THAT IS REGULATED UNDER ARTICLE 70B OF THE CODE AND RECEIVED HEALTH CARE SERVICES IN AN ACUTE CARE HEALTH CARE FACILITY, THE RESIDENT'S PRIMARY CARE PHYSICIAN SHALL REFER, IF MEDICALLY APPROPRIATE, THE RESIDENT TO THE ~~RESIDENT'S CONTINUING CARE FACILITY FOR THE PROVISION OF HEALTH CARE SERVICES, AS PROVIDED IN THE RESIDENT'S CONTINUING CARE AGREEMENT,~~ SKILLED NURSING UNIT AT THE RESIDENT'S CONTINUING CARE FACILITY FOR THE PROVISION OF HEALTH CARE SERVICES INCLUDED IN THE RESIDENT'S HEALTH MAINTENANCE ORGANIZATION MEDICARE CONTRACT IF:

(1) THE PRIMARY CARE PHYSICIAN AND THE RESIDENT OR THE DESIGNATED REPRESENTATIVE OF THE RESIDENT DO NOT CHOOSE AN ALTERNATIVE COURSE OF TREATMENT;

~~(2) THE FACILITY AGREES TO BE REIMBURSED AT THE CONTRACT RATE NEGOTIATED BY THE HEALTH MAINTENANCE ORGANIZATION WITH SIMILAR PROVIDERS FOR THE PROVISION OF THE SAME HEALTH CARE SERVICES AND SUPPLIES; AND~~

(2) THE CONTINUING CARE FACILITY BECOMES A CONTRACTING PROVIDER IN ACCORDANCE WITH THE HEALTH MAINTENANCE ORGANIZATION'S STANDARD TERMS AND CONDITIONS FOR ITS PARTICIPATING PROVIDERS AND MEETS THE CREDENTIALING CRITERIA FOR BECOMING A PARTICIPATING PROVIDER;

(3) THE CONTINUING CARE FACILITY MEETS ALL THE GUIDELINES ESTABLISHED BY THE DIVISION OF LICENSING AND CERTIFICATION OF THE DEPARTMENT, INCLUDING MEDICARE CERTIFICATION; *AND*

(4) THE CONTINUING CARE FACILITY'S SKILLED NURSING UNIT IS CERTIFIED AS A MEDICARE SKILLED NURSING FACILITY; .

~~(5)~~ *(B)* *(1)* THE CONTINUING CARE FACILITY IS NOT OBLIGATED TO ACCEPT FOR THE PROVISION OF HEALTH CARE SERVICES ANYONE OTHER THAN A RESIDENT OF THE CONTINUING CARE FACILITY; ~~AND~~.

~~(6)~~ ~~NEITHER~~ *(2)* THE HEALTH MAINTENANCE ORGANIZATION ~~NOR~~ *AND* THE CONTINUING CARE FACILITY ~~IS~~ *ARE NOT* OBLIGATED TO ADVERTISE IN ANY MANNER THAT THE CONTINUING CARE FACILITY IS A PARTICIPATING PROVIDER WITH RESPECT TO COVERAGE OFFERED BY THE HEALTH MAINTENANCE ORGANIZATION FOR MEDICARE BENEFITS OR OTHER TREATMENT IN THE SKILLED NURSING ~~FACILITY~~ *UNIT* FOR ANYONE OTHER THAN RESIDENTS OF THE CONTINUING CARE FACILITY.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 1997.

Approved April 29, 1997.

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