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

Introduced and read first time: February 14, 1996

Assigned to: Environmental Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 18, 1996

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CHAPTER \_\_\_\_

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

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

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

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

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

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

14 (c) (1) (I) Payments under subsection (b)(2) of this section may not be made  
15 for more than ~~15~~ 10 days for any single hospital stay. ~~THE MAXIMUM NUMBER OF~~  
16 ~~DAYS ESTABLISHED BY REGULATION OF THE DEPARTMENT.~~

17 (II) IF THE PROGRAM RECIPIENT'S PERIOD OF HOSPITALIZATION  
18 EXCEEDS THE NUMBER OF DAYS FOR WHICH THE DEPARTMENT MAY PAY FOR  
19 RESERVED BEDS, THE PROGRAM RECIPIENT OR REPRESENTATIVE OF THE  
20 PROGRAM RECIPIENT MAY PAY THE NURSING FACILITY, AT THE PER DIEM RATE  
21 ESTABLISHED BY THE DEPARTMENT, TO RESERVE THE PROGRAM RECIPIENT'S BED  
22 FOR ANY ADDITIONAL DAYS UNTIL THE PROGRAM RECIPIENT'S HOSPITAL  
23 DISCHARGE.

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

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

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

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

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

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