

HOUSE BILL 667

Unofficial Copy  
J3

1998 Regular Session  
(8lr2026)

**ENROLLED BILL**  
*-- Environmental Matters/Finance --*

Introduced by **Delegate Elliott**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
Speaker.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Certificate of Need - Health Care Facilities and Comprehensive Care Beds -**  
3 **Relocations**

4 FOR the purpose of establishing, under certain circumstances, an exemption from  
5 having to obtain a certificate of need from the Health Resources Planning  
6 Commission for certain relocations that involve the moving of certain  
7 comprehensive care beds approved after a certain date that were to be used in a  
8 new nursing home in Carroll County; ~~and~~ altering a certain provision of law  
9 related to the requirement of obtaining a certificate of need before relocating  
10 certain health care facilities; providing for the effective date of this Act; and  
11 generally relating to obtaining a certificate of need for certain relocations in  
12 Carroll County.

13 BY repealing and reenacting, without amendments,  
14 Article - Health - General  
15 Section 19-115(e)  
16 Annotated Code of Maryland

1 (1996 Replacement Volume and 1997 Supplement)

2 BY repealing and reenacting, with amendments,

3 Article - Health - General

4 Section 19-115(f) and (g)

5 Annotated Code of Maryland

6 (1996 Replacement Volume and 1997 Supplement)

7 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

8 MARYLAND, That the Laws of Maryland read as follows:

9 **Article - Health - General**

10 19-115.

11 (e) (1) A person shall have a certificate of need issued by the Commission  
12 before the person develops, operates, or participates in any of the following health  
13 care projects for which a certificate of need is required under this section.

14 (2) A certificate of need issued prior to January 13, 1987 may not be  
15 rendered wholly or partially invalid solely because certain conditions have been  
16 imposed, if an appeal concerning the certificate of need, challenging the power of the  
17 Commission to impose certain conditions on a certificate of need, has not been noted  
18 by an aggrieved party before January 13, 1987.

19 (f) [A] EXCEPT AS PROVIDED IN SUBSECTION (G)(2)(III) OF THIS SECTION, A  
20 certificate of need is required before a new health care facility is built, developed, or  
21 established.

22 (g) (1) A certificate of need ~~OR MODIFICATION TO A PREVIOUSLY ISSUED~~  
23 ~~CERTIFICATE OF NEED~~ is required before [a] AN EXISTING OR PREVIOUSLY  
24 APPROVED, BUT UNBUILT, health care facility is moved to another site.

25 (2) This subsection does not apply if:

26 (i) The Commission adopts limits for relocations and the proposed  
27 relocation does not exceed those limits; [or]

28 (ii) The relocation is the result of a partial or complete replacement  
29 of an existing hospital or related institution, as defined in § 19-301 of this title, and  
30 the relocation is to another part of the site or immediately adjacent to the site of the  
31 existing hospital or related institution; OR

32 (III) THE RELOCATION INVOLVES MOVING A PORTION OF A  
33 COMPLEMENT OF COMPREHENSIVE CARE BEDS PREVIOUSLY APPROVED BY THE  
34 COMMISSION AFTER JANUARY 1, 1995 FOR USE IN A PROPOSED NEW RELATED  
35 INSTITUTION, AS DEFINED IN § 19-301 OF THIS TITLE, BUT UNBUILT ON OCTOBER 1,  
36 1998 IF:

1                                   1.       THE COMPREHENSIVE CARE BEDS THAT WERE  
2 ORIGINALLY APPROVED BY THE COMMISSION IN A PRIOR CERTIFICATE OF NEED  
3 REVIEW WERE APPROVED FOR USE IN A PROPOSED NEW RELATED INSTITUTION TO  
4 BE LOCATED IN A MUNICIPAL CORPORATION WITHIN CARROLL COUNTY IN WHICH A  
5 RELATED INSTITUTION IS NOT LOCATED;

6                                   2.       THE COMPREHENSIVE CARE BEDS BEING RELOCATED  
7 WILL BE USED TO ESTABLISH AN ADDITIONAL NEW RELATED INSTITUTION THAT IS  
8 LOCATED IN ANOTHER MUNICIPAL CORPORATION WITHIN CARROLL COUNTY IN  
9 WHICH A RELATED INSTITUTION IS NOT LOCATED;

10                                  3.       THE COMPREHENSIVE CARE BEDS NOT BEING  
11 RELOCATED ARE INTENDED TO BE USED TO ESTABLISH A RELATED INSTITUTION ON  
12 THE ORIGINAL SITE; AND

13                                  4.       BOTH THE PREVIOUSLY APPROVED COMPREHENSIVE  
14 CARE BEDS FOR USE ON THE ORIGINAL SITE AND THE RELOCATED COMPREHENSIVE  
15 CARE BEDS FOR USE ON THE NEW SITE WILL BE USED AS COMPONENTS OF SINGLE  
16 BUILDINGS ON EACH SITE THAT ALSO OFFER INDEPENDENT OR ASSISTED LIVING  
17 RESIDENTIAL UNITS.

18                                  (3)     NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE, A  
19 CERTIFICATE OF NEED OR MODIFICATION TO A PREVIOUSLY ISSUED CERTIFICATE  
20 OF NEED IS NOT REQUIRED FOR A RELOCATION DESCRIBED UNDER PARAGRAPH  
21 (2)(III) OF THIS SUBSECTION.

22       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
23 ~~October~~ June 1, 1998.