

HOUSE BILL 1295

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2000 Regular Session  
0lr2944  
CF SB 146

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By: **Delegate Klausmeier**

Introduced and read first time: February 18, 2000

Assigned to: Rules and Executive Nominations

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A BILL ENTITLED

1 AN ACT concerning

2 **Continuing Care Communities - Certificate of Need Exemption - Direct**  
3 **Admission**

4 FOR the purpose of altering the definition of a health care facility to allow a  
5 subscriber who has executed a continuing care agreement and paid all entrance  
6 fees before entering the continuing care community to be admitted to a  
7 comprehensive care nursing bed, regardless of the level of care needed by the  
8 subscriber at the time of admission; and generally relating to continuing care  
9 communities and comprehensive care nursing beds exempt from certificate of  
10 need requirements.

11 BY repealing and reenacting, with amendments,  
12 Article - Health - General  
13 Section 19-114(e)  
14 Annotated Code of Maryland  
15 (1996 Replacement Volume and 1999 Supplement)

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

18 **Article - Health - General**

19 19-114.

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

- 21 (i) A hospital, as defined in § 19-301(g) of this title;
- 22 (ii) A limited service hospital, as defined in § 19-301(e) of this title;
- 23 (iii) A related institution, as defined in § 19-301 of this title;
- 24 (iv) An ambulatory surgical facility;

1 (v) An inpatient facility that is organized primarily to help in the  
2 rehabilitation of disabled individuals, through an integrated program of medical and  
3 other services provided under competent professional supervision;

4 (vi) A home health agency, as defined in § 19-401 of this title;

5 (vii) A hospice, as defined in § 19-901 of this title; and

6 (viii) Any other health institution, service, or program for which this  
7 Part II of this subtitle requires a certificate of need.

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

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

11 (ii) For the purpose of providing an exemption from a certificate of  
12 need under § 19-123 of this subtitle, a facility to provide comprehensive care  
13 constructed by a provider of continuing care, as defined by Article 70B of the Code, if:

14 1. Except as provided under § 19-125.1 of this subtitle, the  
15 facility is for the exclusive use of the provider's subscribers who have executed  
16 continuing care agreements [for the purpose of utilizing independent living units or  
17 assisted living units within] AND PAID ALL ENTRANCE FEES BEFORE ENTERING the  
18 continuing care community, REGARDLESS OF THE LEVEL OF CARE NEEDED BY THE  
19 SUBSCRIBERS AT THE TIME OF ADMISSION;

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;

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 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
35 July 1, 2000.