

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

Article - Health - General

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.

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

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

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

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

(d) Payments required under this section:

(1) [shall] SHALL be made according to the per diem payment procedures that the Department sets [and may not be less than the per diem payments made to the nursing facility for days when the Program recipient is present in the facility]; AND

(2) MAY NOT INCLUDE PAYMENT FOR NURSING SERVICES.

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

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply retroactively and shall be applied to and interpreted to affect