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By: **Delegate Elliott**

Introduced and read first time: February 9, 1998

Assigned to: Environmental Matters

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A BILL ENTITLED

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.

11 BY repealing and reenacting, without amendments,  
12 Article - Health - General  
13 Section 19-115(e)  
14 Annotated Code of Maryland  
15 (1996 Replacement Volume and 1997 Supplement)

16 BY repealing and reenacting, with amendments,  
17 Article - Health - General  
18 Section 19-115(f) and (g)  
19 Annotated Code of Maryland  
20 (1996 Replacement Volume and 1997 Supplement)

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

23                                   **Article - Health - General**

24 19-115.

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

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

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

9 (g) (1) A certificate of need is required before [a] AN EXISTING OR  
10 PREVIOUSLY APPROVED, BUT UNBUILT, health care facility is moved to another site.

11 (2) This subsection does not apply if:

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

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

18 (III) THE RELOCATION INVOLVES MOVING A PORTION OF A  
19 COMPLEMENT OF COMPREHENSIVE CARE BEDS PREVIOUSLY APPROVED BY THE  
20 COMMISSION AFTER JANUARY 1, 1995 FOR USE IN A PROPOSED NEW RELATED  
21 INSTITUTION, AS DEFINED IN § 19-301 OF THIS TITLE, BUT UNBUILT ON OCTOBER 1,  
22 1998 IF:

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

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

32 3. THE COMPREHENSIVE CARE BEDS NOT BEING  
33 RELOCATED ARE INTENDED TO BE USED TO ESTABLISH A RELATED INSTITUTION ON  
34 THE ORIGINAL SITE; AND

35 4. BOTH THE PREVIOUSLY APPROVED COMPREHENSIVE  
36 CARE BEDS FOR USE ON THE ORIGINAL SITE AND THE RELOCATED COMPREHENSIVE  
37 CARE BEDS FOR USE ON THE NEW SITE WILL BE USED AS COMPONENTS OF SINGLE  
38 BUILDINGS ON EACH SITE THAT ALSO OFFER INDEPENDENT OR ASSISTED LIVING  
39 RESIDENTIAL UNITS.

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