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By: **Delegates Shank and Myers**

Introduced and read first time: February 11, 2005

Assigned to: Ways and Means

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A BILL ENTITLED

1 AN ACT concerning

2 **Income Tax - Subtraction Modification for Uncompensated Care**

3 FOR the purpose of allowing a subtraction modification for uncompensated care  
4 provided by certain physicians to certain patients under certain circumstances;  
5 providing for the valuation of uncompensated care for purposes of the  
6 subtraction; defining certain terms; providing for the application of this Act; and  
7 generally relating to a subtraction modification for uncompensated care  
8 provided by certain physicians to certain patients.

9 BY repealing and reenacting, without amendments,  
10 Article - Tax - General  
11 Section 10-208(a)  
12 Annotated Code of Maryland  
13 (2004 Replacement Volume)

14 BY adding to  
15 Article - Tax - General  
16 Section 10-208(q)  
17 Annotated Code of Maryland  
18 (2004 Replacement Volume)

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

21 **Article - Tax - General**

22 10-208.

23 (a) In addition to the modification under § 10-207 of this subtitle, the  
24 amounts under this section are subtracted from the federal adjusted gross income of  
25 a resident to determine Maryland adjusted gross income.

26 (Q) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE  
27 SUBTRACTION UNDER SUBSECTION (A) OF THIS SECTION INCLUDES 100% OF THE

1 VALUE OF UNCOMPENSATED CARE PROVIDED BY A PHYSICIAN TO AN EMERGENCY  
2 PATIENT OR A TRAUMA PATIENT WHO:

3 (I) HAS NO HEALTH INSURANCE, INCLUDING MEDICARE PART B  
4 COVERAGE;

5 (II) IS NOT ELIGIBLE FOR MEDICAL ASSISTANCE COVERAGE; AND

6 (III) HAS NOT PAID THE PHYSICIAN FOR CARE PROVIDED BY THE  
7 PHYSICIAN, AFTER DOCUMENTED ATTEMPTS BY THE PHYSICIAN TO COLLECT  
8 PAYMENT.

9 (2) THE VALUE OF UNCOMPENSATED CARE FOR WHICH A SUBTRACTION  
10 IS ALLOWED UNDER THIS SUBSECTION SHALL BE THE LESSER OF:

11 (I) THE MEDICARE RETROSPECTIVE COST REIMBURSEMENT RATE,  
12 AS DESCRIBED IN 42 CFR PART 413; OR

13 (II) THE AMOUNT CHARGED BY THE PHYSICIAN.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
15 July 1, 2005, and shall be applicable to taxable years after December 31, 2004.