

HOUSE BILL 864

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SB 203/99 - FIN

2000 Regular Session
Olr1757
CF 0lr1782

By: **Delegates Klausmeier, Hubbard, and Frush**
Introduced and read first time: February 11, 2000
Assigned to: Environmental Matters

Committee Report: Favorable
House action: Adopted
Read second time: March 14, 2000

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; and generally relating to comprehensive care
8 nursing beds and exemptions from certificate of need requirements for
9 continuing care communities.

10 BY repealing and reenacting, with amendments,
11 Article - Health - General
12 Section 19-114(e)
13 Annotated Code of Maryland
14 (1996 Replacement Volume and 1999 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 19-114.

19 (e) (1) "Health care facility" means:

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

21 (ii) A limited service hospital, as defined in § 19-301(e) of this title;

- 1 (iii) A related institution, as defined in § 19-301 of this title;
- 2 (iv) An ambulatory surgical facility;
- 3 (v) 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 (vi) A home health agency, as defined in § 19-401 of this title;
- 7 (vii) A hospice, as defined in § 19-901 of this title; and
- 8 (viii) Any other health institution, service, or program for which this
9 Part II 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 § 19-123 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. Except as provided under § 19-125.1 of this subtitle, the
17 facility is for the exclusive use of the provider's subscribers who have executed
18 continuing care agreements for the purpose of utilizing independent living units or
19 assisted living units within the continuing care 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 community; AND

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

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

29 B. 20 PERCENT OF THE NUMBER OF INDEPENDENT LIVING
30 UNITS IN A COMMUNITY HAVING 300 OR MORE INDEPENDENT LIVING UNITS;

31 (iii) Except for a facility to provide kidney transplant services or
32 programs, a kidney disease treatment facility, as defined by rule or regulation of the
33 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, 2002.

12 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2000.