	DEPARTMENT: Long Term Care Administration	SUBJECT: Non New Mexico Resident Miner Admission to Miners' Colfax Medical Center Long Term Care Facility
	DATE ORIGINATED: August 28, 2009	DATE REVISED: <a href="#">1.13.11</a>
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## **Non Resident Miner Admission to Miners' Colfax Medical Center Long Term Care Facility**

**1. Purpose:**

To establish clear, measurable criteria to meet the laws of the United States of America, and the State of New Mexico which meet the legal requirements for the Miners' Hospital in Raton, New Mexico for the care of Miners requiring Long Term Care Admission. The rules and regulations are consistent with prior admissions under the Miners' Trust since it was founded in 1903 as set forth by previous governing bodies. This provision has been agreed to by the United States Attorney General and the State of New Mexico Attorney General, both being parties to the Miners' Trust.

**2. Applicability:**

Miners' Colfax Medical Center (MCMC) Board of Trustees (the "Board"), Long Term Care (LTC) Administration, MCMC Administration, Social Services, LTC Nursing, LTC Medical Director, Care Management, and the Business Office Manager


**3. Effective Date:** Immediately

**4. Policy:**

Miners who meet certain criteria as established in the Enabling Act and interpreted by the Board are eligible for Miners' Trust benefits. The specific nature and level of benefits available shall be determined by the Board and is subject to change. The applicant must be applying for Nursing Facility (NF) care, NOT Adult Residential Sheltered Housing (ARSH). The number of beds available shall be limited to five (5) based on availability so as not to exclude any resident miners seeking placement at MCMC LTC. The applicant bears the burden of proof that they meet the applicable criteria for Long Term Care. Provision of fraudulent or misleading information may result in criminal prosecution and/or denial of benefits.

**5. References:**

- 5.1 NMSA 1978, Section 23-1-1 (2002)
- 5.2 1915-16 Op. Attorney General 38
- 5.3 Enabling Act of New Mexico, Chap 310 Stat. 557, June 20, 1910
- 5.4 Ferguson Act, Chap 489, Stat. 484, June 21, 1898
- 5.5 NMAC 7.9.2, Requirements for Long Term Care Facilities, August 31, 2000

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## 6. Procedure:


6.1 The criteria for Miner eligibility includes the following:

6.1.1 Non Resident:

- A. If 185 consecutive calendar days of residency is not established prior to application, a miner may enter the facility as Medicaid if qualified or as private pay until residency requirements can be met.
  - a. Prior to admission, the applicant must meet with the MCMC Business Office Manager to determine if they are Medicaid eligible or to establish a private pay contract.
    - Private pay residents shall pay based on the Medical Care Credit for the duration of their 185 consecutive calendar day residency requirement.
  - b. If the resident becomes Medicaid ineligible or noncompliant with payment, Transfer or Discharge procedures shall be executed.
  - c. Upon completion of the residency requirement, the Non-NM miner can reapply for MCMC Trust Fund Eligibility.

6.1.2 The applicant is or has been employed as a miner for 185 consecutive days, unless a mine related injury or illness resulted before the completion of 185 consecutive day employment period. A "miner" is defined as any individual who is or was employed at a mine and who performed duties directly related to extraction and/or preparation of minerals taken out of that mine. A "mine" is defined as surface and underground operations to extract coal, metals, and other mineral substances from their deposits (exclusive of natural gas and petroleum), all tunnel operations, all caisson operations, all mills, ore houses and treatment plants, all quarries, pits, open-cut workings, stripping, placer mines, sand, gravel, and similar banks. A "mineral" is defined as coal, metallic or non-metallic ores or any naturally occurring rock substances that are mined or recovered on or under the surface of the earth. Evidence of employment as a miner must include one or more of the following:

- Employment records as a miner
- Proof of eligibility for mine related benefit

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- Documentation or affidavits written by other miners
- Mining employers or peers who can attest to the applicant's employment as a miner
- Additional affidavits may also be considered

6.1.3 The miner applicant must have one or more of the following:

- A. A disabling injury that is directly related to work as a miner
- B. Illness that resulted from work as a miner
- C. Physician documentation of current condition which may have been a result of mine employment
- D. Needs assessment for assistance requiring nursing and or daily support

6.1.4 Evidence must include one or more of the following.

- A. Proof of eligibility, for mine related disability benefits, such as determination letter, Black Lung card, mine records, etc.
- B. Physician's written statement or other evidence documenting the medical probability that the applicant has an injury or illness, which resulted from employment as a miner
- C. Meet qualifications required from Miners' Colfax Medical Center mid-level or nursing assessment screening


6.1.5. The applicant must be in need for medical, health, and/or nursing services within the scope of the services and staffing available at Miners' Colfax Medical Center Long Term Care Facility under both State and Federal regulations and licensure guidelines.

6.2 Admission Procedure:

6.2.1 A completed application and all supporting documentation must be submitted by the applicant or representative(s) prior to consideration of eligibility.


6.2.2 The Long Term Care Admission Committee (the Committee") shall be comprised of a panel made up of at least three (3) of the following individuals that shall consider all available information and make a recommendation of admission or denial of admission to the Chief Executive Officer (CEO):

- Long Term Care Administrator
- Long Term Care Medical Director
- Long Term Care Director of Nursing
- Social Services Manager

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- Care Management Director
- Business Office Manager

- 6.2.3 The Committee shall convene and review the completed application (see MCMC Policy *Long Term Care Internal Admission Process*). The Committee shall communicate with the applicant/family, current care providers, or others as needed to obtain additional information if necessary regarding care needs and/or Miners' Trust eligibility.
- 6.2.4 In the event that medical information is either inconclusive regarding confirmation of a mine related disability and/or medical/mental status may prohibit admission based on licensing restrictions, the applicant may be requested to obtain additional medical opinions at their own expense.
- 6.2.5 The Committee shall consider all available information and make a recommendation of approval or denial for admission in writing, accompanied by all related documentation, to the CEO within twenty (20) working days of receiving the application.
- 6.2.6 After receiving the application materials from the Long Term Care Admission Committee, the CEO shall make a determination of eligibility. An admission status in writing to the applicant or applicant's representative shall be provided to the applicant within twenty (20) working days of receipt of the report of the Committee. If the admission is denied, the CEO shall advise the applicant or his/her representative, in writing of the applicant's right to appeal the decision to the MCMC Board..
- 6.2.7 The CEO shall notify the Committee of his/her decision by sending a copy of the letter sent to the applicant/representative accompanied by all of the application materials.
- 6.2.8 If the admission is approved, the applicant shall have thirty (30) days after notification to enter into the LTC facility for care. If the approved applicant does not enter into the facility within thirty (30) days, he/she must reapply for admission.
- 6.2.9 If admission is denied by the CEO, a request for appeal in writing by the applicant/representative may be made to the Board in

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writing within ten (10) working days of receipt of the CEO's determination.

- 6.2.10 The applicant/representative shall be notified of the date and time of the appeal to the Board.
- 6.2.11 A member of the Committee, the CEO, or the CEO's designee may assist the applicant in the appeal process, if required.
- 6.2.12 The Board shall make the final decision within forty-five (45) working days of hearing the appeal. The decision of the Board shall be final.
- 6.2.13 Any applicant who has failed to meet eligibility criteria or procedure as described above may reapply at a later date.
- 6.2.14 The eligibility application and decision regarding admission shall not be processed until such time as the individual applicant's need for service is requested or necessary.