

HOUSE BILL 361

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1999 Regular Session
9lr0763
CF 9lr1513

By: **Delegates Hammen and Hubbard**

Introduced and read first time: February 8, 1999

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Continuing Care Communities - Certificate of Need Exemption -**
3 **Comprehensive Care Nursing Beds**

4 FOR the purpose of altering the number of comprehensive care nursing beds a
5 continuing care community may maintain to qualify for an exemption from a
6 certificate of need; revising certain terminology; and generally relating to
7 comprehensive care nursing beds and exemptions from certificate of need
8 requirements for 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 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article - Health - General**

17 19-101.

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

- 19 (i) A hospital, as defined in § 19-301 of this title;
- 20 (ii) A related institution, as defined in § 19-301 of this title;
- 21 (iii) An ambulatory surgical facility;
- 22 (iv) An inpatient facility that is organized primarily to help in the
23 rehabilitation of disabled individuals, through an integrated program of medical and
24 other services provided under competent professional supervision;
- 25 (v) A home health agency, as defined in § 19-401 of this title;

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

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

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

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

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

10 1. The facility is for the exclusive use of the provider's
11 subscribers who have executed continuing care agreements for the purpose of
12 utilizing independent living units or [domiciliary care] ASSISTED LIVING UNITS
13 within the continuing care [facility] COMMUNITY;

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

17 3.] The facility is located on the campus of the continuing care
18 [facility] COMMUNITY; AND

19 3. THE NUMBER OF COMPREHENSIVE CARE NURSING BEDS
20 IN THE COMMUNITY DOES NOT EXCEED THE SUM OF:

21 A. 24 PERCENT OF THE NUMBER OF INDEPENDENT LIVING
22 UNITS IN THE COMMUNITY FOR THE FIRST 300 INDEPENDENT LIVING UNITS; AND

23 B. 20 PERCENT OF THE NUMBER OF INDEPENDENT LIVING
24 UNITS IN THE COMMUNITY FOR THE NUMBER OF LIVING UNITS OVER 300.

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

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

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

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