

~~(F) THE STAFFING REQUIREMENTS UNDER THIS SECTION ARE MINIMUM STAFFING REQUIREMENTS AND SHALL NOT BE CONSTRUED TO LIMIT THE ABILITY OF THE NURSING FACILITY TO EMPLOY ADDITIONAL STAFF.~~

~~(G) THE SECRETARY MAY ADOPT REGULATIONS NECESSARY TO CARRY OUT THE PROVISIONS OF THIS SECTION.~~

~~(H) IF A NURSING FACILITY FAILS TO MEET THE REQUIREMENTS OF THIS SECTION, THE SECRETARY MAY IMPOSE THE FOLLOWING PENALTIES:~~

- ~~(1) DELICENSURE OF THE NURSING FACILITY;~~
- ~~(2) \$500 PER DAY FOR EACH DAY THE VIOLATION CONTINUES; OR~~
- ~~(3) BOTH.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That:~~

~~(a) The Department of Health and Mental Hygiene shall:~~

~~(1) Conduct a study to determine whether the staffing ratios and standards provided in this Act are sufficient to meet the needs of residents in nursing facilities including determining appropriate levels of staffing based on resident acuity; and~~

~~(2) Recommend, if necessary, a methodology for determining appropriate levels of staffing.~~

~~(b) In conducting the study, the Department shall consider recommendations from nursing facilities, licensed health care providers, advocacy groups, and other interested parties.~~

~~(c) On or before January 2001 and every 5 years thereafter, the Department shall submit its findings and recommendations to the General Assembly, in accordance with § 2-1246 of the State Government Article.~~

15-117.

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

- (1) A visit with friends or relatives; and
- (2) A leave to participate in a State approved therapeutic or rehabilitative program.

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

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