



Section 576.4 is amended to read as follows:

576.4 Definitions.

(c) Patient day shall mean the unit of measure denoting lodging provided and services rendered to one resident between the census-taking hour on two successive days. A patient day is counted on the day of admission but not on the day of discharge. A patient day is counted when a resident is admitted with the expectation of remaining overnight but is discharged on the same day. A patient day is counted on the day a resident returns from temporary hospitalization or leave of absence *for a therapy day*, but not on the day a resident departs.

(d) Reserved bed day shall mean the unit of measure between the census-taking hour on two successive days during which a bed is reserved for a resident who is temporarily hospitalized or is on leave of absence *for a therapy day* in accordance with the provisions of section 576.6 of this Part. A reserved bed day is counted on the day a resident departs for temporary hospitalization or leave of absence *for a therapy day* but not on the day a resident returns. A reserved bed day is counted on the day telephone notification is received of circumstances requiring termination of the bed reservation but not on any subsequent days. In no event may a reserved bed day be counted on a day for which a patient day is counted.

* * *

(f) A therapy day is a day when a resident is not receiving residential treatment facility services on-site between the census-taking hour on two successive days due to being away from the residential treatment facility to spend time with family or friends in accordance with the implementation of the resident's individual treatment plan.

Subdivision (b) of Section 576.5 is amended to read as follows:

(b) A residential treatment facility is eligible for payment for services provided to residents under the following conditions:

(1) The resident has been determined to be eligible for the Medical Assistance Program.

(2) The resident has been [certified] *authorized* for admission to the residential treatment facility in accordance with Part 584 [583] of this Title.

Section 576.6 is amended to read as follows:

576.6 Standards pertaining to reserved bed days.

(a) The purpose of reserving a bed and making payment for the days for which a bed is reserved is to make provision for the continued availability of services in the same residential treatment facility for residents who are temporarily hospitalized or who are on leave of absence *for a therapy day*. A bed may be reserved only for a resident who has

been residing in the residential treatment facility for at least 15 consecutive days since the resident's current initial admission to the residential treatment facility.

(1) A bed may be reserved for a resident who is temporarily hospitalized for medical or psychiatric care if the following conditions are met:

* * *

(v) Payment for reserved bed days for temporary hospitalization shall be requested as follows:

* * *

(b) When a bed reservation has been extended in accordance with clause (iv)(a) or (b) of this paragraph, and the resident returns immediately to the residential treatment facility, the residential treatment facility must request prior authorization from [the regional office of] the Office of Mental Health [serving the region in which the residential treatment facility is located] to request payment for the actual period the bed was reserved.

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(vii) All of the above provisions in this paragraph are subject to a vacancy rate of no more than 5% or 2 vacant beds, whichever is greater, on the first day of resident's hospitalization from either the residential treatment facility or the distinct unit of the residential treatment facility, to which the resident is expected to return. A distinct unit will require specific admission criteria listed on the residential treatment facility's operating certificate but will not require a separate reimbursement rate for the unit. When computing a vacancy rate, the RTF must disregard beds that have been reserved for other patients.

(2) A bed may be reserved for a resident who is on a leave of absence *for a therapy day* if the following conditions are met:

(i) The residential treatment facility has written policies and procedures governing leaves of absence *for therapy days*. Such policies and procedures are subject to the approval of the Office of Mental Health.

(ii) The leave of absence *for a therapy day* is in conformance with such policies and procedures.

(iii) The leave of absence *for a therapy day* is provided for in the resident's individual treatment plan.

[(iv) The leave of absence is limited to four reserved bed days per approved leave of absence.]

(iv) The number of days for which a bed is reserved for any individual whether she/he is a resident in one or more residential treatment facility does not exceed 75 days in any 12-month period.

(v[i]) The resident is not admitted to a hospital, other medical facility or another residential treatment facility.

(vi[i]) The resident returns from the leave of absence *for a therapy day* and is not discharged within 24 hours of return.

(b) Certain requirements of this section may be waived by [the regional office of] the Office of Mental Health [serving the region in which the residential treatment facility is located].

(1) A request for a waiver must be submitted to the [regional] office and must justify the need for waiver and include such other information or documentation as the [regional] O[ffice of Mental Health] may require.

(2) The [regional] O[ffice of Mental Health] may grant a request for waiver of a requirement if it determines that the request is appropriate and reasonable and that the waiver of the request is in the best interests of the resident and the residential treatment facility.

(3) The circumstances in which waiver of a requirement may be requested are as follows:

(i) The requirement that a bed may be reserved only for a resident who has been residing in the residential treatment facility for at least 15 consecutive days [may be waived for a resident who is temporarily hospitalized for emergency medical care other than psychiatric care] (see subdivision (a) of this section).

[(ii) The limit of four days for a resident who is on a leave of absence may be waived and the time may be extended if such extension is expected to assist the resident to be discharged from the residential treatment facility (see subparagraph [a][2][iv] of this section).]

(ii[i]) The disallowance of a bed reservation for a resident who is discharged while on a leave of absence *for a therapy day* or within 24 hours of return may be waived if the discharge was not anticipated on the day of departure from the residential treatment facility and at the time of discharge the resident is determined to no longer be in need of residential treatment facility services (see subparagraph (a)(2)(vii) of this section).

(c) Special limits, subject to the approval of the State Commissioner of Social Services, may be established on an individual basis, based on the recommendation of [the regional office of] the Office of Mental Health [serving the region in which the residential treatment facility is located]. The circumstances in which the application of special limits may be requested are as follows:

Subdivision (b) of Section 576.7 is being amended as follows:

(b) The temporary hospitalization or leave of absence *for a therapy day* shall be documented in the case record. At a minimum, progress notes shall be written describing the reason for the temporary hospitalization or leave of absence *for a therapy day*; the duration; any significant events that occurred; and the effects, if any, on the resident's condition or course of treatment.

Subdivisions (f) and (h) of Section 578.4 are being amended as follows:

(f) *Patient day* shall mean the unit of measure denoting lodging provided and services rendered to one resident between the census-taking hour on two successive days. A patient day is counted on the day of admission, but not on the day of discharge. A patient day is counted when a resident is admitted with the expectation of remaining overnight but is discharged on the same day. A patient day is counted on the day a resident returns from temporary hospitalization or leave of absence *for a therapy day*, but not on the day a resident departs.

(h) *Reserved bed day* shall mean the unit of measure between the census-taking hour on two successive days during which a bed is reserved for a resident who is temporarily hospitalized or is on leave of absence *for a therapy day* pursuant to Part 576 of this Title. A reserved bed day is counted on the day a resident departs for a temporary hospitalization or leave of absence *for a therapy day*, but not on the day a resident returns. In no event may a reserved bed day be counted on a day for which a patient day is counted. A reserved bed day is counted on the day telephone notification is received of circumstances requiring termination of the bed reservation but not on any subsequent days.

Subdivision (a) of Section 578.13 is amended to read as follows:

578.13 Allowable patient days.

(a) For purposes of determining a rate of payment, allowable patient days shall be computed using the higher of allowable days pursuant to section 578.4(b) of this Part or a minimum utilization of 90 [93] percent of certified bed capacity, provided that the number of allowable days shall not exceed a maximum utilization of 96 percent of certified bed capacity.