
By: **Chairman, Environmental Matters Committee (Departmental - Health and Mental Hygiene)**

Introduced and read first time: February 8, 2001

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Health Services Cost Review Commission - User Fees**

3 FOR the purpose of altering the maximum amount of user fees the Health Services
4 Cost Review Commission may assess; and generally relating to the Health
5 Services Cost Review Commission.

6 BY repealing and reenacting, with amendments,
7 Article - Health - General
8 Section 19-213
9 Annotated Code of Maryland
10 (2000 Replacement Volume)

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

13 **Article - Health - General**

14 19-213.

15 (a) (1) In this section the following words have the meanings indicated.

16 (2) "Facilities" means hospitals and related institutions whose rates
17 have been approved by the Commission.

18 (b) The Commission shall assess and collect user fees on facilities as defined
19 in this section.

20 (c) (1) The total user fees assessed by the Commission may not exceed
21 [\$3,500,000] \$4,000,000 in any fiscal year.

22 (2) The total user fees assessed by the Commission may not exceed the
23 Special Fund appropriation for the Commission by more than 20%.

1 (3) The user fees assessed by the Commission shall be used exclusively
2 to cover the actual documented direct costs of fulfilling the statutory and regulatory
3 duties of the Commission in accordance with the provisions of this subtitle.

4 (4) The Commission shall pay all funds collected from fees assessed in
5 accordance with this section into the Health Services Cost Review Commission Fund.

6 (5) The user fees assessed by the Commission may be expended only for
7 purposes authorized by the provisions of this subtitle.

8 (d) (1) There is a Health Services Cost Review Commission Fund.

9 (2) The Fund is a special continuing, nonlapsing fund that is not subject
10 to § 7-302 of the State Finance and Procurement Article.

11 (3) The Treasurer shall separately hold, and the Comptroller shall
12 account for, the Fund.

13 (4) The Fund shall be invested and reinvested in the same manner as
14 other State funds.

15 (5) Any investment earnings shall be retained to the credit of the Fund.

16 (6) The Fund shall be subject to an audit by the Office of Legislative
17 Audits as provided for in § 2-1220 of the State Government Article.

18 (7) This section may not be construed to prohibit the Fund from
19 receiving funds from any other source.

20 (8) The Fund shall be used only to provide funding for the Commission
21 and for the purposes authorized under this subtitle.

22 (e) The Commission shall:

23 (1) Assess user fees for each facility equal to the sum of:

24 (i) The amount equal to one half of the total user fees times the
25 ratio of admissions of the facility to total admissions of all facilities; and

26 (ii) The amount equal to one half of the total user fees times the
27 ratio of gross operating revenue of each facility to total gross operating revenues of all
28 facilities;

29 (2) Establish minimum and maximum assessments; and

30 (3) Assess each facility on or before June 30 of each year.

31 (f) On or before September 1 of each year, each facility assessed under this
32 section shall make payment to the Commission. The Commission shall make
33 provision for partial payments.

1 (g) Any bill not paid within 30 days of an agreed payment date may be subject
2 to an interest penalty to be determined by the Commission.

3 (h) (1) This section shall terminate and be of no effect on the first day of July
4 following the cessation of a waiver by law or agreement for Medicare and Medicaid
5 between the State of Maryland and the federal government.

6 (2) If notice of intent to terminate is made by the federal government to
7 this State prior to the first day of an intervening session of the Maryland General
8 Assembly, this section shall expire June 30 of the following calendar year. However,
9 under no circumstances shall less than seven calendar months occur between notice
10 of termination and expiration of this section.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
12 effect October 1, 2001.