

CHAPTER 42

HOSPICE BENEFITS IN NURSING FACILITIES — DUALY ELIGIBLE MEDICARE AND MEDICAID AND MEDICAID-ONLY MEMBERS

H.F. 518

AN ACT relating to reimbursement for dually eligible Medicare and Medicaid members receiving the Medicare hospice benefit and Medicaid-only members electing the hospice benefit in a nursing facility.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. DUALY ELIGIBLE MEDICARE AND MEDICAID MEMBERS AND MEDICAID-ONLY MEMBERS RECEIVING HOSPICE BENEFIT IN A NURSING FACILITY — ELIMINATION OF PASS-THROUGH PAYMENT.

1. The department of human services shall request federal approval from the centers for Medicare and Medicaid services of the United States department of health and human services for a section 1115 demonstration waiver to allow for the payment of the nursing facility room and board expenses for a dually eligible Medicare and Medicaid member receiving the Medicare hospice benefit or a Medicaid-only member electing the member's hospice benefit, to allow Medicaid managed care organizations and the Medicaid fee-for-service payment system to reimburse the nursing facility directly for the room and board expenses at no less than ninety-five percent of the nursing facility's Medicaid fee-for-service rate rather than indirectly as a pass-through payment from the hospice services provider. The department of human services shall report receipt of such approval to the chairpersons and ranking members of the appropriations committees of the house and senate, the co-chairpersons and ranking members of the joint appropriations subcommittee on health and human services, and the legislative services agency.

2. The department of human services shall adopt rules pursuant to [chapter 17A](#) to administer this section and specifically to allow Medicaid managed care organizations and the department's fee-for-service Medicaid payment system to reimburse a nursing facility directly for the room and board expenses at no less than ninety-five percent of the nursing facility's Medicaid fee-for-service rate as provided in this section.

Approved April 23, 2019