

## OVERVIEW OF THE RULE

The Missouri Department of Social Services, MO HealthNet (MHN) Division developed a new payment policy rule, [13 CSR 70-15.200](#), for acute care hospitals or ambulatory surgical centers. The rule affects medical services that result in a preventable serious adverse event or hospital- or ASC-acquired condition. The rule was effective July 1, 2009.

The state rule was developed in response to a [letter](#) sent by the Centers for Medicare & Medicaid Services to state Medicaid directors. CMS wants the state to establish policies to ensure that Medicaid policies dovetail with new Medicare policies for nonpayment for the costs of treating certain adverse events.

The following summarizes key components of the rule, effective July 1, 2009.

- Hospitals or ASC providers enrolled in MHN are affected.
- Payment for care related to the treatment of the consequences of a serious adverse event will be denied or recovered if the event was preventable, serious and under the provider's control.
- The event must have occurred during an inpatient hospital admission, outpatient hospital surgery care or care in an ASC.
- Adverse events include 26 events on the National Quality Forum's list of Serious Reportable Events. It also includes events listed by CMS as Hospital Acquired Conditions (HAC) as of December 15, 2008.
- Medicare Inpatient Prospective Payment System (IPPS) hospitals are required to collect and submit "present on admission" data on MHN payment claims beginning July 1, 2009. All other hospitals and ASCs will be required to collect and submit POA data beginning July 1, 2010.
- Payment denials will be calculated by the MHN Division based on the facts of each event, and all denials will be reviewed by the MHN director. A denial decision may be reviewed by the Administrative Hearing Commission.
- By January 1, 2010, all hospitals or ASCs enrolled as a MHN provider must have a contract to participate with a federally-designated patient safety organization to submit occurrences and root cause analyses of adverse events, as well as participate in PSO-related improvement activities.

The information provided in this toolkit should provide assistance in attaining compliance with the MHN regulations for your hospital.

### **Disclaimer and Acknowledgment**

This toolkit should be used as one of many resources in maintaining compliance 13 CSR 70-15.200 requirements. The actual regulation is the best source of information. The toolkit is not meant to interpret regulations but to compliment your review of the actual regulation. Ultimately, the MO HealthNet Division of the Missouri Department of Social Services is responsible for interpreting and enforcing the regulation.

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