**Sec. 5111.33.** ~~Reimbursement to a provider under sections 5111.20 to 5111.32 of the Revised Code shall include payments to the provider, at a rate equal to the percentage of the per resident per day rates that the~~ (A) The department of job and family services ~~has established for the provider's nursing facility or intermediate care facility for the mentally retarded~~ may make payments to a provider under sections 5111.20 to 5111.33 of the Revised Code ~~for the fiscal year for which the cost of services is reimbursed,~~ to reserve a bed for a recipient during a temporary absence under conditions prescribed by the department, to include hospitalization for an acute condition, visits with relatives and friends, and participation in therapeutic programs outside the facility, when the resident's plan of care provides for such absence and federal participation in the payments is available. ~~The~~

(B) The maximum period ~~during~~ for which payments may be made to reserve a bed shall not exceed the ~~maximum period specified under federal regulations, and shall not be more than~~ following:

(1) For calendar year 2011 and in the case of a bed in a nursing facility, thirty days ~~during any calendar year for hospital stays, visits with relatives and friends, and participation in therapeutic programs~~;

(2) For calendar year 2012 and each calendar year thereafter and in the case of a bed in a nursing facility, fifteen days;

(3) For any calendar year and in the case of a bed in an intermediate care facility for the mentally retarded, the number of days specified in rules adopted under section 5111.02 of the Revised Code. ~~Recipients who have been identified by the department as requiring the level of care of an intermediate care facility for the mentally retarded shall not be subject to a maximum period during which payments may be made to reserve a bed if prior authorization of the department is obtained for hospital stays, visits with relatives and friends, and participation in therapeutic programs. The director of job and family services shall adopt rules under section 5111.02 of the Revised Code establishing conditions under which prior authorization may be obtained.~~

(C) The department shall establish the per diem rates to be paid to providers for reserving beds under this section. In establishing the per diem rates, the department shall do the following:

(1) In the case of a payment to reserve a bed in a nursing facility for a day during calendar year 2011, set the per diem rate at an amount not exceeding fifty per cent of the per diem rate the provider would be paid if the recipient were not absent from the nursing facility that day;

(2) In the case of a payment to reserve a bed in a nursing facility for a day during calendar year 2012 and each calendar year thereafter, set the per diem rate at an amount not exceeding twenty-five per cent of the per diem rate the provider would be paid if the recipient were not absent from the nursing facility that day;

(3) In the case of a payment to reserve a bed in an intermediate care facility for the mentally retarded for a day during any calendar year, set the per diem rate at an amount equal to a percentage specified in rules adopted under section 5111.02 of the Revised Code of the per diem rate the provider would be paid if the recipient were not absent from the facility that day.