

SKILLED NURSING FACILITY ADVANCE BENEFICIARY NOTICE



Centers for Medicare and Medicaid Services (CMS)
U.S. Department of Health and Human Services
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SNFABN BACKGROUND



- Litigation going back to 1989 (Sarrassat decision)
 - Initially, CMS required SNFs to use a set of 5 uniform denial notices.
 - In 2003, CMS replaced the 5 SNF Denial Letters with a single SNFABN to decrease provider burden.

CURRENT FEE-FOR-SERVICE FINANCIAL LIABILITY NOTICES

- Currently, the mandatory liability notices used by SNFs implement the notice requirements found at §1879 of the Social Security Act.



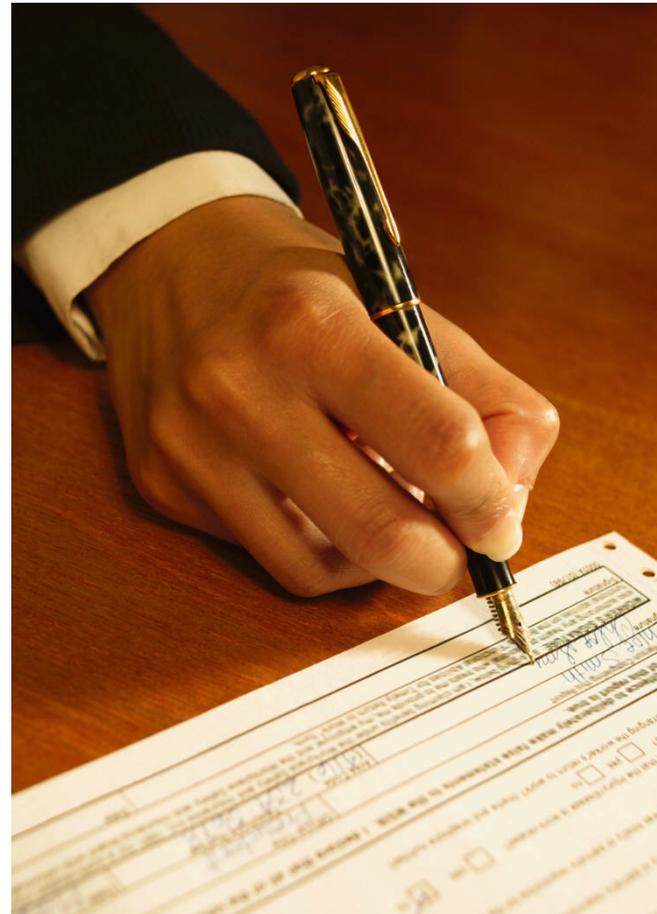
CURRENT FEE-FOR-SERVICE FINANCIAL LIABILITY NOTICES



- Currently, CMS requires:
 - SNFABN or Denial Letters (Part A);
 - ABN (Part B)
 - The Expedited Determination (Generic Notice) at the end of all Medicare covered services.
- Voluntary NEMB (items and/or services that Medicare never covers).

CURRENT FEE-FOR-SERVICE FINANCIAL LIABILITY NOTICES (Continued)

- 4-Notice Structure:
 1. SNFABN/Denial Letters-
Part A services
 2. ABN-Part B services
 3. NEMB-Benefit
category/technical
denials (voluntary)
 4. Expedited Determination
Notice-Discontinuation of
all Medicare covered
services.



CURRENT FEE-FOR-SERVICE FINANCIAL LIABILITY NOTICES (Continued)



- Expedited Determination Notice-
 - Both the expedited determination notice and SNFABN are required when all covered services end and the SNF expects the beneficiary to remain in the facility in a non-covered stay.

