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

Introduced and read first time: January 27, 1997

Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Health Services Cost Review Commission - Abrogation Date**

3 FOR the purpose of repealing a certain abrogation date; and generally relating to the  
4 Health Services Cost Review Commission.

5 BY repealing and reenacting, without amendments,

6 Article - Health - General

7 Section 19-207.1

8 Annotated Code of Maryland

9 (1996 Replacement Volume and 1996 Supplement)

10 BY repealing and reenacting, with amendments,

11 Chapter 319 of the Acts of the General Assembly of 1995

12 Section 2

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

15 **Article - Health - General**

16 19-207.1.

17 (a) (1) In this section the following words have the meanings indicated.

18 (2) "Facilities" means hospitals and related institutions whose rates have  
19 been approved by the Commission.

20 (b) The Commission shall assess and collect user fees on facilities as defined in  
21 this section.

22 (c) (1) The total user fees assessed by the Commission may not exceed  
23 \$3,000,000 in any fiscal year.

24 (2) The total user fees assessed by the Commission may not exceed the  
25 Special Fund appropriation for the Commission by more than 20%.

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1 (3) The user fees assessed by the Commission shall be used exclusively to  
2 cover the actual documented direct and indirect costs of fulfilling the statutory and  
3 regulatory duties of the Commission in accordance with the provisions of this subtitle.

4 (4) The Commission shall pay all funds collected from fees assessed in  
5 accordance with this section into the Health Services Cost Review Commission Fund.

6 (5) The user fees assessed by the Commission may be expended only for  
7 purposes authorized by the provisions of this subtitle.

8 (d) (1) There is a Health Services Cost Review Commission Fund.

9 (2) The Fund is a special continuing, nonlapsing fund that is not subject to  
10 § 7-302 of the State Finance and Procurement Article.

11 (3) The Treasurer shall separately hold, and the Comptroller shall account  
12 for, the Fund.

13 (4) The Fund shall be invested and reinvested in the same manner as other  
14 State funds.

15 (5) Any investment earnings shall be retained to the credit of the Fund.

16 (6) The Fund shall be subject to an audit by the Office of Legislative Audits  
17 as provided for in § 2-1215 of the State Government Article.

18 (7) This section may not be construed to prohibit the Fund from receiving  
19 funds from any other source.

20 (8) The Fund shall be used only to provide funding for the Commission and  
21 for the purposes authorized under this subtitle.

22 (e) The Commission shall:

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

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

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

29 (2) Establish minimum and maximum assessments; and

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

31 (f) On or before September 1 of each year, each facility assessed under this  
32 section shall make payment to the Commission. The Commission shall make provision for  
33 partial payments.

34 (g) Any bill not paid within 30 days of an agreed payment date may be subject to  
35 an interest penalty to be determined by the Commission.

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1 (h) (1) This section shall terminate and be of no effect on the first day of July  
2 following the cessation of a waiver by law or agreement for Medicare and Medicaid  
3 between the State of Maryland and the federal government.

4 (2) If notice of intent to terminate is made by the federal government to this  
5 State prior to the first day of an intervening session of the Maryland General Assembly,  
6 this section shall expire June 30 of the following calendar year. However, under no  
7 circumstances shall less than seven calendar months occur between notice of termination  
8 and expiration of this section.

9 **Chapter 319 of the Acts of 1995**

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
11 July 1, 1995. [It shall remain effective for a period of 3 years and, at the end of June 30,  
12 1998, and with no further action required by the General Assembly, this Act shall be  
13 abrogated and of no further force and effect.]

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
15 October 1, 1997.