

Skilled Nursing Facility (SNF) Coverage Based on a Beneficiary's Prior Qualifying Stay in a Department of Veterans Affairs (VA) Hospital

I am responding to your inquiry about Medicare coverage under the skilled nursing facility (SNF) benefit. One prerequisite for coverage under this benefit is that a beneficiary must have a qualifying prior stay in a hospital of at least 3 consecutive days. You ask whether a stay in a Department of Veterans Affairs (VA) hospital that is not Medicare-certified can count as a qualifying hospital stay for purposes of Medicare coverage under the SNF benefit. As explained below, the answer is “yes,” as long as the VA hospital at least meets Medicare’s definition of an emergency hospital.

The SNF coverage guidelines in Chapter 8 of the Medicare Benefit Policy Manual (available online at www.cms.gov/Regulations-and-Guidance/Guidance/Manuals/Downloads/bp102c08.pdf) specify in §20.1 that the hospital in which a qualifying 3-day stay takes place need not actually *participate* in Medicare, as long as it meets at least the definition of an “emergency hospital” contained in §20.2 of the Medicare General Information, Eligibility, and Entitlement Manual, Chapter 5 (available online at www.cms.gov/Regulations-and-Guidance/Guidance/Manuals/Downloads/ge101c05.pdf).

The latter manual provision defines an emergency hospital as “a nonparticipating hospital which meets the requirements of the law’s definition of a ‘hospital’ relating to full-time nursing services and licensure under State or applicable local law.” The “hospital” definition in §20 of that chapter, in turn, sets forth those two requirements as follows:

- Provides 24-hour nursing service rendered or supervised by a registered professional nurse, and has a licensed practical nurse or registered professional nurse on duty at all times;
- Is licensed *or is approved by the State or local licensing agency as meeting the standards established for such licensing* (emphasis added).

The emergency hospital definition in §20.2 further clarifies that “A Federal hospital [such as a VA hospital] need not be licensed under State or local licensing laws to meet the definition of emergency hospital.” In fact, the very option in §20’s hospital definition that enables an emergency hospital simply to be “approved” as meeting the standards for State or local licensure (rather than actually being required to obtain such licensure) recognizes that Federal facilities do not always obtain a license from the applicable State or local authority.

I appreciate your interest in this aspect of the Medicare program, and hope that this information answers your questions.