

POLICY 30

Skilled vs. Custodial Care

Skilled care is the provision of services and supplies that can be given only by or under the supervision of skilled or licensed medical personnel. Skilled care is medically necessary when provided to improve or to maintain the quality of health of patients or to slow the deterioration of a patient's condition. Skilled care is prescribed for settings that have the capability to deliver such services safely and effectively. Such care may include palliative treatment.

Custodial care is the provision of services and supplies for activities of daily living that can be provided safely and reasonably by individuals who are neither skilled nor licensed medical personnel.

Medical necessity and the desired results of skilled care must be clearly documented by a written treatment plan approved by a physician. The determination of medical necessity must be based on the applicable standard of care.

A patient may have simultaneous skilled and custodial needs. In these circumstances, only those services and supplies provided in connection with the skilled care are to be considered as such.

The treatment plan for either skilled and or custodial care should include but not limited to:

1. Any applied therapies;
2. The frequency of the treatment consistent with the therapeutic goals;
3. The potential for a patient's recovery to a defined level of health within a predictable period of time, if applicable;
4. The time frame in which the prescribing physician shall re-evaluate the patient's status and reassess the medical necessity of ongoing treatment, and
5. To distinguish if the treatment is to improve, maintain, provide palliative relief, or to slow in the deterioration of a patient's status.

References:

Hughes v. Blue Cross of Northern California, 215 Cal App 3d 832; 263 Cal Rptr 850 (1985).
Wickline v. State of California, 12 Cal App 3d 1630, 239 Cal Rptr 810 (1986).

Compendium of AAFP Positions of Selected Health Issues. Kansas City: American Academy of Family Physicians, 1994-1995:72-74.

Medical Necessity of Physical and Occupational Therapy in Skilled Nursing Facilities. Office of the Inspector General, 1998.

Coverage for Skilled Nursing Facility Care, Center for Medicare and Medicaid Services; 2000
http://www.ohca.com/docs/medicare_coverage.pdf

Custodial Care: Policy Number: IN0250; North Carolina State Health Plan: 2008
<http://statehealthplan.state.nc.us/pdf/nhc-IN0250.pdf>

Medicare Coverage of Skilled Nursing Facility Care: U.S. Department of Health and Human Services, Centers of Medicare and Medicaid Services Pub No. CMS 10153; 2007
<http://www.medicare.gov/publications/pubs/pdf/10153.pdf>

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