

HOUSE BILL 452

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1999 Regular Session  
9lr0143

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

Introduced and read first time: February 10, 1999

Assigned to: Environmental Matters

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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 providing that certain payments to nursing facilities for reserving  
4 beds for Maryland Medical Assistance Program recipients may not include  
5 payment for certain nursing services; repealing the requirement that certain  
6 payments to nursing facilities for reserving beds for Program recipients may not  
7 be less than a certain amount; and generally relating to the reservation of beds  
8 at nursing facilities for Program recipients.

9 BY repealing and reenacting, with amendments,  
10 Article - Health - General  
11 Section 15-117  
12 Annotated Code of Maryland  
13 (1994 Replacement Volume and 1998 Supplement)

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

16 **Article - Health - General**

17 15-117.

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

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

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

22 (b) (1) To ensure that a bed is reserved for a Program recipient who is  
23 absent temporarily from a nursing facility, the Program shall include the following  
24 payments for nursing facilities that have made a provider agreement with the  
25 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  
3 that the Program recipient is hospitalized and a bed is reserved and made available  
4 for the return of that Program recipient.

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

8       (c)     (1)     Payments under subsection (b)(2) of this section may not be made for  
9 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  
18 the per diem payments made to the nursing facility for days when the Program  
19 recipient is present in the facility].

20           (2)     PAYMENTS REQUIRED UNDER THIS SECTION MAY NOT INCLUDE  
21 PAYMENT FOR NURSING SERVICES.

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

25     SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
26 effect July 1, 1999.