

DEVIATION DESK AID

What is a deviation?

-it is a request for help from a skilled nursing facility to pay back an outstanding nursing home bill or other outstanding ME that a client has incurred. Basically, a person's patient liability is zeroed out for a specific time so that the client can continue making these payments each month towards the outstanding balance he/she still owes. The ES worker must make the determination as to how much of the outstanding balance can be used

What is needed to set up a deviation?

-**Itemized** bills from the nursing home that the client is legally liable for going back to the time in which the outstanding balance was **first incurred to the current date**. These must be verified before they can be applied to a case.

-A repayment plan signed by the client (or AR, FPOA or guardian if applicable) and the nursing home confirming that he/she will continue to make monthly payments towards the outstanding balance until it is satisfied.

What are some expenses that are not allowed to be used?

- Medical expenses that have already been paid
- Unverified expenses
- Nursing home bills with no repayment plan in place
- Nursing home bills that were incurred during a divestment penalty period

What are some charges from these itemized bills that can be used towards the deviation amount?

- Medical expenses still outstanding-current statements needed
- Anything medically related to the client's nursing home stay: room and board charges, medical transportation, wheelchair rentals, bed taxes, medical supplies, etc.

What are some charges from these itemized bills that cannot be used towards the deviation amount?

- Expenses that are non-medical in nature: haircuts, salon visits, taxi rides that are not to medical appointments, etc.
- Patient liability amounts either still owed or already paid.

How are these entered in CWW?

-As an on-going med/remedial expense (code OP). Best practice is to set an expected change on the case one month prior to verify when the deviation period is to end.

Process for calculating deviation periods

-Go through itemized bills and determine which expenses can be used and which ones cannot. Calculate the amount that will be used and divide that by the current patient liability amount. This will determine how many months the period lasts. For the last month, the worker will need to figure out how much the liability amount should be before the period ends.

Example

Brad was admitted to a nursing home in January 2024 and applied for MA in April with a 3 month back date. MA was approved beginning April 1 with a \$1,500 monthly patient liability, but it was determined that Brad was over the asset limit for January-March. His nursing home bill for those months came to be a total of \$25,000, and he does not have the funds to pay this. The nursing home submits itemized bills for January-April and requests a deviation beginning in April. After looking through the bills it is determined that only \$23,400 can be used to set the deviation period (as part of the \$25,000 there is a liability charge for April for \$1,500, a \$50 charge for a haircut and another \$50 charge for a taxi ride that was not medically related).

Calculation

Take the amount owed to the nursing home after removing disallowed charges (\$23,400) divided by Brad's patient liability amount (\$1,500) = 15.6 or 16 months. This is the total number of months for the deviation period; enter \$1,500 as a med/remedial expense in CARES. Brad's liability amount will be zero for 15 months, and for month 16 it will be \$600. To calculate the liability amount for month 16, take the number of months (15) times the patient liability amount (\$1,500) = \$22,500. Then take this number minus the deviation amount previously calculated (\$23,400); leaving \$900 as the med/remedial expense left. \$1,500 (liability amount) - \$900 (remaining expense left) will leave a \$600 liability for month 16. After month 16 passes the deviation period is over and the liability amount goes back to \$1,500 (this amount can be different if PP's income has changed). Worker should set an expected change to update PP's liability amount for month 15 (for this example month 15 would be July 2025) and another one in month 16 (August 2025), then in month 17 (September 2025) to end the deviation.

MA Handbook and PH References

-MA handbook 27.7.7

-PH 11.2.2.2 and 18.2

