
By: **Senators Collins and Hogan**

Introduced and read first time: March 6, 1998

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Nursing Facilities - Reservation of Beds**

3 FOR the purpose of requiring that nursing facilities reserve the beds of Maryland
4 Medical Assistance Program recipients under certain circumstances for a
5 certain length of time; requiring nursing facilities to readmit Program recipients
6 immediately under certain circumstances; specifying certain procedures for
7 reserving nursing facility beds beyond the required number of days; specifying
8 certain procedures for paying nursing facilities for reserving beds for Program
9 recipients under certain circumstances; specifying certain procedures for
10 calculating per diem nursing facility bed costs; and generally relating to the
11 reservation of beds at nursing facilities for Program recipients.

12 BY repealing and reenacting, without amendments,
13 Article - Health - General
14 Section 15-101(h)
15 Annotated Code of Maryland
16 (1994 Replacement Volume and 1997 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article - Health - General
19 Section 15-117
20 Annotated Code of Maryland
21 (1994 Replacement Volume and 1997 Supplement)

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

24 **Article - Health - General**

25 15-101.

26 (h) "Program" means the Maryland Medical Assistance Program.

1 15-117.

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

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

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

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

10 (2) If the Program recipient is absent from a nursing facility due to
11 hospitalization for an acute condition, the facility shall RESERVE THE PROGRAM
12 RECIPIENT'S BED AND MAKE IT AVAILABLE FOR THE RETURN OF THE PROGRAM
13 RECIPIENT FOR UP TO 15 DAYS FOR ANY SINGLE HOSPITAL STAY.

14 (3) A NURSING FACILITY SHALL READMIT A PROGRAM RECIPIENT
15 IMMEDIATELY UPON THE FIRST AVAILABILITY OF A BED IN A GENDER APPROPRIATE,
16 SEMIPRIVATE ROOM IF:

17 (I) THE PROGRAM RECIPIENT REMAINS HOSPITALIZED BEYOND
18 THE NUMBER OF DAYS THE NURSING FACILITY IS REQUIRED TO RESERVE THE BED
19 UNDER PARAGRAPH (2) OF THIS SUBSECTION;

20 (II) THE PROGRAM RECIPIENT REQUESTS THE SERVICES PROVIDED
21 BY THE FACILITY; AND

22 (III) THE NURSING FACILITY'S SERVICES ARE MEDICALLY
23 APPROPRIATE.

24 (4) IF THE PROGRAM RECIPIENT REMAINS HOSPITALIZED BEYOND THE
25 NUMBER OF DAYS THE NURSING FACILITY IS REQUIRED TO RESERVE THE BED
26 UNDER PARAGRAPH (2) OF THIS SUBSECTION, THE PROGRAM RECIPIENT OR
27 REPRESENTATIVE OF THE PROGRAM RECIPIENT MAY PAY THE NURSING FACILITY,
28 AT THE PER DIEM RATE ESTABLISHED BY THE DEPARTMENT, TO RESERVE THE
29 PROGRAM RECIPIENT'S BED FOR ANY ADDITIONAL DAYS UNTIL THE PROGRAM
30 RECIPIENT'S HOSPITAL DISCHARGE.

31 (5) THE FACILITY SHALL receive payment FROM THE PROGRAM for each
32 day that:

33 (I) [the] THE Program recipient is hospitalized and a bed is
34 reserved and made available for the return of that Program recipient;

35 (II) THE NURSING FACILITY IS 100% OCCUPIED OR RESERVED; OR

1 (III) THE FACILITY CAN DEMONSTRATE THAT IT WOULD BE UNABLE
2 TO ADMIT ANY NEW PATIENT OF THE SAME GENDER AS THE PATIENT FOR WHOM
3 THE BED IS RESERVED WITHOUT REQUIRING PATIENTS TO RELOCATE.

4 [(3)] (6) If a Program recipient is on leave of absence from a nursing
5 facility, the facility shall receive payment for each day that the Program recipient is
6 absent and a bed is reserved and made available for the return of that Program
7 recipient.

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

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

12 (ii) Notwithstanding any rule or regulation, a leave of absence is
13 not subject to any requirement that it may not exceed a particular number of days a
14 visit, except that the leave of absence may not exceed a total of 18 days during any
15 [12-month period] CALENDAR YEAR.

16 (d) (1) Payments required under this section shall be made according to the
17 per diem payment procedures that the Department sets and may not be less than the
18 per diem payments made to the nursing facility for days when the Program recipient
19 is present in the facility.

20 (2) THE DEPARTMENT'S CALCULATION OF RATES FROM PER DIEM
21 COSTS SHALL BE BASED UPON ALL DAYS THAT A BED IS OCCUPIED OR RESERVED,
22 REGARDLESS OF PROGRAM PAYMENT FOR RESERVED BEDS.

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

26 SECTION 2. AND BE IT FURTHER ENACTED, That \$2 million in general
27 fund savings as a result of this enactment will be transferred from the Medical Care
28 Programs budget to the Licensing and Certification Administration for the purposes
29 of enhancing nursing home surveys.

30 SECTION 3. AND BE IT FURTHER ENACTED, That \$3 million in general
31 fund savings as a result of this enactment may be used for nurse measurement
32 work-study reimbursement under the Medicaid reimbursement methodology.

33 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
34 October 1, 1998.