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By: **Delegate Elliott**  
Introduced and read first time: February 9, 1998  
Assigned to: Environmental Matters

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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 24, 1998

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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  
17 (1996 Replacement Volume and 1997 Supplement)

18 BY repealing and reenacting, with amendments,  
19 Article - Health - General  
20 Section 19-115(f) and (g)  
21 Annotated Code of Maryland  
22 (1996 Replacement Volume and 1997 Supplement)

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

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**Article - Health - General**

2 19-115.

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

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

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

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

17 (2) This subsection does not apply if:

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

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

24 (III) THE RELOCATION INVOLVES MOVING A PORTION OF A  
25 COMPLEMENT OF COMPREHENSIVE CARE BEDS PREVIOUSLY APPROVED BY THE  
26 COMMISSION AFTER JANUARY 1, 1995 FOR USE IN A PROPOSED NEW RELATED  
27 INSTITUTION, AS DEFINED IN § 19-301 OF THIS TITLE, BUT UNBUILT ON OCTOBER 1,  
28 1998 IF:

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

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

