
By: **Delegate Guns**

Introduced and read first time: February 9, 2001

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 20, 2001

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; clarifying that the maximum user fee
6 assessment applies only to user fees assessed in any fiscal year; requiring the
7 Maryland Health Care Commission to adopt certain regulations; and generally
8 relating to the user fees assessed by the Maryland Health Care Commission.

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

14 BY repealing and reenacting, with amendments,
15 Article - Health - General
16 Section 19-111(c) and (d)
17 Annotated Code of Maryland
18 (2000 Replacement Volume)

19 BY adding to
20 Article - Health - General
21 Section 19-111(k)
22 Annotated Code of Maryland
23 (2000 Replacement Volume)

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

3 **Article - Health - General**

4 19-111.

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

- 7 (1) All hospitals;
8 (2) All nursing homes;
9 (3) All payors; and
10 (4) All health care practitioners.

11 (c) (1) The total fees assessed by the Commission may not exceed
12 ~~[\$8,250,000]~~ \$10,000,000 in any fiscal year.

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

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

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

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

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

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

26 (i) Hospitals and special hospitals for an amount not exceeding
27 [36%] 28.5% of the total amount assessed; and

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

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

32 (3) Shall assess health care practitioners for an amount not exceeding
33 [19%] 21% of the total amount assessed.

1 (K) (1) THE COMMISSION SHALL DEVELOP REGULATIONS TO PERMIT A
2 WAIVER OF THE ASSESSMENT REQUIREMENTS UNDER SUBSECTION (D)(3) OF THIS
3 SECTION.

4 (2) IN DEVELOPING REGULATIONS TO PERMIT A WAIVER OF THE
5 ASSESSMENT REQUIREMENTS, THE COMMISSION SHALL CONSIDER THE HOURLY
6 WAGE OF THE HEALTH CARE PRACTITIONER AND SHALL GIVE PREFERENCE TO
7 EXEMPTING HEALTH CARE PRACTITIONERS WITH AN AVERAGE HOURLY WAGE
8 SUBSTANTIALLY BELOW THAT OF OTHER HEALTH CARE PRACTITIONERS.

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