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By: **Delegate Morhaim**  
Introduced and read first time: February 9, 2001  
Assigned to: Environmental Matters

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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 16, 2001

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CHAPTER \_\_\_\_\_

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;

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

3 (iii) 3 shall be individuals appointed at the discretion of the  
4 Governor WHO;

5 1. ARE MEDICAL SPECIALISTS OR OTHER PATIENT CARE  
6 PROVIDERS IN NEPHROLOGY OR KIDNEY TRANSPLANTS; AND

7 2. DO NOT HAVE ANY DIRECT OWNERSHIP IN RENAL  
8 DIALYSIS OR KIDNEY TRANSPLANT CENTERS THAT DO BUSINESS IN THE STATE; and

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

11 ~~13-306.~~

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

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

15 (c) ~~A member of the Commission:~~

16 (1) ~~May not receive compensation; but~~

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

19 (d) ~~The [Secretary] COMMISSION shall designate the staff necessary to carry~~  
20 ~~out this subtitle.~~

21 (E) (1) ~~THE COMMISSION SHALL APPOINT AN EXECUTIVE DIRECTOR, WHO~~  
22 ~~SHALL SERVE AT THE PLEASURE OF THE COMMISSION.~~

23 (2) ~~THE EXECUTIVE DIRECTOR IS THE EXECUTIVE OFFICER OF THE~~  
24 ~~COMMISSION AND THE DUTIES OF THE EXECUTIVE DIRECTOR SHALL BE AS~~  
25 ~~ASSIGNED BY THE COMMISSION.~~

26 ~~13-309.~~

27 ~~The Secretary:~~

28 (1) ~~Is responsible for the operation of the Kidney Disease Program under~~  
29 ~~this subtitle within the rules, regulations, and standards that the Commission and~~  
30 ~~the Department adopt;~~

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

33 (3) ~~Shall keep the Commission informed of:~~

- 1 (i) The progress of the Kidney Disease Program; and  
2 (ii) Any need for a change in its rules, regulations, or standards.

3 ~~13-310.~~

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

6 ~~13-310.1.~~

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

8 (b) There is a Kidney Disease Fund.

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

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

14 (i) State-owned facilities; or

15 (ii) Hospital services under the jurisdiction of the Health Services  
16 Cost Review Commission.

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

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

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

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

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

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

31 (f) (1) The Chairman of the Commission or the designee of the Chairman  
32 shall administer the Fund.

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

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

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