§ 440.155 Nursing facility services, other than in institutions for mental diseases.

(a) “Nursing facility services, other than in an institution for mental diseases” means services provided in a facility that—
   (1) Fully meets the requirements for a State license to provide, on a regular basis, health-related services to individuals who do not require hospital care, but whose mental or physical condition requires services that—
      (i) Are above the level of room and board; and
      (ii) Can be made available only through institutional facilities;
   (2) Has been certified to meet the requirements of subpart C of part 442 of this chapter as evidenced by a valid agreement between the Medicaid agency and the facility for furnishing nursing facility services and making payments for services under the plan; and
   (b) “Nursing facility services” include services—
      (1) Considered appropriate by the State and provided by a religious nonmedical institution as defined in § 440.170(b); or
      (2) Provided by a facility located on an Indian reservation that—
         (i) Furnishes, on a regular basis, health-related services; and
         (ii) Is certified by the Secretary to meet the standards in subpart E of part 442 of this chapter.

(c) “Nursing facility services” may include services provided in a distinct part (as defined in § 483.5(b) of this chapter) of a facility other than a nursing facility if the distinct part (as defined in § 483.5(b) of this chapter)—
   (1) Meets all requirements for a nursing facility;
   (2) Is an identifiable unit, such as an entire ward or contiguous ward, a wing, floor, or building;
   (3) Consists of all beds and related facilities in the unit;
   (4) Houses all beneficiaries for whom payment is being made for nursing facility services, except as provided in paragraph (d) of this section;
   (5) Is clearly identified; and
   (6) Is approved in writing by the survey agency.


§ 440.160 Inpatient psychiatric services for individuals under age 21.

“Inpatient psychiatric services for individuals under age 21” means services that—

(a) Are provided under the direction of a physician;

(b) Are provided by—

(1) A psychiatric hospital that undergoes a State survey to determine whether the hospital meets the requirements for participation in Medicare as a psychiatric hospital as specified in § 482.60 of this chapter, or is accredited by a national organization whose psychiatric hospital accrediting program has been approved by CMS; or

(2) A hospital with an inpatient psychiatric program that undergoes a