
By: **Senators Kasemeyer and Kelley**
Introduced and read first time: January 22, 1999
Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Continuing Care Communities - Comprehensive Care Nursing Beds -**
3 **Limitations**

4 FOR the purpose of authorizing the Health Resources Planning Commission to grant
5 permission to certain continuing care communities to add additional
6 comprehensive care nursing beds under certain circumstances; specifying
7 certain factors that the Commission is to consider when making a determination
8 on whether to permit certain continuing care communities to add additional
9 comprehensive care nursing beds; altering a certain definition; and generally
10 relating to authorizing the Health Resources Planning Commission to grant
11 permission to certain continuing care communities to add additional
12 comprehensive care nursing beds under certain circumstances.

13 BY repealing and reenacting, with amendments,
14 Article - Health - General
15 Section 19-101(f)
16 Annotated Code of Maryland
17 (1996 Replacement Volume and 1998 Supplement)

18 BY adding to
19 Article - Health - General
20 Section 19-115.1
21 Annotated Code of Maryland
22 (1996 Replacement Volume and 1998 Supplement)

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

25 **Article - Health - General**

26 19-101.

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

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

- 1 (ii) A related institution, as defined in § 19-301 of this title;
- 2 (iii) An ambulatory surgical facility;
- 3 (iv) An inpatient facility that is organized primarily to help in the
4 rehabilitation of disabled individuals, through an integrated program of medical and
5 other services provided under competent professional supervision;
- 6 (v) A home health agency, as defined in § 19-401 of this title;
- 7 (vi) A hospice, as defined in § 19-901 of this title; and
- 8 (vii) Any other health institution, service, or program for which Part
9 I of this subtitle requires a certificate of need.

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

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

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

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

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

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

25 3. THE NUMBER OF COMPREHENSIVE CARE NURSING BEDS
26 IN THE FACILITY:

27 A. DOES NOT EXCEED 20 PERCENT OF THE NUMBER OF
28 INDEPENDENT LIVING UNITS AT THE CONTINUING CARE COMMUNITY; OR

29 B. EQUALS 20 PERCENT OR MORE OF THE NUMBER OF
30 INDEPENDENT LIVING UNITS AT THE CONTINUING CARE COMMUNITY AND THE
31 COMMISSION HAS GRANTED PERMISSION TO THE COMMUNITY UNDER § 19-115.1 OF
32 THIS SUBTITLE TO ADD ADDITIONAL COMPREHENSIVE CARE NURSING BEDS;

33 (iii) Except for a facility to provide kidney transplant services or
34 programs, a kidney disease treatment facility, as defined by rule or regulation of the
35 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 19-115.1.

8 (A) THE COMMISSION MAY GRANT PERMISSION TO A CONTINUING CARE
9 COMMUNITY THAT MEETS THE REQUIREMENTS OF § 19-101(F)(2)(II) OF THIS
10 SUBTITLE TO ADD ADDITIONAL COMPREHENSIVE CARE NURSING BEDS THAT EQUAL
11 20 PERCENT OR MORE OF THE NUMBER OF INDEPENDENT LIVING UNITS AT THE
12 CONTINUING CARE COMMUNITY IF:

13 (1) AT THE TIME OF THE REQUEST TO THE COMMISSION, THE
14 COMMUNITY HAS ACCEPTED RESIDENTS FOR AT LEAST 5 YEARS;

15 (2) THE COMMUNITY WILL USE THE ADDITIONAL BEDS ONLY TO
16 PROVIDE CARE TO A RESIDENT OF THE COMMUNITY WHO HAS:

17 (I) SIGNED A CONTRACT TO RECEIVE CONTINUING CARE;

18 (II) PAID THE APPROPRIATE ENTRANCE FEE FOR A UNIT IN WHICH
19 THE RESIDENT RESIDED PRIOR TO MOVING TO A COMPREHENSIVE CARE NURSING
20 BED; AND

21 (III) RESIDED IN THE COMMUNITY FOR:

22 1. AT LEAST 90 DAYS; OR

23 2. FEWER THAN 90 DAYS, BUT HAS DEVELOPED A
24 SIGNIFICANT CHANGE IN HEALTH STATUS THAT REQUIRES THE RESIDENT TO
25 RECEIVE CARE IN A COMPREHENSIVE CARE NURSING BED; AND

26 (3) THE COMMUNITY IS ABLE TO DEMONSTRATE TO THE COMMISSION'S
27 SATISFACTION THAT THE COMMUNITY IS, OR WITHIN 1 YEAR WILL BE, UNABLE TO:

28 (I) ACCOMMODATE EXISTING RESIDENTS IN EXISTING
29 COMPREHENSIVE CARE NURSING BEDS ON THE CONTINUING CARE COMMUNITY
30 CAMPUS; AND

31 (II) PROVIDE THE NECESSARY LEVEL OF CARE IN OTHER EXISTING
32 UNITS ON THE CONTINUING CARE COMMUNITY CAMPUS WITHOUT THREATENING
33 THE HEALTH OR SAFETY OF RESIDENTS OR VIOLATING ANY REQUIREMENTS
34 IMPOSED BY LAW APPLICABLE TO QUALITY OF CARE.

35 (B) IN DETERMINING WHETHER A CONTINUING CARE COMMUNITY WILL BE
36 UNABLE TO PROVIDE THE NECESSARY LEVEL OF CARE WITHIN 1 YEAR UNDER

1 SUBSECTION (A)(3) OF THIS SECTION, THE COMMISSION MAY REQUIRE THE
2 CONTINUING CARE COMMUNITY TO PROVIDE, ON A MONTHLY BASIS, FOR ALL TYPES
3 OF UNITS ON THE CONTINUING CARE COMMUNITY CAMPUS FOR THE PAST FISCAL
4 YEAR:

5 (1) UTILIZATION DATA THAT INCLUDES:

6 (I) OCCUPANCY PERCENTAGES FOR THE COMPREHENSIVE CARE
7 NURSING BEDS;

8 (II) LENGTH OF STAY BY LEVEL OF CARE; AND

9 (III) TOTAL PATIENT DAYS;

10 (2) BASED ON THE YEAR OF INITIAL OCCUPANCY, THE NUMBER OF
11 RESIDENT TRANSFERS:

12 (I) TO OTHER HEALTH CARE FACILITIES; AND

13 (II) WITHIN THE CONTINUING CARE COMMUNITY TO OTHER UNITS;
14 AND

15 (3) THE HEALTH STATUS OF AND LEVEL OF CARE NEEDED BY
16 RESIDENTS OF THE CONTINUING CARE COMMUNITY THAT IS BASED ON:

17 (I) THE ASSISTANCE NEEDED BY A RESIDENT WITH ACTIVITIES OF
18 DAILY LIVING;

19 (II) AGE;

20 (III) DIAGNOSIS; AND

21 (IV) ANY OTHER RELEVANT COMPLICATING CONDITION THE
22 COMMISSION CONSIDERS APPROPRIATE TO DETERMINE HEALTH STATUS AND
23 NECESSARY LEVEL OF CARE.

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