

HOUSE No. 04264

The Commonwealth of Massachusetts

HOUSE, July 13, 2012

The committee on Elder Affairs to whom were referred the petition (accompanied by bill, Senate, No. 282) of Richard T. Moore and John V. Fernandes for legislation relative to reserving beds in nursing homes during certain leaves of absence, and the petition (accompanied by bill, House, No. 1096) of Brian S. Dempsey relative to reserving beds in nursing homes for certain residents during leaves of absence, reports recommending that the accompanying bill (House, No. 4264) ought to pass.

For the committee,

ALICE K. WOLF.

The Commonwealth of Massachusetts

In the Year Two Thousand Twelve

An Act relative to reserving beds in nursing homes during certain leaves of absence.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 14A of chapter 118E of the General Laws, as appearing in the 2008
2 Official Edition, is hereby amended by adding the following paragraphs:

3 In the event that a nursing facility resident who is a MassHealth recipient enters a
4 hospital, the division shall pay to preserve his or her bed in the nursing facility for a period of up
5 to 10 days, when the facility has fewer than 5 unoccupied beds in the most recent quarter's
6 census, as taken by the Executive Office of Long Term Care.

7 In the event a MassHealth member is residing in a nursing facility and requests a
8 nonmedical leave of absence the division shall pay to preserve the bed for a period of up to 10
9 days, when the facility has fewer than 5 unoccupied beds in the most recent quarter's census, as
10 taken by the Executive Office on Long Term Care

11 MassHealth shall compensate facilities for leaves of absence eligible for reimbursement, as
12 described above, at the facility's lowest payment rate.

13 MassHealth shall compensate the facility for all leaves of absence for up to 10 consecutive days
14 in special care units including, but not limited to: ventilation units, neuro-rehabilitative units,
15 geri-psych units, and dementia special care units, under the same policies and procedures in
16 place as of January 1, 2012.

17 The Executive Office of Health and Human Services shall promulgate regulations to reflect the
18 leave of absence policy and reimbursement guidelines described in this section.