NOTICE OF RULE ADOPTION—FINAL RULE

STATE OF MISSISSIPPI
OFFICE OF THE GOVERNOR
DIVISION OF MEDICAID

Miss. Division of Medicaid
c/o Ginnie McCardle, Staff Officer
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Specific Legal Authority Authorizing the promulgation of Rule: Miss Code Ann. §43-13-121(1972), as amended

Reference to Rules repealed, amended or suspended by the Proposed Rule :
Provider Policy Manual Section 36.10 and 36.11

Date Rule Proposed: May 19, 2009

Explanation of the Purpose of the Proposed Rule and the reason(s) for proposing the rule:
AP2009-33 This proposed rule updates the Provider Policy Manual regarding Nursing Facilities - Temporary Leave Payment and Resident Assessments Minimum Data Set (MDS). Regarding home/therapeutic leave, outpatient treatment for dialysis and outpatient treatment for catastrophic illnesses (e.g. chemotherapy) that occurs two (2) or more days per week will not count as therapeutic leave days. Home/therapeutic leave includes routine outpatient treatments. Reference information is also updated.

The Agency Rule Making Record for this rule including any written comments received during the comment period and the record of any oral proceeding is available for public inspection by contacting the Agency at the above address.

☐ An oral proceeding was held on this rule:

Date:
Time:
Place:

☒ An oral proceeding was not held on this rule.

The Agency has considered the written comments and the presentations made in any oral proceedings, and

☒ This rule as adopted is without variance from the proposed rule.

☐ This rule as adopted differs from the proposed rule as there are minor editorial changes which affect the form rather than the substance of the rule.

☐ The rule as adopted differs from the proposed rule. The differences however are:
Within the scope of the matters in the Notice of Proposed Rule Adoption, the logical outgrowth of the contents of the Notice of Proposed Rule Adoption and the comments submitted in response thereto, and
The Notice of Proposed Rule Adoption provided fair warning that the outcome of the proposed rule adoption could be the rule in question.

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

Effective Date of Rule: July 1, 2009

Executive Director
Signature and Title of Person Submitting Rule for Filing