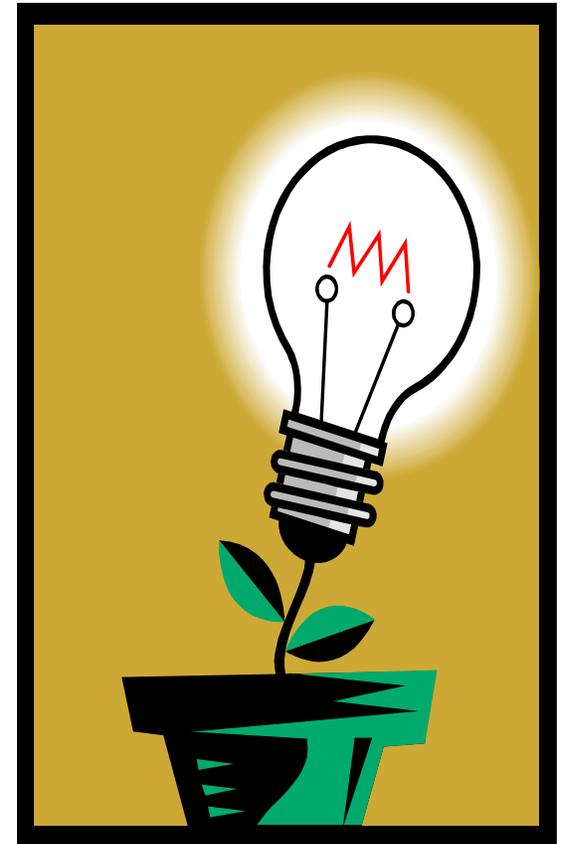
CURRENT FEE-FOR-SERVICE FINANCIAL LIABILITY NOTICES (Continued)

- Problems with current structure:
 - Difficult for providers to determine when §1879 applies; and
 - Difficult for providers to determine which of the 4 notices to issue;
 - Burden of having to give multiple notices leads to confusion;
 - Provider confusion leads to failure to give proper notice; and
 - Failure to give proper notice leads to provider liability.



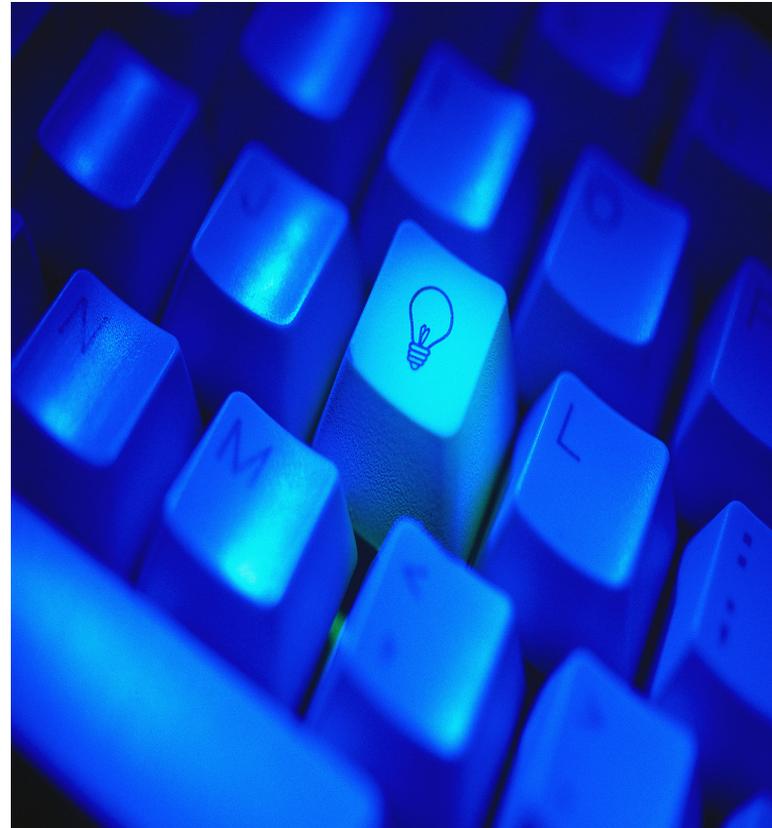
PROPOSED FINANCIAL LIABILITY NOTICE STRUCTURE

- How can CMS alleviate the burden?
 - 2-Notice Structure using:
 - SNFABN
 - Expedited Determination Notice



PROPOSED FINANCIAL LIABILITY NOTICE STRUCTURE (Cont'd)

- Advantages of Proposed Structure:
 - Providers will only have to issue 1 notice for both Parts A & B;
 - Same notice may be given whenever the bene is subject to financial liability.
 - Streamlines notice process
 - Eases provider burden
 - Alleviates surprise and confusion for benes



NEXT STEPS...

- CMS will review all comments received today;
- 30-day comment period following Town Hall
 - Participants may email questions and comments to:
“SNF_06_Town_Hall@cms.hhs.gov”
- After reviewing all participant comments, CMS may post a revised version to the BNI webpage at <http://www.cms.hhs.gov/bni> for a second round of comments.

