Medicare and Hospital Discharges

Should I read this?

Yes, if you have Medicare. This explains your rights and processes when the hospital decides to discharge you.

❖ The rules we discuss here do not apply when your hospital stay goes longer than the limits of your Medicare plan (including your Part A days).

What are some terms I need to know?

IM – Important Message from Medicare.

DND - Detailed Notice of Discharge.

Livanta – is a group of doctors and other health care experts under contract with Medicare that reviews complaints and quality of care for people with Medicare.

IDN - Integrated Denial Notice.

What does a discharge mean?

It can mean:

❖ Going home.

❖ Switching to a lower level of care.

❖ Moving to a nursing home.

Should I read my Medicare discharge notice?

Yes. It helps you understand the discharge notification system. Then you can

❖ Take part in discharge planning, especially if you need rehabilitation services, nursing home placement, or home health services upon discharge.

❖ Make sure you and your doctors agree you are well enough to leave the hospital.

❖ Ask for a fast appeal if you do not agree with the discharge.

❖ Get needed prescriptions through your Part D plan.

What is the Important Message (IM) from Medicare?

This notice explains your rights when the hospital decides you no longer need to stay there because you can go home and/or get medically needed care in another setting, such as a nursing home.

❖ You must sign the IM to show you got and understood it.

A hospital that believes you do not have the capacity to receive and understand the IM must deliver it to and get a signature from an appropriate representative. If a representative is not readily available in-person, the hospital may give notice by phone and then mail the written notice. **Answering machine/voicemail messages are not okay.** They do not let the hospital make sure your representative has actually gotten and understood the notification.
How many times do I get the IM?
You must get it **twice** while hospitalized:

- The hospital must deliver the first IM no later than **two days after admitting you**.
- You must get the second IM **two days before the planned discharge day**.

Are there any exceptions to this?
Yes:

1. **The discharge date is within two days of signing the initial (first) IM.** You may be in the hospital fewer than five days.  
   **Example:** The hospital admitted Sophia on Sunday. She received and signed the IM on Tuesday. The hospital has Sophia’s discharge scheduled for Thursday. The hospital does not need to give her a second copy of the notice.

2. **The discharge decision happens quickly.** A hospital that reaches a decision fewer than 48 hours before a scheduled discharge must give you the second notice at least four hours before discharge. **Examples:** The hospital bases your discharge on lab test results or the availability of a nursing home bed.

   - You have the same appeal rights if you get notice on the day of the discharge.

What if I disagree with the discharge decision?
You can appeal. Call **Livanta** at (877) 588-1123 (TTY: (877) 588-1123) before the end of the discharge date to appeal. You can call 24 hours a day, including weekends. We call this fast appeal, Expedited Decision, and/or immediate review.

What is an immediate review?
When Livanta gets a fast appeal request (an Expedited Decision or immediate review), it

- Tells the hospital you have started an appeal.
- Asks for records.

The hospital must give Livanta the records to review. Livanta decides if the medical facts and Medicare rules support the discharge decision.

Does the hospital get to reply to my appeal?
The hospital must give you a **Detailed Notice of Discharge (DND)** by noon of the day after it gets notice of the fast appeal. The DND must say

- Why you no longer need hospitalization or why it is no longer covered.
- The Medicare rules/policies applying to your medical condition that led the hospital to decide to discharge you.

Will my Medicare plan send me anything at this point?
Yes. It will send you an **Integrated Denial Notice (IDN)**. People also call it a Notice of Denial of Medical Coverage/Payment. The IDN must say

- Why the hospitalization (or other services) is no longer covered.
- Your appeal rights.
The IDN should also have

- The MA plan’s logo or letterhead.
- Plan contact info.
- Medicaid rights info for people with Medicaid.

**How long does the fast appeal take?**

Livanta must make its decision one day after getting the hospital records. If you requested the expedited decision (fast appeal) before midnight on the day of the scheduled discharge, the fast appeal should take no more than two days.

**Example:** Joe is a Medicare patient. They tell him the discharge date is Thursday. Joe calls Livanta Thursday afternoon. By Friday at noon, the hospital should

- Give Joe a DND.
- Send Livanta his records.

On Saturday, Livanta should reach its expedited decision and tell Joe and the hospital its decision.

**Who pays for the hospital stay during the immediate review?**

If you ask Livanta for an immediate review before midnight of the scheduled discharge date, you do not have to pay the continued hospital stay, even if Livanta rules against you. You are liable if you stay in the hospital after noon of the day Livanta tells you it is upholding the discharge date.

**Example:** In the example in the last section, Joe would be liable for the cost of the hospital stay if he stayed in the hospital past noon on Saturday.

**What if I need legal help?**

- **Apply online with CLEAR*Online**
  - [https://nwjustice.org/get-legal-help](https://nwjustice.org/get-legal-help)
  or
- **Call CLEAR at 1-888-201-1014**

CLEAR is Washington’s toll-free, centralized intake, advice and referral service for low-income people seeking free legal assistance with civil legal problems.

- **Outside King County:** Call 1-888-201-1014 weekdays from 9:15 a.m. until 12:15 p.m.
- **King County:** Call 211 for info and referral to an appropriate legal services provider Monday through Friday from 8:00 am – 6:00 pm. You may also call (206) 461-3200, or the toll-free number, 1-877-211-WASH (9274). You can also get info on legal service providers in King County through 211’s website at [www.resourcehouse.com/win211/](http://www.resourcehouse.com/win211/).
- **Persons 60 and Over:** Persons 60 or over may call CLEAR*Sr at 1-888-387-7111, regardless of income.
Deaf, hard of hearing or speech impaired callers can call CLEAR or 211 using the relay service of their choice.

211 and CLEAR will conference in interpreters when needed at no cost to callers.

Free legal education publications, videos and self-help packets covering many legal issues are available at www.washingtonlawhelp.org.

This publication provides general information concerning your rights and responsibilities. It is not intended as a substitute for specific legal advice.

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