

SENATE BILL 203

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1999 Regular Session
9r1513
CF 9r0763

By: **Senator Kasemeyer**
Introduced and read first time: February 1, 1999
Assigned to: Finance

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 15, 1999

CHAPTER _____

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; requiring a certain report by the Department of Health and
7 Mental Hygiene by a certain date; revising certain terminology; and generally
8 relating to comprehensive care nursing beds and exemptions from certificate of
9 need requirements for continuing care communities.

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

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

17 **Article - Health - General**

18 19-101.

- 19 (f) (1) "Health care facility" means:
- 20 (i) A hospital, as defined in § 19-301 of this title;
 - 21 (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 facility is for the exclusive use of the provider's
16 subscribers who have executed continuing care agreements for the purpose of
17 utilizing independent living units or [domiciliary care] ASSISTED LIVING UNITS
18 within the continuing care [facility] COMMUNITY;

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

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

24 3. THE NUMBER OF COMPREHENSIVE CARE NURSING BEDS
25 IN THE COMMUNITY DOES NOT EXCEED ~~THE SUM OF:~~

26 A. 24 PERCENT OF THE NUMBER OF INDEPENDENT LIVING
27 UNITS IN ~~THE A COMMUNITY FOR THE FIRST~~ HAVING LESS THAN 300 INDEPENDENT
28 LIVING UNITS; AND OR

29 B. 20 PERCENT OF THE NUMBER OF INDEPENDENT LIVING
30 UNITS IN ~~THE A COMMUNITY FOR THE NUMBER OF LIVING UNITS OVER~~ HAVING 300
31 OR MORE INDEPENDENT LIVING UNITS.

32 (iii) Except for a facility to provide kidney transplant services or
33 programs, a kidney disease treatment facility, as defined by rule or regulation of the
34 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 SECTION 2. AND BE IT FURTHER ENACTED, That the Department of
8 Health and Mental Hygiene shall report on the effects of the provisions of this Act on
9 the long-term care industry, along with any findings and recommendations, as
10 provided in § 2-1246 of the State Government Article, to the General Assembly and to
11 the Governor on or before January 1, 2001.

12 ~~SECTION 3.~~ SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take
13 effect October 1, 1999.