

THE LONG TERM CARE DISCUSSION GROUP

A VOLUNTARY INDEPENDENT GROUP THAT MEETS SOLELY FOR THE PURPOSE
OF EDUCATING THE POLICY COMMUNITY ON ALL FACETS OF LONG TERM CARE

Thursday, January 23, 2014
2:00 p.m. Eastern Time

AHIP
601 Pennsylvania Avenue, NW - Suite 500 South Building
Washington, DC 20004

TOPIC: Access to Medicare Nursing Home Benefits:
What's Been Happening and What May Be Next?

Speaker: Toby Edelman, Senior Policy Attorney
Center for Medicare Advocacy, Inc.

The boundaries of Medicare coverage have been moving. At this meeting, Toby Edelman, of the Center for Medicare Advocacy, Inc., will discuss recent developments affecting Medicare nursing home coverage as well as possible future changes to address these issues. Over the past several years, Medicare beneficiaries' access to nursing home coverage has been compromised by an increase in hospital admissions for observation. Under current rules, observation stays are considered outpatient services and, therefore, do not count toward the three-day inpatient hospital stay required for subsequent Medicare nursing home coverage.

Edelman also will discuss implementation of the 2013 settlement of *Jimmo v. Sebelius*, in which plaintiffs challenged Medicare contractors' interpretation that beneficiaries must meet an "improvement standard" in making claims determinations involving skilled nursing care. Under the court settlement, rather than having to demonstrate that skilled care will improve their condition, Medicare patients can access care in order to maintain their clinical condition, or prevent or slow further deterioration.

Toby S. Edelman was a founding member of the Washington, DC office of the Center for Medicare Advocacy (January 2000), where she is a senior policy attorney. She focuses on nursing home issues, particularly enforcement of federal standards of care. In recent years, she has worked extensively on the observation status issue, coordinating an *ad hoc* coalition of national organizations that support legislation to resolve the issue for Medicare beneficiaries. Between 1977 and 2000, she was a staff attorney with the National Senior Citizens Law Center, where she was lead attorney in *Valdivia v. California Department of Health Services*. The statewide class action lawsuit successfully challenged California's refusal to implement federal nursing home reform legislation.

Please RSVP to Jenifer Allen at JAllen@univitahealth.com

**Long Term Care Discussion Group Co-Chairs:
Winthrop Cashdollar, John Cutler, Hunter McKay (ex-officio), Karl Polzer,
Jill Randolph, and Eileen J. Tell**

Long Term Care Discussion Group meetings are intended as forums for candid discussion. Dialogue and comments made during these meetings should be treated as off the record.

For more information about the Long Term Care Discussion Group, and to access materials and information relating to previous meetings, visit www.ltcdiscussiongroup.org