

HOUSE BILL 360

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1999 Regular Session  
9r1028  
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By: **Delegates Hammen and Hubbard**

Introduced and read first time: February 8, 1999

Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2                                   **Continuing Care Communities - Certificate of Need Exemption -**  
3                                   **Concurrent Direct Admissions**

4 FOR the purpose of providing that a continuing care community does not lose its  
5 exemption from certificate of need requirements if the community admits to a  
6 nursing facility within the community certain individuals under certain  
7 circumstances; making technical corrections; and generally relating to  
8 continuing care communities.

9 BY repealing and reenacting, with amendments,  
10 Article - Health - General  
11 Section 19-101(f)  
12 Annotated Code of Maryland  
13 (1996 Replacement Volume and 1998 Supplement)

14 BY adding to  
15 Article - Health - General  
16 Section 19-116.2  
17 Annotated Code of Maryland  
18 (1996 Replacement Volume and 1998 Supplement)

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

21                                   **Article - Health - General**

22 19-101.

- 23 (f) (1) "Health care facility" means:
- 24 (i) A hospital, as defined in § 19-301 of this title;
- 25 (ii) A related institution, as defined in § 19-301 of this title;
- 26 (iii) An ambulatory surgical facility;

1 (iv) An inpatient facility that is organized primarily to help in the  
2 rehabilitation of disabled individuals, through an integrated program of medical and  
3 other services provided under competent professional supervision;

4 (v) A home health agency, as defined in § 19-401 of this title;

5 (vi) A hospice, as defined in § 19-901 of this title; and

6 (vii) Any other health institution, service, or program for which Part  
7 I of this subtitle requires a certificate of need.

8 (2) "Health care facility" does not include:

9 (i) A hospital or related institution that is operated, or is listed and  
10 certified, by the First Church of Christ Scientist, Boston, Massachusetts;

11 (ii) For the purpose of providing an exemption from a certificate of  
12 need under § 19-115 of this subtitle, a facility to provide comprehensive care  
13 constructed by a provider of continuing care, as defined by Article 70B of the Code, if:

14 1. [The] EXCEPT AS PROVIDED UNDER § 19-116.2 OF THIS  
15 SUBTITLE, THE facility is for the exclusive use of the provider's subscribers who have  
16 executed continuing care agreements for the purpose of utilizing independent living  
17 units or [domiciliary care] ASSISTED LIVING UNITS within the continuing care  
18 [facility] COMMUNITY;

19 2. The number of comprehensive care nursing beds in the  
20 facility does not exceed 20 percent of the number of independent living units at the  
21 continuing care community; and

22 3. The facility is located on the campus of the continuing care  
23 [facility] COMMUNITY;

24 (iii) Except for a facility to provide kidney transplant services or  
25 programs, a kidney disease treatment facility, as defined by rule or regulation of the  
26 United States Department of Health and Human Services;

27 (iv) Except for kidney transplant services or programs, the kidney  
28 disease treatment stations and services provided by or on behalf of a hospital or  
29 related institution; or

30 (v) The office of one or more individuals licensed to practice  
31 dentistry under Title 4 of the Health Occupations Article, for the purposes of  
32 practicing dentistry.

33 19-116.2.

34 NOTWITHSTANDING THE PROVISIONS OF § 19-101(F)(2)(II), A CONTINUING CARE  
35 COMMUNITY DOES NOT LOSE ITS EXEMPTION FROM CERTIFICATE OF NEED

1 REQUIREMENTS WHEN THE CONTINUING CARE COMMUNITY ADMITS AN INDIVIDUAL  
2 DIRECTLY TO A NURSING FACILITY WITHIN THE CONTINUING CARE COMMUNITY IF:

3           (1)       THE ADMITTEE'S SPOUSE OR RELATIVE IS ADMITTED AT THE SAME  
4 TIME UNDER A JOINT CONTRACT TO AN INDEPENDENT LIVING UNIT OR ASSISTED  
5 LIVING UNIT WITHIN THE CONTINUING CARE COMMUNITY; OR

6           (2)       AN INDIVIDUAL HAVING A LONG-TERM SIGNIFICANT RELATIONSHIP  
7 WITH THE ADMITTEE IS ADMITTED AT THE SAME TIME UNDER A JOINT CONTRACT TO  
8 AN INDEPENDENT LIVING UNIT OR ASSISTED LIVING UNIT WITHIN THE CONTINUING  
9 CARE COMMUNITY.

10       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
11 October 1, 1999.