

# HOUSE BILL 384

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By: **Chair, Health and Government Operations Committee (By Request – Departmental – Health)**

Introduced and read first time: January 24, 2018

Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Substance Use Facilities and Programs – Certificate of Need – Repeal of**  
3 **Requirement**

4 FOR the purpose of altering the definition of “health care facility” for the purpose of  
5 excluding certain substance use treatment facilities and programs from the  
6 certificate of need requirements; and generally relating to certificate of need  
7 requirements for substance use treatment facilities and programs.

8 BY repealing and reenacting, without amendments,  
9 Article – Health – General  
10 Section 19–114(a) and (c)  
11 Annotated Code of Maryland  
12 (2015 Replacement Volume and 2017 Supplement)

13 BY repealing and reenacting, with amendments,  
14 Article – Health – General  
15 Section 19–114(d)  
16 Annotated Code of Maryland  
17 (2015 Replacement Volume and 2017 Supplement)

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

20 **Article – Health – General**

21 19–114.

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

7 (iv) An ambulatory surgical facility;

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

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

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

13 (viii) A freestanding medical facility, as defined in § 19-3A-01 of this  
14 title; and

15 (ix) Any other health institution, service, or program for which this  
16 Part II of this subtitle requires a certificate of need.

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

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

20 (ii) For the purpose of providing an exception to the requirement for  
21 a certificate of need under § 19-120 of this subtitle, a facility to provide comprehensive care  
22 constructed by a provider of continuing care, as defined in § 10-401 of the Human Services  
23 Article, if:

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

30 2. The facility is located on the campus of the continuing care  
31 community; and

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

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

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

7                                   (iii)   For the purpose of providing an exception to the requirement for  
8 a certificate of need under § 19–120 of this subtitle, a facility to provide comprehensive care  
9 that:

10                                  1.     Is owned and operated by the Maryland Department of  
11 Veterans Affairs; and

12                                  2.     Restricts admissions to individuals who meet the  
13 residency requirements established by the Maryland Department of Veterans Affairs and  
14 are:

15                                  A.     Veterans who were discharged or released from the armed  
16 forces of the United States under honorable conditions;

17                                  B.     Former members of a reserve component of the armed  
18 forces of the United States; or

19                                  C.     Nonveteran spouses of eligible veterans;

20                                  (iv)   Except for a facility to provide kidney transplant services or  
21 programs, a kidney disease treatment facility, as defined by rule or regulation of the United  
22 States Department of Health and Human Services;

23                                  (v)   Except for kidney transplant services or programs, the kidney  
24 disease treatment stations and services provided by or on behalf of a hospital or related  
25 institution; [or]

26                                  (vi)   The office of one or more individuals licensed to practice dentistry  
27 under Title 4 of the Health Occupations Article, for the purposes of practicing dentistry;  
28 **OR**

29                                  **(VII) FOR THE PURPOSE OF PROVIDING AN EXCEPTION TO THE**  
30 **REQUIREMENT FOR A CERTIFICATE OF NEED UNDER § 19–120 OF THIS SUBTITLE, A**  
31 **FACILITY OR PROGRAM THAT OFFERS NONHOSPITAL SUBSTANCE USE OUTPATIENT,**  
32 **RESIDENTIAL, OR INPATIENT TREATMENT SERVICES LICENSED BY THE**  
33 **BEHAVIORAL HEALTH ADMINISTRATION.**

1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June  
2 1, 2018.