

CHAPTER 809

(House Bill 820)

AN ACT to add new Section 42D to Article 43 of the Annotated Code of Maryland (1971 Replacement Volume), title "Health," subtitle "Miscellaneous Provisions," to follow immediately after Section 42C thereof, to authorize the Department of Health and Mental Hygiene, upon certification that the only alternative to a patient under the Maryland Medical Assistance Program who requires long-term skilled or intermediate (A) nursing care in a nursing home is chronic care in a hospital, to pay for such long-term skilled care rendered by nursing home facility in an amount greater than the maximum reimbursement rate permitted for long-term skilled or intermediate (A) care, but not to exceed the maximum reimbursement rate for chronic care services rendered by a hospital.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That new Section 42D be and it is hereby added to Article 43 of the Annotated Code of Maryland (1971 Replacement Volume), title "Health," subtitle "Miscellaneous Provisions," to follow immediately after Section 42C thereof, and to read as follows:

42D.

(A) THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, UPON CERTIFICATION THAT THE ONLY ALTERNATIVE FOR A PATIENT UNDER THE MARYLAND MEDICAL ASSISTANCE PROGRAM WHO REQUIRES LONG-TERM SKILLED OR INTERMEDIATE (A) NURSING CARE IN A NURSING HOME FACILITY IS CHRONIC CARE IN A HOSPITAL, MAY AUTHORIZE PAYMENT FOR SUCH LONG-TERM SKILLED OR INTERMEDIATE (A) NURSING CARE RENDERED IN A NURSING HOME FACILITY IN AN AMOUNT GREATER THAN THE MAXIMUM REIMBURSEMENT RATE PERMITTED FOR LONG-TERM SKILLED OR INTERMEDIATE (A) NURSING CARE. HOWEVER, THIS AMOUNT MAY NOT EXCEED THE MAXIMUM REIMBURSEMENT RATE FOR CHRONIC CARE SERVICES RENDERED BY A HOSPITAL.

(B) IN UNDERTAKING THE PLACEMENT OF A PATIENT REQUIRING SKILLED OR INTERMEDIATE (A) CARE IN A LICENSED SKILLED OR INTERMEDIATE NURSING FACILITY, THE DEPARTMENT SHALL ASSURE THAT THE PATIENT IS ONE WHO MAY PROPERLY BE PLACED IN SUCH A FACILITY WITHOUT UNDUE RISK TO HIS CONDITION.

(C) IN ORDER TO PROVIDE A BASIS FOR EVALUATING THE OPERATION OF PLACEMENT OF PATIENTS REQUIRING SKILLED OR INTERMEDIATE CARE IN SKILLED OR INTERMEDIATE (A) NURSING FACILITIES, SUCH PLACEMENTS SHALL ONLY BE MADE IN FACILITIES WHICH HAVE TRANSFER AGREEMENTS WITH GENERAL HOSPITALS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1973.

Approved May 24, 1973.
