
By: **Delegate Morhaim**

Introduced and read first time: February 9, 2001

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **State Commission on Kidney Disease**

3 FOR the purpose of altering the composition of the membership of the State
4 Commission on Kidney Disease; authorizing the Commission to designate
5 certain necessary staff for certain purposes; authorizing the Commission to
6 appoint an executive director; providing that the executive director shall have
7 duties as specified by the Commission and shall serve at the pleasure of the
8 Commission; authorizing the Commission to collect certain fees; authorizing the
9 Commission to certify a dialysis or transplant center that meets certain
10 standards; and generally relating to the State Commission on Kidney Disease.

11 BY repealing and reenacting, with amendments,
12 Article - Health - General
13 Section 13-305(a)(2), 13-306, 13-309, 13-310, and 13-310.1
14 Annotated Code of Maryland
15 (2000 Replacement Volume)

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 13-305.

20 (a) (2) Of the 12 Commission members:

21 (i) 1 shall be an individual from the [medical insurance industry]
22 RENAL ADMINISTRATORS ASSOCIATION;

23 (ii) 4 shall be individuals who are laypersons to the field of
24 medicine;

25 (iii) 3 shall be individuals appointed at the discretion of the
26 Governor WHO ARE MEDICAL SPECIALISTS OR OTHER PATIENT CARE PROVIDERS IN
27 NEPHROLOGY OR KIDNEY TRANSPLANTS; and

1 (iv) 4 shall be individuals appointed as provided in paragraph (3) of
2 this subsection.

3 13-306.

4 (a) The members present at a meeting are a quorum to do business.

5 (b) The Commission shall meet at least twice a year, at the times and places
6 that it determines.

7 (c) A member of the Commission:

8 (1) May not receive compensation; but

9 (2) Is entitled to reimbursement for expenses under the Standard State
10 Travel Regulations, as provided in the State budget.

11 (d) The [Secretary] COMMISSION shall designate the staff necessary to carry
12 out this subtitle.

13 (E) (1) THE COMMISSION SHALL APPOINT AN EXECUTIVE DIRECTOR, WHO
14 SHALL SERVE AT THE PLEASURE OF THE COMMISSION.

15 (2) THE EXECUTIVE DIRECTOR IS THE EXECUTIVE OFFICER OF THE
16 COMMISSION AND THE DUTIES OF THE EXECUTIVE DIRECTOR SHALL BE AS
17 ASSIGNED BY THE COMMISSION.

18 13-309.

19 The Secretary:

20 (1) Is responsible for the operation of the Kidney Disease Program under
21 this subtitle within the rules, regulations, and standards that the Commission and
22 the Department adopt;

23 (2) Shall disburse and, EXCEPT FOR THE PROVISIONS OF § 13-310.1(D) OF
24 THIS SUBTITLE, collect any funds under this subtitle; and

25 (3) Shall keep the Commission informed of:

26 (i) The progress of the Kidney Disease Program; and

27 (ii) Any need for a change in its rules, regulations, or standards.

28 13-310.

29 The [Department] COMMISSION shall certify a dialysis or transplant center
30 that meets the standards that the Commission adopts under this subtitle.

1 13-310.1.

2 (a) In this section, "Fund" means the Kidney Disease Fund.

3 (b) There is a Kidney Disease Fund.

4 (c) (1) Subject to the provisions of paragraphs (2) and (3) of this subsection,
5 the Commission shall set by regulation reasonable fees to be paid by all certified
6 kidney dialysis and transplant centers as an additional requirement for annual
7 certification.

8 (2) The provisions of this section do not apply to:

9 (i) State-owned facilities; or

10 (ii) Hospital services under the jurisdiction of the Health Services
11 Cost Review Commission.

12 (3) The fee set by the Commission may not exceed \$1500 per year.

13 (d) The [Department] COMMISSION shall collect the fee set by the
14 Commission under subsection (c) of this section and transfer the fee into the Fund.

15 (e) (1) The Fund is a continuing, nonlapsing fund, not subject to § 7-302 of
16 the State Finance and Procurement Article.

17 (2) (i) The Fund shall be used exclusively to offset and partially cover
18 the actual documented direct costs of fulfilling the statutory and regulatory duties of
19 the Commission as described in this subtitle.

20 (ii) The Department shall pay the indirect costs the Commission
21 incurs in fulfilling the statutory and regulatory duties of the Commission as described
22 in this subtitle.

23 (3) Any unspent portions of the Fund may not be transferred or revert to
24 the General Fund of the State, but shall remain in the Fund to be used for the
25 purposes specified in paragraph (2)(i) of this subsection.

26 (f) (1) The Chairman of the Commission or the designee of the Chairman
27 shall administer the Fund.

28 (2) Moneys in the Fund may be expended only for the purposes specified
29 in subsection (e)(2)(i) of this section.

30 (g) The Legislative Auditor shall audit the accounts and transactions of the
31 Fund as provided in § 2-1220 of the State Government Article.

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