

New York

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STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

CATEGORICAL DETERMINATIONS

Categories for which the State Mental health or mental retardation authority may make an advance group determination that Nursing Facility (NF) services are needed are:

- 1) **Convalescent care from an acute physical illness which:**
 - (i) Required hospitalization; and
 - (ii) Does not meet all the criteria for an exempt hospital discharge, which is not subject to preadmission screening as specified in Section 483.106(b)(2).
- 2) **Terminal illness**, as defined for hospice purposes in Section 418.3 of this chapter.
- 3) **Severe physical illness** such as coma, ventilator dependence, functioning at a brain stem level, or diagnoses such as chronic obstructive pulmonary disease, Parkinson's disease, Huntington's disease, amyotrophic lateral sclerosis, and congestive heart failure which result in a level of impairment so severe that the individual could not be expected to benefit from specialized services.
- 4) **Very brief and finite stays** of up to a fixed number of days to provide respite to in-home caregivers to whom the individual with Mental Illness (MI) or Mental Retardation (MR) is expected to return following the brief NF stay.

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