
By: Chairman, Environmental Matters Committee (Departmental - Health and Mental Hygiene)

Introduced and read first time: February 14, 1996

Assigned to: Environmental Matters

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

14 BY repealing and reenacting, with amendments,
15 Article - Health - General
16 Section 15-117
17 Annotated Code of Maryland
18 (1994 Replacement Volume and 1995 Supplement)

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

21 **Article - Health - General**

22 15-117.

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

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

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

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

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 days for any single hospital stay] THE MAXIMUM NUMBER OF DAYS
10 ESTABLISHED BY REGULATION OF THE DEPARTMENT.

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

18 (III) IF THE PROGRAM RECIPIENT REMAINS HOSPITALIZED
19 BEYOND THE NUMBER OF DAYS FOR WHICH PAYMENT TO A NURSING FACILITY IS
20 AUTHORIZED UNDER DEPARTMENT REGULATIONS OR UNDER SUBSECTION
21 (C)(1)(II) OF THIS SECTION TO RESERVE THE PROGRAM RECIPIENT'S BED, THE
22 NURSING FACILITY SHALL READMIT THE PROGRAM RECIPIENT IMMEDIATELY
23 UPON THE FIRST AVAILABILITY OF A BED IN A GENDER-APPROPRIATE,
24 SEMIPRIVATE ROOM, IF THE PROGRAM RECIPIENT REQUIRES AND REQUESTS THE
25 SERVICES PROVIDED BY THE FACILITY.

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

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

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

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

38 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
39 July 1, 1996.