TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control 410	Department of	or Agency <u>State H</u>	lealth Planning and Devel	opment Agency (Statewide
Health Coordina	ting Council)			
Rule No.	410-2-409			
Rule Title:	Swing Beds			
N	lew X	Amend	Repeal	Adopt by Reference
Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety?				<u>NO</u>
Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare?				YES
Is there another, less restrictive method of regulation available that could adequately protect the public?				NO
Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree?				NO
Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule?				<u>N/A</u>
Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public?				YES
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If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, <u>Code of Alabama 1975</u>.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, <u>Code of Alabama 1975</u>, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer and Tamber 12/14/2010 Date

REC'D & FILED DATE FILED (STAMP) 5 2010

LEGISLATIVEREFSERVICE



STATE HEALTH PLANNING AND DEVELOPMENT AGENCY

100 NORTH UNION STREET, SUITE 870

MONTGOMERY, ALABAMA 36104

NOTICE OF INTENDED ACTION

AGENCY NAME:STATE HEALTH PLANNING AND DEVELOPMENT AGENCY
(Statewide Health Coordinating Council)RULE NO. & TITLE:410-2-4-.09 Swing Beds

INTENDED ACTION:

The State Health Planning and Development Agency (Statewide Health Coordinating Council) proposes to amend the above styled section of the Alabama State Health Plan.

SUBSTANCE OF PROPOSED ACTION:

To increase the maximum number of authorized swing beds in licensed Critical Access Hospitals from ten (10) to twenty-five (25), as allowed under current medicare swing bed regulations.

TIME, PLACE, MANNER OF PRESENTING VIEWS:

In response to this Proposed Rule, all interested persons are invited to submit data, views, comments and/or arguments, orally or in writing. Any and all such data, comments, arguments and/or requests to orally address the Statewide Health Coordinating Council (SHCC) shall be made in writing on or before, February 3, 2011, and shall be made to:

James E. Sanders, Deputy Director State Health Planning and Development Agency P. O. Box 303025 Montgomery, Alabama 36130-3025

On February10, 2011, at 10:00 a.m., the SHCC shall conduct a public hearing in the Capitol Auditorium, Alabama State Capitol, Montgomery, Alabama, at which time it shall consider the Proposed Rule along with all written and oral submissions in respect to the Proposed Rule. Only those interested persons who have made timely written requests will be afforded the opportunity to speak.

Copies of the proposed changes are available for review at 100 North Union Street, RSA Union Building, Suite 870, Montgomery, Alabama. Phone (334) 242-4103 or visit the office Monday through Friday from 8:00 a.m. to 5:00 p.m., excluding State holidays.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: February 3, 2011

CONTACT PERSON AT AGENCY: James E. Sanders 100 North Union Street RSA Union, STE 870 Montgomery, AL 36104 (334) 242-4103

Alva M. Lambert, Executive Director

410-2-4-.09 Swing Beds

(1) Definition. A swing bed is a licensed hospital bed that can be used for either a hospital or skilled nursing home patient. A swing bed program is authorized in Alabama to include hospitals that meet the criteria as specified in Federal laws and regulations. In accordance with the appropriate directive and this State Health Plan, a swing bed hospital must meet the following requirements:

(a) must meet the federal requirements addressing the facility size, location, and utilization factors;

(b) must have a valid provider agreement under Medicare;

(c) must meet the discharge planning and social services standards applicable to participating skilled nursing facilities;

(d) must not have a waiver for 24-hour nursing coverage;

(e) must be granted a certificate of need by the State Health Planning and Development Agency to provide skilled nursing facility services;

(f) each participating <u>rural</u> hospital is limited to 10 swing beds;

(g) the average length of stay for swing bed patients must not exceed 30 days;

(h) beds authorized as swing beds will remain licensed as general hospital beds and be included in the general acute care inventory and bed need methodology;

(i) critical access hospitals shall be <u>limited to 25 swing beds and</u> given special consideration in any application for a certificate of need for swing beds

Author: Statewide Health Coordinating Council (SHCC). Statutory Authority: § 22-21-260(4), <u>Code of Alabama</u>, 1975. History: Effective