(b) **Standard: Delivery of services.** Services must only be provided under the orders of a qualified and licensed practitioner who is responsible for the care of the patient, acting within his or her scope of practice under State law, and who is authorized by the hospital’s medical staff to order the services in accordance with hospital policies and procedures and State laws.

1. All rehabilitation services orders must be documented in the patient’s medical record in accordance with the requirements at §482.24.

2. The provision of care and the personnel qualifications must be in accordance with national acceptable standards of practice and must also meet the requirements of §409.17 of this chapter.

3. Services must only be provided under the orders of a qualified and licensed practitioner who is responsible for the care of the patient, acting within his or her scope of practice under State law, and who is authorized by the hospital’s medical staff to order the services in accordance with hospital policies and procedures and State laws.

4. All respiratory care services orders must be documented in the patient’s medical record in accordance with the requirements at §482.24.

§ 482.58 Special requirements for hospital providers of long-term care services ("swing-beds").

A hospital that has a Medicare provider agreement must meet the following requirements in order to be granted an approval from CMS to provide post-hospital extended care services, as specified in §409.30 of this chapter, and be reimbursed as a swing-bed hospital, as specified in §413.114 of this chapter:

(a) **Eligibility.** A hospital must meet the following eligibility requirements:

1. The facility has fewer than 100 hospital beds, excluding beds for newborns and beds in intensive care units (inpatient units) for eligible hospitals with distinct parts electing the optional reimbursement method (see §413.24(d)(5) of this chapter).

2. The hospital is located in a rural area. This includes all areas not delineated as “urbanized” areas by the Census Bureau, based on the most recent census.

3. The hospital does not have in effect a 24-hour nursing waiver granted under §488.54(c) of this chapter.

4. The hospital has not had a swing-bed approval terminated within the two years previous to application.

(b) **Skilled nursing facility services.** The facility is substantially in compliance with the following skilled nursing facility requirements contained in subpart B of part 483 of this chapter.