Centers for Medicare & Medicaid Services, HHS § 440.150

Intermediate care facility (ICF/MR) services.

(a) “ICF/MR services” means those items and services furnished in an intermediate care facility for the mentally retarded if the following conditions are met:
   (1) The facility fully meets the requirements for a State license to provide services that are above the level of room and board;
   (2) The primary purpose of the ICF/MR is to furnish health or rehabilitative services to persons with mental retardation or persons with related conditions;
   (3) The ICF/MR meets the standards specified in subpart I of part 483 of this chapter.
   (4) The recipient with mental retardation for whom payment is requested is receiving active treatment, as specified in §483.440 of this chapter.
   (5) The ICF/MR 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 ICF/MR services and making payments for these services under the plan.

(b) ICF/MR services may be furnished in a distinct part of a facility other than an ICF/MR if the distinct part—
   (1) Meets all requirements for an ICF/MR, as specified in subpart I of part 483 of this chapter;
   (2) Is clearly an identifiable living unit, such as an entire ward, wing, floor or building;
   (3) Consists of all beds and related services in the unit;
   (4) Houses all recipients for whom payment is being made for ICF/MR services; and
   (5) Is approved in writing by the survey agency.

[59 FR 56234, Nov. 10, 1994, as amended at 71 FR 39229, July 12, 2006]