PURPOSE:
The purpose of this policy is to define Maryland Care, Inc., dba Maryland Physicians Care (MPC) business guidelines for the review of custodial care criteria and to define the MDH criteria utilized for health-related services level of care in a LTC facility.

POLICY:
Concurrent review clinicians will utilize the MDH criteria when reviewing for health-related services level of care (custodial care)

OPERATING PROTOCOL:
In order to meet the criteria for Health-Related Services above the level of room and board (custodial care) a member must meet the following:

Plan Responsibilities
The plan is for the member to remain in the facility for long term care.

- Care of an individual who requires hands-on assistance to adequately and safely perform two (2) or more activities of daily living (ADLs) as a result of a current medical condition or disability. These include bathing, dressing, mobility, toileting/continence, and eating. Or
- Supervision of an individual’s performance of two (2) or more ADLs for an individual with cognitive deficits, as indicated by a score of less than 10 on the BIMS exam from the MDS, and who is in need of assistance with at least three (3) instrumental activities of daily living (IADLs), these include telephone use, money management, housekeeping, and medication management. Or
- Supervision of an individual’s performance of two (2) or more ADLs combined with the need for supervision/redirection for an individual exhibiting at least two (2) of the following behavior problems: wandering several times a day, hallucinations/delusions at least weekly, aggressive/abusive behavior several times a week, disruptive/socially inappropriate behavior several times a week and/or self-injurious behavior several times a month.

Once skilled and/or rehabilitation care criteria is no longer met the concurrent review clinician will request the MDH mandated criteria for custodial care utilizing the BIMS assessment tool and the revised 3871B form from the skilled nursing facility.

Systems
The business application system utilization management module is used to document the level of care information which includes custodial care.
**INTER-/INTRADEPENDENCIES:**

**Internal**
- Chief medical officer
- Claims
- Compliance
- Finance
- Information Technology
- Medical Management
- Member Services
- Provider Services

**External**
- Members
- Practitioners/providers
- Regulatory bodies

**LEGAL/CONTRACT REFERENCES:**
- COMAR 10.09.67.07 and 10.09.67.12, transmittal 245

**ATTACHMENTS:**
DEFINITIONS:

**BIMS**: Brief Interview for Mental Status

**MDS**: Minimum Data Set 3.0

**Custodial Care**: Health related services above the level of room and board

**Affiliate**: Medicaid business conducted by the direct and indirect subsidiaries of the management company.

**Board of Directors**: MPC board of directors has ultimate accountability for the health plan processes, activities, and systems. This includes responsibility for implementing systems and processes for monitoring and evaluating the care and services members receive through the health delivery network.


**COMAR**: Code of Maryland Regulation

**Contractor and Agent**: Any entity or person, including a sub-contractor, that, on behalf of MPC or its affiliates, furnishes of administrative and/or operational services.

**Member**: A person enrolled by the State of Maryland Medicaid/MDH to MPC, a Medicaid managed care organization.

**Personnel**: Employees of MPC management company, its affiliates, consultants, temporary or seasonal employees, student interns, volunteers, and any other class or type of full or part time employee who participate in MPC administrative operations.
Policy Name: Custodial Care Criteria  
Department: Medical Management  
Subsection: Concurrent Review  
Applies to: Medicaid Health Plans Internal Policy

REVISION LOG:

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POLICY AND PROCEDURE APPROVAL:
The electronic approval retained in P&P management software is considered equivalent to a signature.