



NEW YORK STATE SENATOR

Catharine Young

Senator Young, Colleagues Urge Federal Government To Adopt Legislation Improving Access To Skilled Nursing Care

CATHARINE YOUNG August 19, 2015

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Bill before the House of Representatives, U.S. Senate would provide clarity on Medicare's three day inpatient requirement

ALBANY – Senator Catharine Young (R,C,I – Olean) recently joined her Senate colleagues in co-signing a letter to members of Congress in support of the *Improving Access to Medicare* bill. The legislation would ensure a greater number of seniors are able to access skilled nursing care under Medicare.

Currently, a senior on Medicare is required to be hospitalized with inpatient care for at least three consecutive days before Medicare will cover post-hospital care in a skilled nursing facility. However, because of previous changes to the federal law, patients may think they have been “admitted” to the hospital, when in fact they are only being held in “observation,” thus causing them to be ineligible for post-release skilled nursing care.

“The Medicare system can often be complicated and confusing for seniors, especially when they are in the hospital. While New York has taken action to promote awareness, the current system still does not always ensure our senior receive the skilled nursing care they need when they have been injured or ill. Because ‘observation’ does not qualify as ‘admittance,’ seniors who do not fully understand their status may not realize they could face difficult and costly out-of-pocket expenses while still not receiving the post-release care they would expect,” said Senator Young.

“By updating the system to allow hospital ‘observation’ to count toward the three day requirement for skilled nursing care, our federal representatives can ensure that seniors get the medical coverage they need, in the appropriate setting. The change would also protect seniors from incurring the painful financial burden that can come with hospital care. This simple and important revision would increase care and coverage for area seniors who rely upon Medicare to meet their healthcare needs,” Senator Young said.

In 2013, in response to the change in Medicare requirements, Senator Young and her colleagues unanimously passed legislation that now requires hospitals in New York to notify a patient, verbally and in writing, if they are only being held in “observation” status and have not been admitted into the hospital as a patient. As outpatients, seniors who have Medicare coverage face higher co-payments for services rendered in-hospital, such as the dispensing of prescription medication.

The legislation which Senator Young and her colleagues have written in support of would deem patients under “observation” as inpatients for the purposes of satisfying the Medicare three day inpatient stay requirement without repealing the requirement.

“I know our federal representatives care deeply about the care and treatment area seniors receive. The state has done all it can to improve consumer awareness; now it is up to the federal government to rectify this devastating requirement and improve healthcare access for our aging population,” said Senator Young.

Congressman Tom Reed has already signed on as a co-sponsor of the legislation.

A copy of the letter sent by Senator Young and her colleagues to members of the New York Congressional delegation is attached.