

Report on Medicare Compliance Volume 32, Number 43. December 04, 2023

QIO Revises Publication on Two-Midnight Rule, Warns About Templates

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In two new publications, Livanta—the CMS contractor that reviews short hospital stays—has clarified its guidance on the Medicare two-midnight rule and its case-by-case exception. This should put an end to the confusion stirred up by the July 2023 edition of *The Livanta Claims Review Advisor*, which opened the door to greater use of the case-by-case exception and seemed to have a more generous view of inpatient admissions than in its audits, including for appendectomies and gallbladder removals. That version of the publication was retracted in September at the direction of CMS.

Livanta, a Beneficiary and Family Centered Care-Quality Improvement Organization (QIO), has now posted a revised July 2023 edition^[1] and on Nov. 30 emailed the latest version of *The Livanta Claims Review Advisor* (although it's dated September 2023).

The original July 2023 publication opened a can of worms. It included case studies of inpatient admissions that physician advisors didn't necessarily think would fly under the two-midnight rule. The case studies have disappeared.

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