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**By: Senator Teitelbaum**

Introduced and read first time: February 24, 1997

Assigned to: Rules

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A BILL ENTITLED

1 AN ACT concerning

2 **Task Force to Study Comprehensive Care and Subacute Care Bed Need**

3 FOR the purpose of establishing a Task Force to Study Comprehensive Care and  
4 Subacute Care Bed Need; specifying the membership of the Task Force; specifying  
5 the purpose of the Task Force; requiring the Task Force to conduct a certain survey  
6 and submit a certain report by a certain date; prohibiting the Health Resources  
7 Planning Commission from approving certificates of need for certain health care  
8 projects involving comprehensive care beds and subacute care beds until a certain  
9 condition is satisfied; and generally relating to establishing a Task Force to Study  
10 Comprehensive Care and Subacute Care Bed Need.

11 BY adding to

12 Article 41 - Governor - Executive and Administrative Departments  
13 Section 18-301  
14 Annotated Code of Maryland  
15 (1997 Replacement Volume)

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

18 **Article 41 - Governor - Executive and Administrative Departments**

19 18-301.

20 (A) THERE IS A TASK FORCE TO STUDY COMPREHENSIVE CARE AND  
21 SUBACUTE CARE BED NEED.

22 (B) THE PURPOSE OF THE TASK FORCE IS TO CONDUCT A STATEWIDE  
23 SURVEY AND MAKE RECOMMENDATIONS ON THE NEED FOR THE APPROVAL AND  
24 CERTIFICATION OF ADDITIONAL COMPREHENSIVE CARE BEDS AND SUBACUTE  
25 CARE BEDS BY THE HEALTH RESOURCES PLANNING COMMISSION THROUGH THE  
26 CERTIFICATE OF NEED PROCESS.

27 (C) THE TASK FORCE SHALL CONSIST OF THE FOLLOWING 11 MEMBERS:

28 (1) TWO MEMBERS OF THE SENATE OF MARYLAND, APPOINTED BY THE  
29 PRESIDENT OF THE SENATE;

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1 (2) TWO MEMBERS OF THE HOUSE OF DELEGATES, APPOINTED BY THE  
2 SPEAKER OF THE HOUSE OF DELEGATES; AND

3 (3) SEVEN MEMBERS APPOINTED BY THE GOVERNOR ON OR BEFORE  
4 OCTOBER 1, 1997, AS FOLLOWS:

5 (I) ONE MEMBER REPRESENTING THE HEALTH RESOURCES  
6 PLANNING COMMISSION;

7 (II) ONE MEMBER REPRESENTING THE MARYLAND HOSPITAL  
8 ASSOCIATION;

9 (III) TWO MEMBERS REPRESENTING THE NURSING HOME  
10 INDUSTRY; AND

11 (IV) THREE MEMBERS OF THE GENERAL PUBLIC WHO HAVE  
12 KNOWLEDGE, BACKGROUND, OR EXPERIENCE IN REGARD TO ISSUES INVOLVING  
13 THE CARE AND THE PROVISION OF SERVICES TO THE AGED AND INFIRMED  
14 POPULATION.

15 (D) (1) IN CONDUCTING THE SURVEY UNDER SUBSECTION (B) OF THIS  
16 SECTION, THE TASK FORCE SHALL CONSIDER, AMONG OTHER FACTORS THAT  
17 AFFECT NEED, THE EXPANSION OF BOTH COMMUNITY-BASED AND  
18 INSTITUTIONAL-BASED PROGRAMS AND SERVICES THAT SERVE THE AGED AND THE  
19 INFIRMED POPULATION, SUCH AS CONTINUING CARE PROGRAMS, ADULT DAY CARE  
20 SERVICES, HOME HEALTH CARE SERVICES, AND ASSISTED LIVING PROGRAMS.

21 (2) IN EXAMINING THE OCCUPANCY RATES OF LONG-TERM CARE  
22 FACILITIES FOR THE PURPOSE OF ASSESSING NEED, THE TASK FORCE SHALL  
23 CONSIDER THE LAST 6-MONTH VACANCY FACTOR THAT IS TAKEN BY LONG-TERM  
24 CARE FACILITIES, AS WELL AS THE VACANCY FACTOR INDICATED ON A FACILITY'S  
25 ANNUAL COST REPORT.

26 (3) THE HEALTH RESOURCES PLANNING COMMISSION SHALL PROVIDE  
27 ANY DATA AND INFORMATION THE TASK FORCE REQUIRES TO CONDUCT THE  
28 SURVEY.

29 (E) THE GOVERNOR SHALL DESIGNATE THE CHAIRMAN OF THE TASK FORCE  
30 FROM ITS APPOINTED MEMBERS.

31 (F) STAFF FOR THE TASK FORCE SHALL BE PROVIDED BY THE DEPARTMENT  
32 OF HEALTH AND MENTAL HYGIENE.

33 (G) A MEMBER OF THE TASK FORCE MAY NOT RECEIVE COMPENSATION, BUT  
34 IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD TRAVEL  
35 REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

36 (H) THE TASK FORCE SHALL SUBMIT A REPORT ON THE RESULTS OF ITS  
37 SURVEY, TOGETHER WITH ANY RECOMMENDATIONS THE TASK FORCE MAY HAVE  
38 AS A RESULT OF THE SURVEY, TO THE GOVERNOR AND, SUBJECT TO § 2-1312 OF THE  
39 STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON OR BEFORE OCTOBER  
40 1, 1998.

1           SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding the  
2 provisions of § 19-118 of the Health - General Article, the Health Resources Planning  
3 Commission may not approve an application for a certificate of need for a health care  
4 project that is submitted on or after July 1, 1997, that increases the number of  
5 comprehensive care beds or subacute care beds in the State until the Task Force to Study  
6 Comprehensive Care and Subacute Care Bed Need submits its report on the results of the  
7 survey required under this Act on or before October 1, 1998.

8           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
9 July 1, 1997.