

**HOUSE . . . . . No. 4264**

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The Commonwealth of Massachusetts

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**In the Year Two Thousand Twelve**  
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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  
4 a hospital, the division shall pay to preserve his or her bed in the nursing facility for a period of  
5 up 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  
8 a 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,  
12 as described above, at the facility's lowest payment rate.

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

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