

16537

NOTICE OF RULE ADOPTION—FINAL RULE

FILED  
OCT 15 2009  
MISSISSIPPI  
SECRETARY OF STATE

STATE OF MISSISSIPPI  
OFFICE OF THE GOVERNOR  
DIVISION OF MEDICAID

Miss. Division of Medicaid  
c/o Ginnie McCardle, Staff Officer  
Walter Sillers Building  
550 High Street  
Suite 1000  
Jackson, MS 39201-1399  
(601) 359-6310  
<http://www.dom.state.ms.us>

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Reference to Rules repealed, amended or suspended by the  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 :  
State Plan Attachment 3.1-A, Exhibit 1a

Date Rule Proposed: July 22, 2009

**Explanation of the Purpose of the Proposed Rule and the reason(s) for proposing the rule:**

SPA2009-001 This State Plan Amendment is to remove language which addresses the pre-certification requirements for swing bed services. To manage utilization and medical necessity, the Division of Medicaid has always required pre-certification for inpatient days during an admission to swing bed. Utilization will be monitored on a post-payment basis. The final approval from CMS allow MS DOM to remove Attachment 3.1-A, Exhibit 1a from the MS State Plan.

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

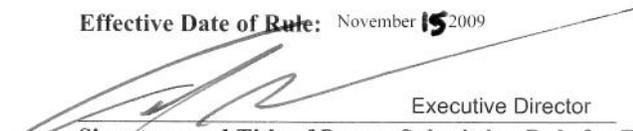
This rule as adopted is without variance from the proposed rule.

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: November 15 2009

  
Executive Director  
Signature and Title of Person Submitting Rule for Filing