



STATE OF NEW YORK DEPARTMENT OF HEALTH

433 River Street, Suite 303, Troy, New York 12180-2299

Richard F. Daines, M.D.
Commissioner

June 26, 2007
DPACS: 07-12

Dear Chief Executive Officer:

This letter is written to inform you of an upcoming change in discharge appeal procedures for hospital inpatients who are Medicare beneficiaries. As per the Centers for Medicare & Medicaid Services (CMS) website,

On November 27, 2006, the Centers for Medicare & Medicaid Services (CMS) published a final rule, CMS-4105-F: Notification of Hospital Discharge Appeal Rights. Beginning July 2, 2007, hospitals must deliver a revised version of the "Important Message from Medicare" (Important Message) to inform Medicare beneficiaries who are hospital inpatients about their hospital discharge appeal rights. Notice is required both for Original Medicare beneficiaries and for those enrolled in Medicare health plans. Beneficiaries who choose to appeal a discharge decision will receive a more detailed notice.

Until the July 2, 2007 implementation date, hospitals must continue using existing notices and procedures. The updated "Important Message" is attached to this letter for your convenience and can be found on the CMS website at the following link:

http://www.cms.hhs.gov/BNI/12_HospitalDischargeAppealNotices.asp#TopOfPage.

Hospitals must issue the Important Message within 2 calendar days of admission and deliver a copy of the signed notice as far in advance of discharge as possible, but not more than 2 calendar days before discharge. For short stay patients where the initial notice is given within 2 days of discharge, only one discharge notice is necessary.

The Department' has updated the "Your Rights as a Hospital Patient" booklet to include the revised "Important Message". The updated files can be downloaded from the Department's website at: http://www.health.state.ny.us/nysdoh/hospital/patient_rights/en/provider_intro.htm. The Spanish version of the "Your Rights as a Hospital Patient" booklet will be updated as soon as CMS releases the Spanish version of the "Important Message". If a hospital has an existing supply of booklets without the revised "Important Message", they may continue to use this version until exhausted as long as the revised "Important Message" is given to the patient along with the booklet.

Should you have any questions about the revised discharge appeal process, please contact or Alice Vallar of IPRO at 516-209-5562. Should you have questions about "Your Rights as a Hospital Patient", please contact the Division of Primary and Acute Care Services at 518-402-1003.

Sincerely,

Martin J. Conroy
Director
Division of Primary and Acute Care Services