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HB 1247/96 - ENV

1997 Regular Session  
7r0624

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**By: Chairman, Finance Committee (Departmental - Health and Mental Hygiene)**

Introduced and read first time: January 27, 1997

Rule 32(e) suspended

Assigned to: Finance

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A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Medical Assistance Program - Nursing Facilities - Reserved Beds**

3 FOR the purpose of altering provisions relating to payments for reserved beds in nursing  
4 facilities; establishing the maximum number of days that the Maryland Medical  
5 Assistance (Medicaid) Program will pay to reserve a nursing facility bed for a  
6 Medicaid recipient; requiring the nursing facility to accept payment made by the  
7 Medicaid recipient at the per diem rate established by the Department to reserve a  
8 bed in excess of the number of days for which the Medicaid Program will pay;  
9 requiring the nursing facility to readmit the Medicaid Program recipient in the next  
10 available semiprivate room; providing for an effective date; and generally relating to  
11 reserved beds in nursing facilities for recipients under the Maryland Medical  
12 Assistance Program.

13 BY repealing and reenacting, with amendments,  
14 Article - Health - General  
15 Section 15-117  
16 Annotated Code of Maryland  
17 (1994 Replacement Volume and 1996 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article - Health - General**

21 15-117.

22 (a) In this section, "leave of absence" includes:

23 (1) A visit with friends or relatives; and

24 (2) A leave to participate in a State approved therapeutic or rehabilitative  
25 program.

26 (b) (1) To ensure that a bed is reserved for a Program recipient who is absent  
27 temporarily from a nursing facility, the Program shall include the following payments for  
28 nursing facilities that have made a provider agreement with the Department.

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1                   (2) If the Program recipient is absent from a nursing facility due to  
2 hospitalization for an acute condition, the facility shall receive payment for each day that  
3 the Program recipient is hospitalized and a bed is reserved and made available for the  
4 return of that Program recipient.

5                   (3) If a Program recipient is on leave of absence from a nursing facility, the  
6 facility shall receive payment for each day that the Program recipient is absent and a bed  
7 is reserved and made available for the return of that Program recipient.

8                   (c) (1) (I) Payments under subsection (b)(2) of this section may not be made  
9 for more than [15] 5 days for any single hospital stay.

10                   (II) IF THE PROGRAM RECIPIENT'S PERIOD OF HOSPITALIZATION  
11 EXCEEDS THE NUMBER OF DAYS FOR WHICH THE DEPARTMENT MAY PAY FOR  
12 RESERVED BEDS, THE PROGRAM RECIPIENT OR REPRESENTATIVE OF THE  
13 PROGRAM RECIPIENT MAY PAY THE NURSING FACILITY, AT THE PER DIEM RATE  
14 ESTABLISHED BY THE DEPARTMENT FOR DAYS WHEN THE PROGRAM RECIPIENT IS  
15 PRESENT IN THE FACILITY, TO RESERVE THE PROGRAM RECIPIENT'S BED FOR ANY  
16 ADDITIONAL DAYS UNTIL THE PROGRAM RECIPIENT'S HOSPITAL DISCHARGE.

17                   (III) IF THE PROGRAM RECIPIENT REMAINS HOSPITALIZED  
18 BEYOND THE NUMBER OF DAYS FOR WHICH PAYMENT TO A NURSING FACILITY IS  
19 AUTHORIZED UNDER PARAGRAPH (2) OF THIS SUBSECTION TO RESERVE THE  
20 PROGRAM RECIPIENT'S BED, THE NURSING FACILITY SHALL READMIT THE  
21 PROGRAM RECIPIENT IMMEDIATELY UPON THE FIRST AVAILABILITY OF A BED IN A  
22 GENDER-APPROPRIATE, SEMIPRIVATE ROOM, IF THE PROGRAM RECIPIENT  
23 REQUIRES AND REQUESTS THE SERVICES PROVIDED BY THE FACILITY.

24                   (2) (i) Payments under subsection (b)(3) of this section may not be made  
25 for more than 18 days in any calendar year.

26                   (ii) Notwithstanding any rule or regulation, a leave of absence is not  
27 subject to any requirement that it may not exceed a particular number of days a visit,  
28 except that the leave of absence may not exceed a total of 18 days during any [12-month  
29 period] CALENDAR YEAR.

30                   (d) Payments required under this section shall be made according to the per diem  
31 payment procedures that the Department sets and may not be less than the per diem  
32 payments made to the nursing facility for days when the Program recipient is present in  
33 the facility.

34                   (e) A nursing facility may not make additional charges against a Program  
35 recipient because the Program recipient is absent temporarily from the nursing facility.

36                   SECTION 2. AND BE IT FURTHER ENACTED, That any savings realized by  
37 this Act shall be expended within the Medical Care Provider Reimbursements budget by  
38 enhancing nursing home reimbursement rates.

39                   SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
40 July 1, 1997.