

(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 UP TO THE LIMITS ESTABLISHED BY THE DEPARTMENT.~~

(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 UP TO THE LIMITS ESTABLISHED BY THE DEPARTMENT.~~

(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.~~

(d) ~~Payments required under this section shall be made according to the per diem payment procedures that the Department sets and may not be less than 50% OF the per diem payments made to the nursing facility for days when the Program recipient is present in the facility.~~

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

15-122.

(a) (1) The spouse of a Program recipient is responsible for payments for the health care needs of the Program recipient to the extent that the spouse is able to pay any of the cost of care. [The] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE total liability shall be limited to the amount spent for the care under the Program.

(2) IN ANY CASE IN WHICH ELIGIBILITY WAS BASED ON THE SPOUSE'S REFUSAL TO PAY FOR THE PROGRAM RECIPIENT'S CARE, THE LIABILITY OF THE SPOUSE MAY INCLUDE:

(I) THE AMOUNT SPENT FOR CARE BY THE PROGRAM;

(II) ADMINISTRATIVE AND ENFORCEMENT COSTS INCURRED BY THE PROGRAM, ~~INCLUDING ATTORNEY'S FEES~~ RELATED TO PURSUING REIMBURSEMENT FROM THE SPOUSE; AND