

Medicare and hospital discharges

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If you're on Medicare, and you need inpatient hospital care, learn what rights you have when the hospital decides it's time to discharge you.

Should I read this?

If you have Medicare and you must stay at a hospital for more than one night (to get **inpatient treatment**), you should know what your rights are if you and the hospital disagree about when you should go home (when the hospital can **discharge you**).

A hospital can discharge you when it believes you no longer need medical services there and can safely be released. This could mean moving home with or without services, to a rehabilitation or nursing facility, or to supported housing like assisted living.

The rights we discuss here don't apply when your hospital stay goes longer than the limits of your Medicare plan (including your Part A days).

How do I learn what my rights are as an inpatient hospital patient?

If you have Medicare and the hospital admits you for inpatient treatment, then you should get an Important Message from Medicare (an IM) (<https://www.cms.gov/medicare/forms-notice/beneficiary-notice-initiative/ffs-ma-im>) within 2 calendar days of admission to the hospital. This is true for both Original Medicare and Medicare Advantage Plans.

The IM explains your patient rights, including your rights when you're discharged from the hospital. The IM also tells you how to ask for an expedited review of the hospital's decision to discharge you.

The hospital will ask you to sign the IM to confirm that you got it and that you understand your rights. They ask you to sign so as proof that the hospital told you (notified you) about your rights as a patient.

You can refuse to sign the IM, even if the hospital insists that you sign it. If you refuse to sign, the hospital might instead note your refusal on the form and the date, as the date you were notified about your rights as an inpatient hospital patient.

A hospital that believes you don't have the capacity to receive and understand the IM must give it to and get a signature from an appropriate representative. If a representative isn't readily available in-person, the hospital can give notice by phone and then mail the written notice. **Answering machine or voicemail messages are not okay.**

The hospital wants to discharge me. What can I do if I don't believe I'm ready to be discharged?

1. You can disagree and appeal, or
2. You can ask for a **discharge planning evaluation** if you think you could be ready for discharge with planning and support.

Discharge planning is when hospital staff work with the patient, or the patient's representative, to develop a way for you to leave the hospital safely. This could mean various things, such as simply healing at the hospital from a procedure. It might mean you should be discharged to hospice or home health services. It might mean ensuring you understand how to clean your surgery site.

What are my rights when the hospital is ready to discharge me?

You'll get another IM before you're discharged that again explains your rights. Your rights at this stage include:

- The right to get Medicare-covered, medically necessary hospital services and services you may need after your discharge.
- The right to be involved in any decision about your hospital stay.
- The right to take part in discharge planning, especially if you need rehabilitation services, nursing home placement, or home health services after your discharge.
- The right to make sure you and your doctors agree you're well enough to leave the hospital.
- The right to ask for a fast appeal if you don't agree with the hospital's decision to discharge you.

You have these rights even if you refuse to sign your IM.

When should I get the IM?

You must get the IM **twice** while hospitalized:

1. The hospital must deliver the first IM no later than **2 days after admitting you.**
2. You must get the second IM **2 days before the planned discharge day.**

If the hospital wants to discharge you more than 2 days after admission, you should get another IM notice. This is the same notice they asked you to sign upon admission.

Are there any exceptions to this?

Yes:

1. **If the discharge date is within 2 days of signing the initial (first) IM.**
You may be in the hospital fewer than 5 days. **Example:** The hospital admitted Sophia on Sunday. She got and signed the IM on Tuesday. The hospital has Sophia's discharge scheduled for Thursday. The hospital doesn't need to give her a second copy of the notice.
2. **If the discharge decision happens quickly.** A hospital that reaches a decision less than 48 hours before a scheduled discharge must give you the second notice at least 4 hours before discharge. **Examples:** The hospital bases your discharge on lab test results or the availability of a nursing home bed.

You have the same appeal rights if you get notice on the day of the discharge.

What if I disagree with the discharge decision?

You can call Acentra Health toll-free at 888-305-6759; TTY: 7-1-1 before the end of the discharge date to appeal. You can call 24 hours a day, including weekends. We call this a **fast appeal**, expedited decision, or immediate review.

Acentra Health is the organization in Washington that processes hospital discharge appeals.

If you missed your appeal deadline, the IM you received lists who you should call.

When Acentra Health gets a fast appeal request, it notifies the hospital that you've started an appeal and asks the hospital for records. The hospital must give Acentra Health the records to review and decide if the medical facts and Medicare rules support the discharge decision.

You, or your representative, can ask the hospital to give you a copy of the documentation it sent to Acentra Health. The hospital must do this when you ask. It can charge you a reasonable amount for copies. To avoid potential costs, you could ask to just have access to the documents. The hospital has until close of business the first day after your request to give you the records.

Does the hospital get to respond to my appeal?

Yes. The hospital must give you a **Detailed Notice of Discharge (DND)** by noon of the day after it gets notice of the fast appeal. The DND must say:

- Why you no longer need hospitalization or why it is no longer covered.

- The Medicare rules and/or policies that led the hospital to decide to discharge you.

Will my Medicare Advantage plan send me anything at this point?

Yes. It will send you an **Integrated Denial Notice (IDN)** (<https://www.cms.gov/medicare/forms-notices/beneficiary-notices-initiative/ma-denial-notice>). This is also called a Notice of Denial of Medical Coverage/Payment. The IDN must say:

- Why the hospitalization (or other service) is no longer covered.
- Your appeal rights. This includes how to ask for an appeal.

The IDN should also have plan contact information and Medicaid appeals rights information for people who get Medicaid services.

How long does a fast appeal take?

Acentra Health must make its decision within one calendar day after it gets all the information it asked the hospital for, including hospital records. If you appealed the decision before midnight on the day of the scheduled discharge, the fast appeal should take no more than 2 days.

(Example: Joe is a Medicare patient. They tell him the discharge date is Thursday. Joe calls Acentra Health Thursday afternoon. By Friday, the hospital should give Joe a DND and send his records to Acentra Health.

On Saturday, Acentra Health should reach its expedited decision and tell Joe and the hospital its decision. (This may not be the case

if the hospital didn't send the records right away.)

Who pays for the hospital stay during the immediate review?

If you ask Acentra Health for an immediate review before midnight of the scheduled discharge date, you don't have to pay for your continued hospital stay, even if Acentra Health rules against you. You're liable if you stay in the hospital after noon of the day Acentra Health tells you it is upholding the discharge date.

In this example, Joe would be liable for the cost of the hospital stay if he stayed in the hospital past noon on Saturday.

What if I disagree with Acentra Health's decision?

You can appeal by calling Acentra Health toll-free at 888-305-6759; TTY: 7-1-1 and asking for a reconsideration of the decision.

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