

HOUSE BILL 1032

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J3

2001 Regular Session
(11r2470)

ENROLLED BILL
-- Environmental Matters/Finance --

Introduced by **Delegate Guns**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Maryland Health Care Commission - ~~User~~ Fees**

3 FOR the purpose of altering the maximum amount of ~~user~~ fees that may be assessed
4 by the Maryland Health Care Commission in any fiscal year; altering the
5 percentage of user fees assessed manner in which the Maryland Health Care
6 Commission determines the assessments of total fees; clarifying that the
7 maximum ~~user~~ fee assessment applies only to ~~user~~ fees assessed in any fiscal
8 year; requiring the Maryland Health Care Commission to adopt certain
9 regulations; and generally relating to the ~~user~~ fees assessed by the Maryland
10 Health Care Commission.

11 BY repealing and reenacting, without amendments,
12 Article - Health - General
13 Section 19-111(b)
14 Annotated Code of Maryland
15 (2000 Replacement Volume)

1 BY repealing and reenacting, with amendments,
 2 Article - Health - General
 3 Section 19-111(c), (d), and ~~(d)~~ (e)
 4 Annotated Code of Maryland
 5 (2000 Replacement Volume)

6 ~~BY adding to~~
 7 ~~Article - Health - General~~
 8 ~~Section 19-111(k)~~
 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 19-111.

15 (b) Subject to the provisions of subsection (d) of this section, the Commission
 16 shall assess a fee on:

- 17 (1) All hospitals;
 18 (2) All nursing homes;
 19 (3) All payors; and
 20 (4) All health care practitioners.

21 (c) (1) The total fees assessed by the Commission may not exceed
 22 [\$8,250,000] \$10,000,000 in any fiscal year.

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

26 (3) The Commission shall pay all funds collected from the fees assessed
 27 in accordance with this section into the Fund.

28 (4) The fees assessed may be expended only for purposes authorized by
 29 the provisions of this subtitle.

30 (5) THE AMOUNT IN SUBSECTION (C)(1) OF THIS SECTION PARAGRAPH (1)
 31 OF THIS SUBSECTION LIMITS ONLY THE TOTAL USER FEES THE COMMISSION MAY
 32 ASSESS IN A FISCAL YEAR.

33 (d) Of the total fees assessed by the Commission under this section in any
 34 fiscal year, the Commission:

1 ~~(1)~~ In lieu of the application fees provided for in § 19-123 of this subtitle,
 2 shall assess:

3 ~~(i)~~ Hospitals and special hospitals for an amount not exceeding
 4 ~~[36%]~~ 28.5% of the total amount assessed; and

5 ~~(ii)~~ Nursing homes for an amount not exceeding ~~[5%]~~ 13% of the
 6 total amount assessed;

7 ~~(2)~~ Shall assess payors for an amount not exceeding ~~[40%]~~ 37.5% of the
 8 total amount assessed; and

9 ~~(3)~~ Shall assess health care practitioners for an amount not exceeding
 10 ~~[19%]~~ 21% of the total amount assessed *IN DETERMINING ASSESSMENTS OF THE*
 11 *TOTAL FEES, THE COMMISSION SHALL:*

12 (1) USE A METHODOLOGY THAT ACCOUNTS FOR THE PORTION OF THE
 13 COMMISSION'S WORKLOAD ATTRIBUTABLE TO EACH INDUSTRY ASSESSED; AND

14 (2) RECALCULATE WORKLOAD DISTRIBUTION EVERY 4 YEARS.

15 ~~(K)~~ ~~(+)~~ (e) (1) The fees assessed in accordance with this section on health
 16 care practitioners shall be:

17 (i) Included in the licensing fee paid to the health care practitioner's
 18 licensing board; and

19 (ii) Transferred by the health care practitioner's licensing board to
 20 the Commission on a quarterly basis.

21 (2) The Commission may adopt regulations that waive the fee assessed
 22 under this section for a specific class of health care practitioners.

23 (3) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE
 24 COMMISSION SHALL DEVELOP REGULATIONS TO PERMIT A WAIVER OF THE FEE
 25 ASSESSMENT REQUIREMENTS UNDER SUBSECTION (D)(3) OF THIS SECTION FOR
 26 CERTAIN HEALTH CARE PRACTITIONERS.

27 ~~(2)~~ (II) IN DEVELOPING REGULATIONS TO PERMIT A WAIVER OF THE
 28 FEE ASSESSMENT REQUIREMENTS FOR CERTAIN HEALTH CARE PRACTITIONERS,
 29 THE COMMISSION SHALL:

30 1. CONSIDER THE HOURLY WAGE WAGES OF THE HEALTH
 31 CARE PRACTITIONER AND SHALL PRACTITIONERS; AND

32 2. GIVE PREFERENCE TO EXEMPTING HEALTH CARE
 33 PRACTITIONERS WITH AN AVERAGE HOURLY WAGE SUBSTANTIALLY BELOW THAT
 34 OF OTHER HEALTH CARE PRACTITIONERS.

35 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 36 ~~October~~ July 1, 2001.

