

SENATE BILL 146

Unofficial Copy  
J3

2000 Regular Session  
0lr0930  
CF 0lr2944

---

By: **Senator Bromwell**  
Introduced and read first time: January 19, 2000  
Assigned to: Finance

---

Committee Report: Favorable with amendments  
Senate action: Adopted  
Read second time: March 21, 2000

---

CHAPTER \_\_\_\_\_

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 ~~at~~ certain  
6 entrance 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 under certain circumstances; providing  
9 certain limitations on direct admissions to comprehensive care nursing beds;  
10 and generally relating to continuing care communities and comprehensive care  
11 nursing beds exempt from certificate of need requirements.

12 BY repealing and reenacting, with amendments,  
13 Article - Health - General  
14 Section 19-114(e)  
15 Annotated Code of Maryland  
16 (1996 Replacement Volume and 1999 Supplement)

17 BY adding to  
18 Article - Health - General  
19 Section 19-125.2  
20 Annotated Code of Maryland  
21 (1996 Replacement Volume and 1999 Supplement)

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

1 **Article - Health - General**

2 19-114.

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

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

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

6 (iii) A related institution, as defined in § 19-301 of this title;

7 (iv) An ambulatory surgical facility;

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

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

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

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

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

16 (i) A hospital or related institution that is operated, or is listed and  
17 certified, by the First Church of Christ Scientist, Boston, Massachusetts;18 (ii) For the purpose of providing an exemption from a certificate of  
19 need under § 19-123 of this subtitle, a facility to provide comprehensive care  
20 constructed by a provider of continuing care, as defined by Article 70B of the Code, if:21 1. Except as provided under § 19-125.1 of this subtitle, the  
22 facility is for the exclusive use of the provider's subscribers who have executed  
23 continuing care agreements [for the purpose of utilizing independent living units or  
24 assisted living units within] AND PAID ~~ALL~~ ENTRANCE FEES THAT ARE AT LEAST  
25 EQUAL TO THE LOWEST ENTRANCE FEE CHARGED FOR AN INDEPENDENT LIVING  
26 UNIT OR AN ASSISTED LIVING UNIT BEFORE ENTERING the continuing care  
27 community, REGARDLESS OF THE LEVEL OF CARE NEEDED BY THE SUBSCRIBERS AT  
28 THE TIME OF ADMISSION;29 2. The number of comprehensive care nursing beds in the  
30 facility does not exceed 20 percent of the number of independent living units at the  
31 continuing care community; and32 3. The facility is located on the campus of the continuing care  
33 community;

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

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

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

10 19-125.2.

11 (A) NOTWITHSTANDING THE PROVISIONS OF § 19-114(E)(2)(II) OF THIS PART, A  
12 CONTINUING CARE COMMUNITY THAT QUALIFIES FOR AN EXEMPTION FROM A  
13 CERTIFICATE OF NEED UNDER § 19-114(E)(2)(II) OF THIS PART MAY ADMIT A  
14 SUBSCRIBER DIRECTLY INTO A COMPREHENSIVE CARE NURSING BED ONLY IF, AT  
15 THE TIME OF ADMISSION, THE SUBSCRIBER HAS THE POTENTIAL FOR AN EVENTUAL  
16 TRANSFER TO AN INDEPENDENT LIVING UNIT OR AN ASSISTED LIVING UNIT, AS  
17 DETERMINED BY THE ADMITTING PHYSICIAN.

18 (B) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (A) OF THIS  
19 SECTION AND § 19-114(E)(2)(II) OF THIS PART, A CONTINUING CARE COMMUNITY THAT  
20 QUALIFIES FOR AN EXEMPTION FROM A CERTIFICATE OF NEED UNDER §  
21 19-114(E)(2)(II) OF THIS PART MAY NOT ADMIT A SUBSCRIBER DIRECTLY INTO A  
22 COMPREHENSIVE CARE NURSING BED IF THE DIRECT ADMISSION WOULD CAUSE  
23 THE OCCUPANCY OF THE COMPREHENSIVE CARE NURSING BEDS IN THE  
24 CONTINUING CARE COMMUNITY TO EXCEED 95 PERCENT OF FULL CAPACITY.

25 (C) NOTWITHSTANDING THE PROVISIONS OF SUBSECTIONS (A) AND (B) OF  
26 THIS SECTION AND § 19-114(E)(2)(II) OF THIS PART, WHILE A COMPREHENSIVE CARE  
27 NURSING FACILITY OF A CONTINUING CARE COMMUNITY THAT QUALIFIES FOR AN  
28 EXEMPTION FROM A CERTIFICATE OF NEED UNDER § 19-114(E)(2)(II) OF THIS PART IS  
29 UNDER CONSTRUCTION, THE TOTAL NUMBER OF COMPREHENSIVE CARE NURSING  
30 BEDS OCCUPIED BY SUBSCRIBERS WHO HAVE BEEN DIRECTLY ADMITTED TO A  
31 COMPREHENSIVE CARE NURSING BED MAY NOT EXCEED 20 PERCENT OF THE TOTAL  
32 NUMBER OF COMPREHENSIVE CARE NURSING BEDS THAT ARE AVAILABLE IN THE  
33 CONTINUING CARE NURSING FACILITY THAT IS UNDER CONSTRUCTION.

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

