

SENATE BILL 881

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CF HB 869

By: **Senator Middleton**

Introduced and read first time: February 8, 2013

Assigned to: Rules

Re-referred to: Finance, February 21, 2013

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 23, 2013

CHAPTER _____

1 AN ACT concerning

2 **Community Health Resources Commission – Revisions**

3 FOR the purpose of authorizing the Community Health Resources Commission to
4 contract with a certain third party for certain services; prohibiting a certain
5 third party from releasing, publishing, or similarly using certain information;
6 providing that the power of the Secretary of Health and Mental Hygiene over a
7 certain procurement procedure does not apply to the Commission; providing
8 that, when procuring services or supplies, the Commission is subject to certain
9 provisions of law; altering the purposes for which the Community Health
10 Resources Commission Fund may be used, subject to certain conditions; and
11 generally relating to the Community Health Resources Commission.

12 BY repealing and reenacting, without amendments,
13 Article – Health – General
14 Section 19–2101(c) and 19–2201(a)
15 Annotated Code of Maryland
16 (2009 Replacement Volume and 2012 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article – Health – General
19 Section 19–2107 and ~~19–2201(e)(1)~~ 19–2201(e)
20 Annotated Code of Maryland
21 (2009 Replacement Volume and 2012 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY adding to
2 Article – Health – General
3 Section 19–2108(c)
4 Annotated Code of Maryland
5 (2009 Replacement Volume and 2012 Supplement)

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

8 **Article – Health – General**

9 19–2101.

10 (c) “Commission” means the Maryland Community Health Resources
11 Commission.

12 19–2107.

13 (a) In addition to the powers set forth elsewhere in this subtitle, the
14 Commission may:

15 (1) Adopt regulations to carry out the provisions of this subtitle;

16 (2) Create committees from among its members;

17 (3) Appoint advisory committees, which may include individuals and
18 representatives of interested public or private organizations;

19 (4) Apply for and accept any funds, property, or services from any
20 person or government agency;

21 (5) Make agreements with a grantor or payor of funds, property, or
22 services, including an agreement to make any study, plan, demonstration, or project;

23 (6) Publish and give out any information that relates to expanding
24 access to health care through community health resources that is considered desirable
25 in the public interest;

26 (7) Subject to the limitations of this subtitle, exercise any other power
27 that is reasonably necessary to carry out the purposes of this subtitle; and

28 (8) Assist community health resources in preparing to implement the
29 Affordable Care Act.

30 (b) In addition to the duties set forth elsewhere in this subtitle, the
31 Commission shall:

1 (1) Adopt rules and regulations that relate to its meetings, minutes,
2 and transactions;

3 (2) Keep minutes of each meeting;

4 (3) Prepare annually a budget proposal that includes the estimated
5 income of the Commission and proposed expenses for its administration and operation;
6 and

7 (4) On or before October 1 of each year, submit to the Governor, to the
8 Secretary, and, in accordance with § 2-1246 of the State Government Article, to the
9 General Assembly an annual report on the operations and activities of the Commission
10 during the preceding fiscal year.

11 **(c) (1) THE COMMISSION MAY CONTRACT WITH A QUALIFIED,
12 INDEPENDENT THIRD PARTY FOR ANY SERVICE THAT IS NECESSARY TO CARRY
13 OUT THE POWERS AND DUTIES OF THE COMMISSION.**

14 **(2) UNLESS PERMISSION IS GRANTED SPECIFICALLY BY THE
15 COMMISSION, A THIRD PARTY WITH WHOM THE COMMISSION CONTRACTS
16 UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY NOT RELEASE, PUBLISH, OR
17 USE IN A MANNER NOT AUTHORIZED BY THE CONTRACT ANY INFORMATION TO
18 WHICH THE THIRD PARTY HAS ACCESS UNDER THE CONTRACT.**

19 19-2108.

20 **(c) (1) THE POWER OF THE SECRETARY OVER THE PROCUREMENT
21 PROCEDURE FOR UNITS IN THE DEPARTMENT DOES NOT APPLY TO THE
22 PROCUREMENT PROCEDURE OF THE COMMISSION.**

23 **(2) NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION,
24 WHEN PROCURING SERVICES OR SUPPLIES, THE COMMISSION IS SUBJECT TO
25 THE PROVISIONS OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

26 19-2201.

27 (a) In this section, "Fund" means the Community Health Resources
28 Commission Fund.

29 (e) (1) ~~The~~ **SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE**
30 Fund may be used only to:

31 (i) Cover the administrative costs of the Commission;

1 (ii) Cover the actual documented direct costs of fulfilling the
 2 statutory and regulatory duties of the Commission in accordance with the provisions of
 3 this subtitle;

4 (iii) Provide operating grants to qualifying community health
 5 resources; ~~and~~

6 (iv) Provide funding for the development, support, and
 7 monitoring of a unified data information system among primary and specialty care
 8 providers, hospitals, and other providers of services to community health resource
 9 members; ~~AND~~

10 ~~(v) PROVIDE FUNDING FOR ANY OTHER PROJECT OR~~
 11 ~~INITIATIVE APPROVED BY THE COMMISSION THAT INCREASES ACCESS TO~~
 12 ~~HEALTH CARE OR REDUCES HEALTH DISPARITIES IN THE STATE.~~

13 **(2) (I) FOR FISCAL YEARS 2014, 2015, AND 2016, THE FUND**
 14 **MAY BE USED FOR ANY PROJECT OR INITIATIVE AUTHORIZED UNDER TITLE 20,**
 15 **SUBTITLE 14 OF THIS ARTICLE AND APPROVED BY THE COMMISSION IF NO LESS**
 16 **THAN \$4,000,000 OF THE SUBSIDY REQUIRED UNDER § 14-106(D)(2)(II)2 OF**
 17 **THE INSURANCE ARTICLE IS USED IN EACH FISCAL YEAR FOR THE PURPOSES**
 18 **UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

19 **(II) FOR FISCAL YEAR 2017 AND EACH FISCAL YEAR**
 20 **THEREAFTER, THE FUND MAY BE USED FOR ANY PROJECT OR INITIATIVE**
 21 **AUTHORIZED UNDER TITLE 20, SUBTITLE 14 OF THIS ARTICLE AND APPROVED**
 22 **BY THE COMMISSION IF NO LESS THAN \$8,000,000 OF THE SUBSIDY REQUIRED**
 23 **UNDER § 14-106(D)(2)(II)2 OF THE INSURANCE ARTICLE IS USED IN EACH**
 24 **FISCAL YEAR FOR THE PURPOSES UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

25 **[(2)] (3) The funding for a unified data information system under**
 26 **paragraph (1)(iv) of this subsection shall be limited to:**

27 (i) \$500,000 in fiscal year 2006; and

28 (ii) \$1,700,000 in fiscal year 2007 and annually thereafter.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 30 ~~October~~ July 1, 2013.