
By: Chairman, Environmental Matters Committee (Departmental - Health and Mental Hygiene)

Introduced and read first time: February 2, 1996

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Health Resources Planning Commission - User Fees**

3 FOR the purpose of establishing a Health Resources Planning Commission Fund to be
4 used for the purposes of the Health Resources Planning Commission; providing for
5 the termination of this Act; and generally relating to the user fees and funding of
6 the Health Resources Planning Commission.

7 BY repealing and reenacting, with amendments,
8 Article - Health - General
9 Section 19-122
10 Annotated Code of Maryland
11 (1990 Replacement Volume and 1995 Supplement)

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

14 **Article - Health - General**

15 19-122.

16 (a) [(1)] In this section: [the following words have the meanings indicated.

17 (2) (i) "Facilities"]

18 (1) "FACILITIES" means:

19 [1.] (I) Hospitals;

20 [2.] (II) Special hospitals; and

21 [3.] (III) Nursing homes.

22 [(ii)] (2) "Facilities" does not include a kidney disease treatment unit
23 or any agency of the Department.

24 [(3) "Net State contribution" means for Fiscal Year 1998 and for each fiscal
25 year thereafter, one-fifth of the General Fund appropriation for the Commission.]

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1 (b) (1) The Commission, in lieu of the application fees provided for in §
2 19-115(b) of this subtitle, shall impose a user fee on facilities.

3 (2) The total user fees assessed by the Commission may not exceed
4 \$3,250,000 in any fiscal year.

5 [(3) Subject to the provisions of paragraph (2) of this subsection, for Fiscal
6 Years 1995, 1996, and 1997 the total user fees assessed by the Commission shall be equal
7 to the General Fund appropriation.]

8 (3) THE COMMISSION SHALL PAY ALL FUNDS COLLECTED FROM FEES
9 ASSESSED IN ACCORDANCE WITH THIS SECTION INTO THE HEALTH RESOURCES
10 PLANNING COMMISSION FUND.

11 [(4) Subject to the provisions of paragraph (2) of this subsection, for Fiscal
12 Year 1998 and each fiscal year thereafter, the total user fees assessed by the Commission
13 shall be equal to 4 times the net State contribution.

14 (5) The Commission shall pay all funds collected from user fees and
15 application fees into the General Fund of the State.]

16 [(6)] (4) All user fee revenue assessed by the Commission shall be used
17 exclusively to cover the actual documented direct and indirect costs of fulfilling the
18 statutory and regulatory duties of the Commission in accordance with the provisions of
19 this subtitle, and may only be expended for purposes authorized by the provisions of this
20 subtitle.

21 (C) (1) THERE IS A HEALTH RESOURCES PLANNING COMMISSION FUND.

22 (2) THE FUND IS A SPECIAL CONTINUING, NONLAPSING FUND THAT IS
23 NOT SUBJECT TO §7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

24 (3) THE TREASURER SHALL SEPARATELY HOLD, AND THE
25 COMPTROLLER SHALL ACCOUNT FOR, THE FUND.

26 (4) THE FUND SHALL BE INVESTED AND REINVESTED IN THE SAME
27 MANNER AS OTHER STATE FUNDS.

28 (5) ANY INVESTMENT EARNINGS SHALL BE RETAINED TO THE CREDIT
29 OF THE FUND.

30 (6) THE FUND SHALL BE SUBJECT TO AN AUDIT BY THE OFFICE OF
31 LEGISLATIVE AUDITS AS PROVIDED FOR IN §2-1215 OF THE STATE GOVERNMENT
32 ARTICLE.

33 (7) THIS SECTION MAY NOT BE CONSTRUED TO PROHIBIT THE FUND
34 FROM RECEIVING FUNDS FROM ANY OTHER SOURCE.

35 (8) THE FUND SHALL BE USED ONLY TO PROVIDE FUNDING FOR THE
36 COMMISSION AND FOR THE PURPOSES AUTHORIZED UNDER THIS SUBTITLE.

37 [(c)] (D) The Commission shall:

38 (1) Assess user fees for each facility equal to the sum of:

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1 (i) The amount equal to one half of the total user fees times the ratio
2 of admissions of the facility to total admissions of all facilities; and

3 (ii) The amount equal to one half of the total user fees times the ratio
4 of gross operating revenue of each facility to total gross operating revenues of all
5 facilities;

6 (2) Establish minimum and maximum assessments; and

7 (3) Assess each facility on or before June 30 of each fiscal year.

8 [(d)] (E) On or before September 1 of each year, each facility assessed under this
9 section shall make payment to the Commission. The Commission shall make provisions
10 for partial payments.

11 [(e)] (F) Any bill not paid within 30 days of the agreed payment date may be
12 subject to an interest penalty to be determined by the Commission.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 July 1, 1996. It shall remain in effect for a period of 7 years and, at the end of July 1, 2003;
15 with no further action required by the General Assembly, the Act shall be abrogated and
16 of no further force and effect.