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By: **Delegates Klausmeier, Weir, Ports, and Redmer**  
Introduced and read first time: February 11, 1999  
Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

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

4 FOR the purpose of altering the definition of a health care facility to allow a  
5 subscriber who executes a continuing care agreement to be admitted to a  
6 comprehensive care nursing bed at the time the subscriber enters the continuing  
7 care community, regardless of the level of care needed by the subscriber at the  
8 time of admission; revising certain terminology; and generally relating to  
9 continuing care communities and comprehensive care nursing beds exempt from  
10 certificate of need requirements.

11 BY repealing and reenacting, with amendments,  
12 Article - Health - General  
13 Section 19-101(f)  
14 Annotated Code of Maryland  
15 (1996 Replacement Volume and 1998 Supplement)

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

18                                   **Article - Health - General**

19 19-101.

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

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

- 1 (v) A home health agency, as defined in § 19-401 of this title;
- 2 (vi) A hospice, as defined in § 19-901 of this title; and
- 3 (vii) Any other health institution, service, or program for which Part  
4 I of this subtitle requires a certificate of need.

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

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

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

11 1. The facility is for the exclusive use of the provider's  
12 subscribers who have executed continuing care agreements [for the purpose of  
13 utilizing independent living units or domiciliary care within] PRIOR TO ENTERING  
14 the continuing care [facility] COMMUNITY, REGARDLESS OF THE LEVEL OF CARE  
15 NEEDED BY THE SUBSCRIBER AT THE TIME OF ADMISSION;

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

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

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

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

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

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