

This Update has been revised since its original publication. □
Information in the Attached Work Schedule has also been □
modified.

Wisconsin Medicaid and BadgerCare update

October 2007 • No. 2007-71

Wisconsin Medicaid and BadgerCare Information for Providers

To:
Home Health
Agencies
Nurses in
Independent
Practice
Nurse
Midwives
Nurse
Practitioners
HMO and
Other
Managed
Care
Programs

Work Schedule Requirements Change for Private Duty Nursing

This *Wisconsin Medicaid and BadgerCare Update* describes Wisconsin Administrative Code changes published June 30, 2007, in *Wisconsin Administrative Register No. 618* and effective July 1, 2007. The changes apply to the hours the nurse provides private duty nursing to recipients dependent on a ventilator (PDN-Vent) and/or to recipients not ventilator-dependent private duty nursing (PDN). The changes affect the number of hours the nurse may work in a calendar day and in a calendar week, and the period of time off-duty.

Wisconsin Medicaid providers certified to provide private duty nursing (PDN) services covered under HFS 107.113 and HFS 107.12, Wis. Admin. Code, are subject to rule changes published June 30, 2007, in *Wisconsin Administrative Register No. 618*. The changes apply to the hours the nurse provides PDN and/or PDN-Vent services. The changes affect the number of hours that the nurse may work in a calendar day and in a calendar week and the period of time off-duty.

Previous to this rule change, Wisconsin Medicaid authorized nurses to provide PDN for up to 12 hours in each 24-hour

period and up to 60 hours in a calendar week.

Providers should note that the following definitions applicable to PDN and private duty nursing to recipients dependent on a ventilator (PDN-Vent) are not changing:

- Each calendar day is a 24-hour period that begins at midnight and ends at midnight.
- A calendar week begins with Sunday, ends with Saturday, and consists of seven consecutive calendar days.
- A 24-hour period consists of 24 consecutive hours and should not be confused with a calendar day.

Pursuant to HFS 107.113(5)(d) and 107.12(4)(f) and (g), Wis. Admin. Code, the nurse providing PDN and/or PDN-Vent may not provide nursing service in excess of 12 hours in a calendar day and 60 hours in a calendar week to all recipients and other patients under the nurse's care.

Pursuant to HFS 107.12(4)(g) and 107.113(5)(g), Wis. Admin. Code, in addition to the limits to the number of hours worked in a calendar day and a calendar week, the nurse is required to

take at least eight continuous and uninterrupted hours off duty in any 24-hour period during which he or she performs PDN and/or PDN-Vent services that are reimbursed by Wisconsin Medicaid.

Wisconsin Medicaid does not cover PDN and/or PDN-Vent services provided in excess of the calendar day and calendar week limits. Services provided when the nurse does not meet the off-duty requirements are also considered noncovered services.

Refer to the Attachment of this *Update* for an example of a nurse work schedule that complies with the daily and weekly limits.

Note: Exceptions to these rules may exist in extremely rare circumstances. According to HFS 107.113(5)(d)2 and HFS 107.12(4)(g)2, Wis. Admin. Code, services may exceed the limits when they are approved by the Department of Health and Family Services on a case-by-case basis for circumstances that could not reasonably have been predicted and where failure to provide the skilled nursing services would likely have resulted in serious impairment of the recipient's health. Requests for exceptions should be made in writing and directed to the following address:

Wisconsin Medicaid Home Care Analyst
Division of Health Care Financing
Rm 350
1 W Wilson St
Madison WI **53702**

The correct zip code for 1 West Wilson is 53703.

Information Regarding Medicaid HMOs

This *Update* contains Medicaid fee-for-service policy and applies to providers of services to recipients on fee-for-service Medicaid only. For Medicaid HMO or managed care policy, contact the appropriate managed care organization. Wisconsin Medicaid HMOs are required to provide at least the same benefits as those provided to those under fee-for-service arrangements.

The *Wisconsin Medicaid and BadgerCare Update* is the first source of program policy and billing information for providers.

Although the *Update* refers to Medicaid recipients, all information applies to BadgerCare recipients also.

Wisconsin Medicaid and BadgerCare are administered by the Division of Health Care Financing, Wisconsin Department of Health and Family Services, P.O. Box 309, Madison, WI 53701-0309.

For questions, call Provider Services at (800) 947-9627 or (608) 221-9883 or visit our Web site at dhfs.wisconsin.gov/medicaid/.

PHC 1250

Information in the Work Schedule has been modified since its original publication.

ATTACHMENT

Acceptable Nursing Schedule

Example of Weekly Schedule Meeting Work Rule Off-Duty Requirements and Maximum Allowable Hours Worked

Calendar Day		Calendar Week														
Time	Sat	Sun	Mon	Tues	Wed	Thurs	Fri	Sat	Sun							
0:00																
1:00																
2:00		At Least Eight Continuous Hours Off-duty in Any 24- Hour Period ↓	At Least Eight Continuous Hours Off-duty in Any 24- Hour Period ↓			At Least Eight Continuous Hours Off-duty in Any 24- Hour Period ↓	At Least Eight Continuous Hours Off-duty in Any 24- Hour Period ↓	At Least Eight Continuous Hours Off-duty in Any 24-Hour Period ↓	At Least Eight Continuous Hours Off-duty in Any 24-Hour Period ↓							
3:00																
4:00																
5:00																
6:00																
7:00		(Recipient A) 1	(Recipient A) 1			(Recipient A) 1	(Recipient A) 1	(Recipient A) 1	(Recipient A) 1							
8:00		2	2			2	2	2	2							
9:00		3	3			3	3	3	3							
10:00		4	4			4	4	4	4							
11:00		Off-Duty	Off-Duty	Off-duty	Off-duty	Off-Duty	Off-Duty	Off-Duty	Off-Duty							
12:00																
13:00																
14:00											(Recipient B) 5			(Recipient B) 5		
15:00										(Hospital) 5	6			6	(Hospital) 5	(Hospital) 5
16:00		6	7			7	6	6								
17:00		7	8			8	7	7								
18:00		8	9			9	8	8								
19:00		9	10			10	9	9								
20:00		10	11			11	10	10								
21:00		11	12			12	11	11								
22:00	↑ Off-duty	12	↑ Off-duty			↑ Off-duty	12	12								
23:00		↑ Off-duty	↑ Off-duty			↑ Off-duty	↑ Off-duty	↑ Off-duty								
Hours Worked in Calendar Day	0	12 hours	12 hours	0	0	12 hours	12 hours	12 hours	4							
Hours Worked in Calendar Week	0	12 hours	24 hours	24 hours	24 hours	36 hours	48 hours	60 hours	4							

For the calendar week example, the nurse would bill Wisconsin Medicaid for 36 hours of PDN and/or PDN-Vent services.