

SENATE BILL 146

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J3

2000 Regular Session  
(01r0930)

**ENROLLED BILL**  
-- Finance/Environmental Matters --

Introduced by **Senator Bromwell**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
President.

CHAPTER 238

1 AN ACT concerning

2 **Continuing Care Communities - Certificate of Need Exemption - Direct**  
3 **Admission**

4 FOR the purpose of altering the definition of a health care facility to allow a  
5 subscriber who has executed a continuing care agreement and paid ~~all~~ certain  
6 entrance fees before entering the continuing care community to be admitted to a  
7 comprehensive care nursing bed, regardless of the level of care needed by the  
8 subscriber at the time of admission under certain circumstances; providing  
9 certain limitations on direct admissions to comprehensive care nursing beds;  
10 providing for the termination of this Act; and generally relating to continuing  
11 care communities and comprehensive care nursing beds exempt from certificate  
12 of need requirements.

13 BY repealing and reenacting, with amendments,  
14 Article - Health - General  
15 Section 19-114(e)  
16 Annotated Code of Maryland

1 (1996 Replacement Volume and 1999 Supplement)

2 BY adding to

3 Article - Health - General

4 Section 19-125.2

5 Annotated Code of Maryland

6 (1996 Replacement Volume and 1999 Supplement)

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

9 **Article - Health - General**

10 19-114.

11 (e) (1) "Health care facility" means:

12 (i) A hospital, as defined in § 19-301(g) of this title;

13 (ii) A limited service hospital, as defined in § 19-301(e) of this title;

14 (iii) A related institution, as defined in § 19-301 of this title;

15 (iv) An ambulatory surgical facility;

16 (v) An inpatient facility that is organized primarily to help in the  
17 rehabilitation of disabled individuals, through an integrated program of medical and  
18 other services provided under competent professional supervision;

19 (vi) A home health agency, as defined in § 19-401 of this title;

20 (vii) A hospice, as defined in § 19-901 of this title; and

21 (viii) Any other health institution, service, or program for which this  
22 Part II of this subtitle requires a certificate of need.

23 (2) "Health care facility" does not include:

24 (i) A hospital or related institution that is operated, or is listed and  
25 certified, by the First Church of Christ Scientist, Boston, Massachusetts;

26 (ii) For the purpose of providing an exemption from a certificate of  
27 need under § 19-123 of this subtitle, a facility to provide comprehensive care  
28 constructed by a provider of continuing care, as defined by Article 70B of the Code, if:

29 1. Except as provided under § 19-125.1 of this subtitle, the  
30 facility is for the exclusive use of the provider's subscribers who have executed  
31 continuing care agreements [for the purpose of utilizing independent living units or  
32 assisted living units within] AND PAID ALL ENTRANCE FEES THAT ARE AT LEAST  
33 EQUAL TO THE LOWEST ENTRANCE FEE CHARGED FOR AN INDEPENDENT LIVING



1 EXCEED 20 PERCENT OF THE TOTAL NUMBER OF COMPREHENSIVE CARE NURSING  
2 BEDS THAT ARE AVAILABLE IN THE CONTINUING CARE NURSING FACILITY ~~THAT IS~~  
3 UNDER CONSTRUCTION.

4 (C) NOTWITHSTANDING THE PROVISIONS OF SUBSECTIONS (A) AND (B) OF  
5 THIS SECTION AND § 19-114(E)(2)(II) OF THIS PART, A CONTINUING CARE RETIREMENT  
6 COMMUNITY THAT QUALIFIES FOR AN EXEMPTION FROM A CERTIFICATE OF NEED  
7 UNDER § 19-114(E)(2)(II) OF THIS PART MAY NOT ADMIT A SUBSCRIBER DIRECTLY  
8 INTO A COMPREHENSIVE CARE NURSING BED IF THE DIRECT ADMISSION WOULD  
9 CAUSE THE OCCUPANCY OF THE COMPREHENSIVE CARE NURSING BEDS IN THE  
10 CONTINUING CARE COMMUNITY TO EXCEED 95 PERCENT OF FULL CAPACITY.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
12 July 1, 2000. It shall remain effective for a period of 2 years and, at the end of June 30,  
13 2002, with no further action required by the General Assembly, this Act shall be  
14 abrogated and of no further force and effect.