

Chapter 445

(House Bill 1215)

AN ACT concerning

Nursing Homes – Partial Payment for Services Provided

FOR the purpose of requiring the Maryland Department of Health to make a certain advance payment to a nursing home at the request of the nursing home under certain circumstances; providing that the advance payment may not exceed a certain amount; requiring the Department to pay the balance due to a nursing home under certain circumstances; requiring the Department to recover certain advance payments in a certain manner under certain circumstances; defining a certain term; *providing for the termination of this Act*; and generally relating to the Maryland Medical Assistance Program and advance payments to nursing homes.

BY repealing and reenacting, without amendments,
Article – Health – General
Section 15–101(a) and (h)
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

BY adding to
Article – Health – General
Section 15–149
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

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

Article – Health – General

15–101.

- (a) In this title the following words have the meanings indicated.
- (h) “Program” means the Maryland Medical Assistance Program.

15–149.

(A) IN THIS SECTION, “NURSING HOME” HAS THE MEANING STATED IN § 19–1401 OF THIS ARTICLE.

(B) AT THE REQUEST OF A NURSING HOME, THE DEPARTMENT SHALL MAKE AN ADVANCE PAYMENT TO THE NURSING HOME FOR UNCOMPENSATED PROGRAM SERVICES PROVIDED TO A RESIDENT OF THE NURSING HOME WHO HAS FILED AN APPLICATION FOR PROGRAM SERVICES IF THE ELIGIBILITY OF THE RESIDENT FOR PROGRAM SERVICES HAS NOT BEEN DETERMINED WITHIN 90 DAYS AFTER THE APPLICATION WAS FILED.

(C) AN ADVANCE PAYMENT PROVIDED UNDER SUBSECTION (B) OF THIS SECTION MAY NOT EXCEED 50% OF THE ESTIMATED AMOUNT DUE FOR THE UNCOMPENSATED SERVICES.

(D) (1) IF AN ADVANCE PAYMENT IS PROVIDED TO A NURSING HOME AND AN APPLICATION FOR PROGRAM SERVICES IS GRANTED, THE DEPARTMENT SHALL PAY THE BALANCE DUE TO THE NURSING HOME.

(2) IF AN ADVANCE PAYMENT IS PROVIDED TO A NURSING HOME AND AN APPLICATION FOR PROGRAM SERVICES IS DENIED, THE DEPARTMENT SHALL RECOVER ANY ADVANCE PAYMENTS MADE ON BEHALF OF THE APPLICANT BY REDUCING PAYMENTS DUE TO THE NURSING HOME.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018. *It shall remain effective for a period of 2 years and, at the end of June 30, 2020, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.*

Approved by the Governor, May 8, 2018.