swing bed because the patient is being discharged from acute care status and admitted to post-acute-level care.
- Acute care discharge orders including a discharge summary are required prior to swing bed admission.

Oregon Department of Human Services and Oregon Health Authority:
Hospital Swing Beds

Enrollment Process:

Step 1. Enroll with CMS:

Hospitals interested in providing swing bed services must obtain approval through the Medicare Administrative Contractor. The enrollment requirements can be found here:

- <https://med.noridianmedicare.com/>

Step 2. Enroll as a swing bed provider with OHA-HSD:

Upon CMS swing bed approval, hospitals must complete the following forms to obtain a Medicaid provider number for Medicaid billing:

- Complete OHA forms 3111, 3972, 3974, and 3975.
- Attach a copy of the CMS approval letter.
- The enrollment process typically takes two to three weeks following application submission. Contact OHA-HSD's Provider Enrollment to request an expedited enrollment.
- Additional information can be obtained by contacting OHA-HSD's Provider Enrollment:
 - Phone: 800-336-6016 (option 6)
 - Email: provider.enrollment@odhsoha.oregon.gov

Reimbursement for Swing Beds:

Medicare:

Hospital billing for Medicare must follow the CMS payment guidelines. Medicare Advantage Organizations (MAO) are not required to pay for swing bed services. CMS has strongly encouraged Medicare Advantage Organizations to exercise flexibilities to ensure access to care in a [memo](#) on this topic.

ODHS, OHA and the Oregon Department of Consumer and Business Services (DCBS), also strongly encourage MAOs to authorize swing bed post-acute care options as an in-network provider and to pay according to the Medicare fee schedule. Hospitals encountering barriers to in-network payment may appeal directly with the MAO and file a complaint with MAO regulator CMS by calling 800-Medicare (633-4227).

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Oregon Department of Human Services and Oregon Health Authority:
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The Oregon Senior Health Insurance Benefits Assistance (SHIBA) program provides Medicare program advocacy, information and assistance. SHIBA may be reached at 800-722-4134 or visit [SHIBA.Oregon.gov](https://www.shiba.oregon.gov) for more information.

Commercial payers:

OHA, ODHS and DCBS strongly encourage private payers to cover this benefit as in-network.

Medicaid Skilled:

For Medicaid patients enrolled in managed care plans (called coordinated care organizations [CCOs]), OHA strongly encourages all CCOs to include approved swing bed units as in-network providers for post-acute step-down units. CCOs are required to pay claims from out of network providers as specified in OAR [410-120-1295](#), and

Contact the patient's CCO to confirm coverage and request the skilled nursing benefit be authorized.

APD Medicaid Long Term Care:

Patients that have been approved for Medicaid Long Term Care Services through ODHS's APD program:

- Skilled Nursing Benefit (Skilled) - When a patient has been in admitted for a skilled stay of more than 20 days through Medicare, the patient may be eligible to have their Skilled Nursing Benefit co-pays paid by Medicaid. Contact the patient's APD Medicaid Long Term Care Case Manager to determine if the patient is eligible to have these co-pays covered.
- Intermediate Care Facility (ICF) - Once a patient has exhausted their Skilled Nursing benefit, eligible patients can have their swing bed stay paid for through Medicaid Long Term Care by billing as an ICF. The hospital will need to coordinate with the patient's APD Medicaid Long Term Care Case Manager for the additional Plan of Care entry required for MMIS. Hospitals will bill under their designated Swing Bed Provider Number.
- Hospitals can be reimbursed at the nursing facility complex rate. Below is the rate schedule for APD services:
<http://www.dhs.state.or.us/spd/tools/program/osip/rateschedule.pdf>
- Instructions for billing can be found by going to OHA's institutional billing guide located at the following link:

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<https://www.oregon.gov/oha/HSD/OHP/Tools/Institutional%20Billing%20Instructions.pdf>

- Hospital staff with questions regarding swing beds for APD clients, please contact 971-600-7239 or at Specific-needs.contract-team@odhs.oregon.gov.