

SENATE BILL 159

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1999 Regular Session
9r1029
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By: **Senators Kelley, Hoffman, Astle, Hooper, Hollinger, Colburn,
Teitelbaum, Dyson, Ruben, Madden, Conway, Exum, Dorman, and
Bromwell**

Introduced and read first time: January 27, 1999
Assigned to: Finance

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;

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

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

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

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

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

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 19-116.2.

35 NOTWITHSTANDING THE PROVISIONS OF § 19-101(F)(2)(II), A CONTINUING CARE
36 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.