

Program Policy

Notice No. 10-03

- ◆ U.S. DEPARTMENT OF HEALTH & HUMAN SERVICES
- ◆ Health Resources and Services Administration
- ◆ Healthcare Systems Bureau

To: Facilities Obligated Under the General Hill-Burton Uncompensated Services Regulations and Unrestricted Availability Compliance Alternative

Subject: Providing an Individual Written Notice to Each Person Seeking Services in the Facility

This notice is to remind each facility obligated under the general Hill-Burton uncompensated services regulations and the Unrestricted Availability Compliance Alternative (UACA) of the importance of complying with the individual notice requirement.

To be in compliance with this requirement, a facility must:

1. **Provide the notice to all persons seeking services in the facility, regardless of their eligibility to receive Hill-Burton uncompensated services. This means the notice must be given to all inpatients, outpatients, and emergency room patients seeking services in the facility, including persons with Medicare, Medicaid, and other third-party insurance coverage. The notice must be provided to each patient, and distribution may not be limited to persons covered by the facility's Hill-Burton allocation plan. The notice may be included as part of a facility's admissions/registration packet;**
2. **Provide the notice before rendering services, except where an emergency condition makes prior notice impractical. In such cases, provide the notice no later than when first issuing a bill; and**
3. **Explain the notice to persons you believe may not be able to read the notice.**

In the case of nursing homes, since the average length of stay is 2 to 3 years, we recommend that an individual notice be provided at least annually to all in-house patients or patient representatives.

For a facility which applied for and received approval under Program Policy Notice (PPN) No. 91-01 to provide uncompensated services in structures not connected to the Hill-Burton assisted structure, the individual notice must be provided in all approved structures. (In order for a facility to receive approval under PPN No. 91-01, the unconnected structures must be part of the same corporate entity and health service area as the Hill-Burton assisted structure.)

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The individual written notice requirement is in effect during any period in a fiscal year in which uncompensated services are available. **FAILURE TO COMPLY WITH THE INDIVIDUAL WRITTEN NOTICE REQUIREMENT MAY RESULT IN THE TOTAL LOSS OF UNCOMPENSATED SERVICES CREDIT FOR THE PERIOD OF NONCOMPLIANCE.**

The individual notice must specify certain information. It must:

1. State that the facility is required by law to provide a reasonable amount of care without or below charge to people who cannot afford care;
2. Specify the criteria the facility uses for determining eligibility for uncompensated services. This includes the poverty guidelines, the types of services covered in the published allocation plan in effect, and the sliding scale or other method used for Category B patients (or Category C patients for a nursing home), if applicable;
3. State where in the facility people can request uncompensated services; and
4. State that the facility will make a written determination of eligibility within the specified timeframes.

For examples of individual written notices, please refer to pages 49-50 of the 1988 Provider's Guide to the Hill-Burton Uncompensated Services Regulations.

If your facility is not currently in full compliance with the individual written notice requirement, you should modify your individual notice procedures immediately so as to avoid future loss of uncompensated services credit.

If you have any questions, please contact: Division of Facilities Compliance and Recovery, Healthcare Systems Bureau, Health Resources and Services Administration, Parklawn Building, 5600 Fishers Lane, Room 10-105, Rockville, Maryland 20857; telephone (301) 443-5656.

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