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By: **Delegate Hammen**

Introduced and read first time: February 14, 2003

Assigned to: Rules and Executive Nominations

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Committee Report: Favorable

House action: Adopted

Read second time: March 17, 2003

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CHAPTER 345

1 AN ACT concerning

2                                   **Nursing Facilities - Maryland Medical Assistance Program - Payment for**  
3                                   **Reserved Beds**

4 FOR the purpose of altering the time period requirement governing a leave of absence  
5 from a nursing facility; repealing the requirement that the Department of  
6 Health and Mental Hygiene pay a certain amount to a nursing facility for a  
7 reserved bed; providing that a payment from the Department to a nursing  
8 facility for a reserved bed may not include payment for nursing services;  
9 providing for the application of this Act; making this Act an emergency measure;  
10 and generally relating to the Maryland Medical Assistance Program and  
11 payment for reserved beds in nursing facilities.

12 BY repealing and reenacting, with amendments,  
13 Article - Health - General  
14 Section 15-117  
15 Annotated Code of Maryland  
16 (2000 Replacement Volume and 2002 Supplement)

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

19                                   **Article - Health - General**

20 15-117.

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

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

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

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

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

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

15 (c) (1) Payments under subsection (b)(2) of this section may not be made for  
16 more than 15 days for any single hospital stay.

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

19 (ii) Notwithstanding any rule or regulation, a leave of absence is  
20 not subject to any requirement that it may not exceed a particular number of days a  
21 visit, except that the leave of absence may not exceed a total of 18 days during any  
22 [12-month period] CALENDAR YEAR.

23 (d) Payments required under this section:

24 (1) [shall] SHALL be made according to the per diem payment  
25 procedures that the Department sets [and may not be less than the per diem  
26 payments made to the nursing facility for days when the Program recipient is present  
27 in the facility]; AND

28 (2) MAY NOT INCLUDE PAYMENT FOR NURSING SERVICES.

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

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be  
33 construed to apply retroactively and shall be applied to and interpreted to affect  
34 payments made by the Department of Health and Mental Hygiene to a nursing  
35 facility for a reserved bed on or after July 1, 2002.

36 SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency  
37 measure, is necessary for the immediate preservation of the public health or safety,

1 has been passed by a yea and nay vote supported by three-fifths of all the members  
2 elected to each of the two Houses of the General Assembly, and shall take effect from  
3 the date it is enacted.