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DQA Memo 13-004

To: [Psychiatric Hospitals](#)

HOSP 02

From: Cremear Mims, Director
Bureau of Health Services

Via: Otis Woods, Administrator
Division of Quality Assurance

Alcohol Detoxification Services in Psychiatric Hospitals

Background

Recently there have been many questions regarding the practice of providing detoxification (detox) services for patients in psychiatric hospitals. Many psychiatric hospitals are certified under Chapter DHS 75, Community Substance Abuse Service Standards. These certifications include Chapter DHS 75.06, medically managed inpatient detoxification service, Chapter DHS 75.07, medically monitored residential detoxification service, or Chapter DHS 75.09, residential intoxication monitoring service.

Counties that own or contract with psychiatric hospitals have diverted detox patients to alternate settings resulting in changes in the delivery of these services as a result of citations issued by the Centers for Medicare and Medicaid Services (CMS). Psychiatric hospitals have been issued federal deficiencies for non-compliance with the Conditions of Participation under CFR 482.60 and 482.61. Condition of Participation 482.60 is Special Provisions Applying to Psychiatric Hospitals and Condition of Participation 482.61 is Special Medical Record Requirements for Psychiatric Hospitals.

Regulation

§ 482.60 Special Provisions Applying to Psychiatric Hospitals.

Psychiatric hospital must -

(a) Be primarily engaged in providing, by or under the supervision of a doctor of medicine or osteopathy, psychiatric services for the diagnosis and treatment of mentally ill persons.

CMS Clarification

In response to the Department's request, CMS provided the following clarification:

Definition of "Primarily Engaged"

Although "primarily engaged" is not defined in Social Security Act section 1861(f) Act or in 42 C.F.R. § 482.60(a), a few courts have examined the meaning of this term in the hospital, SNF, and psychiatric hospital context. The focus is on the percentage of services or patients receiving the services. At the *very least*, more than 50 percent of the services provided should be psychiatric services.

Alcohol-Related Conditions

If "alcohol detox services" are not deemed "psychiatric services" per the state, then there does not appear to be an explicit prohibition on psychiatric hospitals providing a small percentage of such services under 42 C.F.R. § 482.60(a).

Under Medicare, however, alcoholism is classified as a psychiatric condition and alcoholic patients may legitimately be receiving "psychiatric services" at a psychiatric hospital. Medicare does cover alcohol and/or drug related services, including detoxification and rehabilitation services.

Detox services, however, are not paid for through the Inpatient Psychiatric Facility Prospective Payment System (IPF PPS). If the hospital is engaged in providing *only* alcohol detox services to patients, then it may not be able to meet the special medical record conditions of participation for psychiatric hospitals at 42 C.F.R. § 482.61.

Other Conditions of Participation

In addition to being "primarily engaged" in psychiatric services, psychiatric hospitals must also maintain clinical records on *all* patients per 42 C.F.R. § 482.60(c) and these records must meet the requirements of 42 C.F.R. § 482.61. For example, 42 C.F.R. § 482.61(a) requires medical records "to stress the psychiatric components of the record and identify the psychiatric condition, including history of findings and treatment provided for the psychiatric condition for which the patient is hospitalized." Section 482.61(a)(2) requires "a provisional or admitting diagnosis must be made on every patient at the time of admission..." and section 482.61(a)(3) requires that "the reasons for admission must be clearly documented."

The patient also needs a psychiatric evaluation within 60 hours of admission and an individual comprehensive treatment plan. 42 C.F.R. § 482.61(b)(1) & (c)(1). If the hospital is only providing detox services to certain patients, it may be difficult for the hospital to meet these other conditions of participation.

The Division of Mental Health and Substance Abuse Services (DMHSAS), Bureau of Prevention, Treatment and Recovery is the Department's resource for technical assistance for assessment practice and documentation in settings certified under Chapter DHS 75 for the provision of detoxification services.

Questions

If you have any questions about this memo, please call the Bureau of Health Services supervisors at (608) 266-0371 or (608) 266-0269.