

Report on Medicare Compliance Volume 32, Number 39. October 30, 2023 CMS: 'Content Was Correct' in QIO Publication on Short Hospital Stays

By Nina Youngstrom

CMS for the most part is standing by a July publication on compliance with the two-midnight rule from the Medicare contractor, Livanta, that conducts short hospital stays.^[1]

“The content was correct, but it needed to be written more clearly to avoid confusion,” a CMS spokesperson told RMC Oct. 25. “The publication will be re-released after Livanta has updated for clarity.” The spokesperson noted that “CMS informed Livanta that all communications and newsletters need to be written clearly and align with CMS policy to avoid confusion among stakeholders.” It had been retracted in September.

CMS closely reviewed the publication, Livanta Claims Review Advisor for July 2023, after questions were raised about it. But other than issues around its clarity, apparently CMS is OK with it.

Livanta, the Beneficiary and Family Centered Care-Quality Improvement Organization (QIO), took people in the utilization review, case management and compliance community by surprise when it put out the publication. The QIO opened the door to greater use of the case-by-case exception and seemed to have a more generous view of inpatient admissions than in its audits, including for appendectomies and gallbladder removals.

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