



**Center for Clinical Standards and Quality /Survey & Certification Group**

**Ref: S&C: 13-45-PRTF**

**DATE:** July 3, 2013

**TO:** State Survey Agency Directors

**FROM:** Director  
Survey and Certification Group

**SUBJECT:** Provision of Inpatient Psychiatric Services to Individuals Under the Age of 21 (Psych Under 21 Benefit) in Out-of-State Psychiatric Residential Treatment Facilities (PRTFs)

**Memorandum Summary**

- **Provision of the Psych Under 21 Benefit:** The benefit can only be provided in:
  - A Medicare or Medicaid-certified psychiatric hospital;
  - A general hospital with an inpatient psychiatric program accredited by a national accreditation organization (AO) whose hospital accreditation program has been approved by the Centers for Medicare & Medicaid Services (CMS); or
  - A PRTF that is Medicaid-certified.
- **Ongoing issue:** States that choose to send children out-of-State to receive the Psych Under 21 Benefit must ensure that these patients receive services in facilities that are Medicaid-certified. Currently, there are instances where children are being transferred out of their home State to receive these services in facilities that are not certified as PRTFs. This is occurring in situations where the Medicaid State Plan for the receiving State does not include PRTF services.
- **State Survey Agency Activity:** If the transferring State Medicaid Agency (SMA) wishes to enter into a PRTF agreement with a facility located outside its State, they must make arrangements for the survey of the facility for compliance with applicable regulations. They may make these arrangements with any State Survey Agency (SA). The SA that performs the survey assumes the responsibility for entering the associated data into ASPEN and ensures that re-certification surveys occur at five (5) year intervals.

**Background**

Inpatient psychiatric services for individuals under the age of 21 (Psych Under 21 Benefit) is a Medicaid benefit. In order for an individual to receive the benefit, the services

must be provided in: a certified psychiatric hospital; a general hospital with an inpatient psychiatric program accredited by a national accreditation organization (AO) whose program is approved by CMS; or a psychiatric facility that is not a hospital but is accredited by an AO whose program is approved by CMS, such as a certified PRTF. A PRTF is defined under 42 CFR 483.352 and is a separate, stand-alone entity providing a range of comprehensive services to treat the psychiatric condition of residents on an inpatient basis under the direction of a physician. A PRTF is Medicaid-certified if it is found to meet the requirements at 42 CFR, Subpart D (incorporating other requirements by reference, including those at 42 CFR Part 483, Subpart G).

### **Issue**

Occasionally, a SMA may elect to send a patient out of State to receive the Psych Under 21 Benefit. It is the responsibility of the transferring SMA to ensure that these services are provided in a certified PRTF. In some instances, the facility selected (receiving facility) is located in a State that does not include PRTF services in its Medicaid State Plan and thus no facilities in that State are certified as PRTFs. If the transferring SMA still wishes to transfer the patient to such a facility, it must make arrangements for the certification of the facility prior to the patient's transfer.

### **Guidance**

For States that include the provision of inpatient psychiatric services to individuals under 21 in a PRTF within their State Plan, the initial certification of a PRTF is currently accomplished through an attestation process. The SA, through an agreement with the SMA, then conducts surveys (Initial, Recertification, Complaint Investigation, and Validation) at least every five (5) years to ensure that the facility remains in compliance with the applicable regulations and the assertions of the attestation. The SA makes a recommendation to the SMA for re-certification or termination. The SMA enters into a provider agreement with the PRTF.

If the SMA of one State wishes to have a facility in another State certified as a PRTF, there are three options available for the SMA regarding the survey portion of the certification process:

- The SMA may make arrangements with the SA of the State in which the facility is located to conduct the surveys of the facility;
- The SMA may make arrangements with the SA located within their own State to travel to the receiving State to conduct the surveys; or
- The SMA may make arrangements with any other SA to conduct the surveys of the facility.

SAs in States where the Medicaid State Plan does not include PRTF services may not have trained personnel or may not have the available resources to conduct these PRTF surveys since this is not a routine part of their workload. If the SMA of one State wishes to certify a PRTF in another State and approaches the other State's SA to conduct the survey activity, the other SA may agree if they feel they have the necessary resources or may decline if they feel they do not. They are under no obligation to perform the work for the SMA of another State.

If the SA from the State where the facility is located declines to perform the survey activity, the SMA seeking survey of the PRTF may make a written with any other State SA (including the SA located within in their own State) that does have the resources and appropriately trained personnel. The SA that conducts the surveys would then be responsible for inputting the survey information into ASPEN and ensuring that re-certification surveys are conducted at least once every five (5) years.

**Effective Date:** Immediately. This policy should be communicated with all survey and certification staff, their managers and the State/Regional Office training coordinators within 30 days of this memorandum.

/s/

Thomas E. Hamilton

cc: Survey and Certification Regional Office Management