HOUSE BILL 360

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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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Committee Report: Favorable
House action: Adopted
Read second time: March 16, 1999

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CHAPTER_____

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:

1   **Article - Health - General**

2 19-101.

3   (f)   (1)   "Health care facility" means:

4   (i)   A hospital, as defined in § 19-301 of this title;

5   (ii)   A related institution, as defined in § 19-301 of this title;

6   (iii)   An ambulatory surgical facility;

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

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

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

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

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

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

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

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

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

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

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

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

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

7 19-116.2.

8   NOTWITHSTANDING THE PROVISIONS OF § 19-101(F)(2)(II), A CONTINUING CARE
9 COMMUNITY DOES NOT LOSE ITS EXEMPTION FROM CERTIFICATE OF NEED
10 REQUIREMENTS WHEN THE CONTINUING CARE COMMUNITY ADMITS AN INDIVIDUAL
11 DIRECTLY TO A NURSING FACILITY WITHIN THE CONTINUING CARE COMMUNITY IF:

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

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

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