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By: **Senators Collins and Kasemeyer**  
Introduced and read first time: February 5, 1999  
Assigned to: Finance

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A BILL ENTITLED

1 AN ACT concerning

2 **Continuing Care Facilities - Certificates of Need - Exceptions for Per Diem**  
3 **Nursing Care Residents**

4 FOR the purpose of providing a certain exception from certificate of need  
5 requirements for certain continuing care facilities and communities; allowing  
6 certain continuing care facilities to admit certain per diem nursing care  
7 residents under certain circumstances; mandating that certain continuing care  
8 facilities provide comprehensive care to certain individuals; and generally  
9 relating to the regulation of continuing care facilities.

10 BY repealing and reenacting, with amendments,  
11 Article - Health - General  
12 Section 19-101(f)(2)  
13 Annotated Code of Maryland  
14 (1996 Replacement Volume and 1998 Supplement)

15 BY adding to  
16 Article - Health - General  
17 Section 19-116.2  
18 Annotated Code of Maryland  
19 (1996 Replacement Volume and 1998 Supplement)

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

22 **Article - Health - General**

23 19-101.

24 (f) (2) "Health care facility" does not include:

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

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

4 1. The facility is for the exclusive use of the provider's  
5 subscribers who have executed continuing care agreements for the purpose of  
6 utilizing independent living units or [domiciliary care] ASSISTED LIVING UNITS  
7 within the continuing care facility;

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

11 3. The facility is located on the campus of the continuing care  
12 facility;

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

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

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

22 19-116.2.

23 (A) NOTWITHSTANDING THE PROVISIONS OF § 19-101(F)(2)(II)1 OF THIS  
24 SUBTITLE, A CONTINUING CARE RETIREMENT COMMUNITY MAY ACCEPT A RESIDENT  
25 FOR DIRECT ADMISSION, UNDER A PER DIEM NURSING CARE AGREEMENT, TO A  
26 NURSING BED IF THE NURSING BED INTO WHICH THE RESIDENT IS ADMITTED HAS  
27 BEEN INITIALLY LICENSED WITHIN THE LAST 5 YEARS, MEASURED FROM THE DATE  
28 OF THE ADMISSION OF THE RESIDENT.

29 (B) THE ADMISSION OF A PER DIEM NURSING CARE RESIDENT MAY NOT  
30 CAUSE THE CONTINUING CARE FACILITY TO EXCEED 90% OF THE TOTAL  
31 COMPREHENSIVE CARE BEDS LICENSED WITHIN THE LAST 5 YEARS MEASURED  
32 FROM THE DATE OF THE MOST CURRENT PER DIEM ADMISSION.

33 (C) CONTINUING CARE FACILITIES THAT HAVE CURRENT PER DIEM NURSING  
34 HOME ADMISSIONS UNDER THE PROVISIONS OF § 19-102(A) OF THIS TITLE SHALL  
35 PROVIDE SUBSCRIBERS WITH COMPREHENSIVE CARE WITHIN THE CONTINUING  
36 CARE FACILITY.

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