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**New Jersey Elder Lawyer**

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## **CAN THERAPY SERVICES BE DENIED WHEN MEDICARE REIMBURSEMENT HAS EXPIRED?**

### **NJ Long Term Care Planning**

No! Appropriate therapy should be provided regardless of the form of payment.

Federal law requires that the resident receives services necessary "to attain or maintain the highest practicable physical, mental, and psychosocial well-being." Sec. 483.25 of Title 42 of the Code of Federal Regulations.

A skilled nursing facility "must establish and maintain identical policies and practices regarding transfer, discharge, and the provision of services required under the State (Medicaid) plan for all individuals regardless of source of payment." Sec. 483.12(c)(l) of Title 42 of the Code of Federal Regulations (emphasis added).

Therapy, in such instances, must be provided under a Medicaid per diem rate. The Surveyors' Guidelines to Sec. 483.45(a) of Title 42 of the Code of Federal Regulations provide that therapy services must be provided "even when the services are not specifically enumerated in the State (Medicaid) plan." (Emphasis Added).

James E. De Martino is licensed to practice in the State of New Jersey.

Our practice is limited to estate planning, long-term care planning, and NJ Medicaid asset protection.

**Elder Law and NJ Estate Planning Strategies**

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