

MEDCHI, THE MARYLAND STATE MEDICAL SOCIETY
HOUSE OF DELEGATES

Resolution:

INTRODUCED BY: Montgomery County Medical Society

SUBJECT: Waiving Inpatient Three Midnight Rule for Patient Admission to Skilled
Nursing Facility and Subacute Rehabilitation

1 Whereas, CMS has had a long-standing policy requiring patients who are admitted to the hospital to
2 remain in the hospital three midnights before being approved for a Medicare covered transfer to skilled
3 nursing facilities or subacute rehabilitation facilities;

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5 Whereas, this rule was waived during COVID and it provided much greater flexibility to hospital
6 medical staff members to move patients to skilled nursing facilities and subacute rehabilitation facilities
7 – the more appropriate location for the care needed by the patient; and

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9 Whereas, the waiver of this rule expired in May, 2023 and the three midnight rule was once again
10 instituted and remains in force at present; and

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12 Whereas, the three-midnight rule was passed in 1965 at a time when care delivery in the United States
13 was very different than today without the availability of adequate skilled nursing and subacute
14 rehabilitation facilities; and

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16 Whereas, to change the three-midnight rule will require CMS and Congress to act; therefore, be it

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18 RESOLVED, that the MedChi American Medical Association delegation submit a resolution to the
19 AMA House of Delegates to work with the Center for Medicare and Medicaid Services to request
20 Congress to waive permanently the requirement for patients to remain as inpatients three midnights
21 before the patient can be admitted to subacute rehab and/or skilled nursing facility.

