

HOUSE BILL 321

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2002 Regular Session
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CF SB 180

By: **Delegates Malone, Hammen, Redmer, Klausmeier, Ports, and Dewberry**

Introduced and read first time: January 24, 2002

Assigned to: Environmental Matters

Committee Report: Favorable

House action: Adopted

Read second time: February 19, 2002

CHAPTER 57

1 AN ACT concerning

2 **Continuing Care Communities - Direct Admissions Into Comprehensive**
3 **Care Nursing Bed - Repeal of Abrogation Provision**

4 FOR the purpose of repealing the abrogation provision relating to definitions for
5 health planning and development that apply to certain health care facilities;
6 repealing the abrogation provision relating to provisions that allow certain
7 continuing care communities to admit subscribers directly to a comprehensive
8 care nursing bed; and generally relating to direct admissions into
9 comprehensive care nursing beds in continuing care communities.

10 BY repealing and reenacting, without amendments,
11 Article - Health - General
12 Section 19-114 and 19-124
13 Annotated Code of Maryland
14 (2000 Replacement Volume and 2001 Supplement)

15 BY repealing and reenacting, with amendments,
16 Chapter 238 of the Acts of the General Assembly of 2000
17 Section 2

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

1 **Article - Health - General**

2 19-114.

3 (a) In this Part II of this subtitle the following words have the meanings
4 indicated.

5 (b) (1) "Ambulatory surgical facility" means any center, service, office,
6 facility, or office of one or more health care practitioners or a group practice, as
7 defined in § 1-301 of the Health Occupations Article, that:

8 (i) Has two or more operating rooms;

9 (ii) Operates primarily for the purpose of providing surgical
10 services to patients who do not require overnight hospitalization; and

11 (iii) Seeks reimbursement from payors as an ambulatory surgical
12 facility.

13 (2) For purposes of this subtitle, the office of one or more health care
14 practitioners or a group practice with two operating rooms may be exempt from the
15 certificate of need requirements under this subtitle if the Commission finds, in its
16 sole discretion, that:

17 (i) A second operating room is necessary to promote the efficiency,
18 safety, and quality of the surgical services offered; and

19 (ii) The office meets the criteria for exemption from the certificate
20 of need requirements as an ambulatory surgical facility in accordance with
21 regulations adopted by the Commission.

22 (c) "Certificate of need" means a certification of public need issued by the
23 Commission under this Part II of this subtitle for a health care project.

24 (d) (1) "Health care facility" means:

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

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

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

28 (iv) An ambulatory surgical facility;

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

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

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

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

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

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

6 (ii) For the purpose of providing an exemption from a certificate of
7 need under § 19-120 of this subtitle, a facility to provide comprehensive care
8 constructed by a provider of continuing care, as defined by Article 70B of the Code, if:

9 1. Except as provided under § 19-123 of this subtitle, the
10 facility is for the exclusive use of the provider's subscribers who have executed
11 continuing care agreements and paid entrance fees that are at least equal to the
12 lowest entrance fee charged for an independent living unit or an assisted living unit
13 before entering the continuing care community, regardless of the level of care needed
14 by the subscribers at the time of admission;

15 2. The facility is located on the campus of the continuing care
16 community; and

17 3. The number of comprehensive care nursing beds in the
18 community does not exceed:

19 A. 24 percent of the number of independent living units in a
20 community having less than 300 independent living units; or

21 B. 20 percent of the number of independent living units in a
22 community having 300 or more independent living units;

23 (iii) Except for a facility to provide kidney transplant services or
24 programs, a kidney disease treatment facility, as defined by rule or regulation of the
25 United States Department of Health and Human Services;

26 (iv) Except for kidney transplant services or programs, the kidney
27 disease treatment stations and services provided by or on behalf of a hospital or
28 related institution; or

29 (v) The office of one or more individuals licensed to practice
30 dentistry under Title 4 of the Health Occupations Article, for the purposes of
31 practicing dentistry.

32 (e) "Health care practitioner" means any individual who is licensed, certified,
33 or otherwise authorized under the Health Occupations Article to provide health care
34 services.

35 (f) "Health service area" means an area of this State that the Governor
36 designates as appropriate for planning and developing of health services.

1 (g) "Local health planning agency" means the health department of a
2 jurisdiction or a body designated by the local health department to perform health
3 planning functions.

4 (h) "State health plan" means the State health plan for facilities and services.
5 19-124.

6 (a) Notwithstanding the provisions of § 19-114(d)(2)(ii) of this part, a
7 continuing care community that qualifies for an exemption from a certificate of need
8 under § 19-114(d)(2)(ii) of this part may admit a subscriber directly into a
9 comprehensive care nursing bed only if, at the time of admission, the subscriber has
10 the potential for an eventual transfer to an independent living unit or an assisted
11 living unit, as determined by the subscriber's personal physician who is not an owner
12 or employee of the continuing care retirement community.

13 (b) Notwithstanding the provisions of subsection (a) of this section and §
14 19-114(d)(2)(ii) of this part, the total number of comprehensive care nursing beds
15 occupied by subscribers who have been directly admitted to a comprehensive care
16 nursing bed may not exceed 20 percent of the total number of comprehensive care
17 nursing beds that are available in the continuing care nursing facility.

18 (c) Notwithstanding the provisions of subsections (a) and (b) of this section
19 and § 19-114(d)(2)(ii) of this part, a continuing care retirement community that
20 qualifies for an exemption from a certificate of need under § 19-114(d)(2)(ii) of this
21 part may not admit a subscriber directly into a comprehensive care nursing bed if the
22 direct admission would cause the occupancy of the comprehensive care nursing beds
23 in the continuing care community to exceed 95 percent of full capacity.

24

Chapter 238 of the Acts of 2000

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 July 1, 2000. [It shall remain effective for a period of 2 years and, at the end of June
27 30, 2002, with no further action required by the General Assembly, this Act shall be
28 abrogated and of no further force and effect.]

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 July 1, 2002.