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By: Delegates Morhaim and Hubbard, Hubbard, Barve, Benson, Boteler, Bromwell, Costa, Donoghue, Elliott, Frank, Goldwater, Hammen, Kach, Kohl, Kullen, Mandel, McDonough, Murray, Nathan-Pulliam, Oaks, Pendergrass, Rudolph, V. Turner, and Weldon

Introduced and read first time: February 9, 2006  
Assigned to: Health and Government Operations

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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 15, 2006

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Hospitals - Certificate of Need and Rate-Setting - High Performance**  
3 **Buildings**

4 FOR the purpose of requiring the Maryland Health Care Commission to adopt rules  
5 and regulations for certification of need that provide consideration for hospital  
6 projects that incorporate the requirements for a high performance building;  
7 requiring the Health Services Cost Review Commission, in the determination of  
8 reasonable rates for each facility, to take into account the costs of hospital  
9 projects that incorporate the requirements for a high performance building; and  
10 generally relating to consideration for high performance buildings in hospital  
11 certificate of need and rate-setting decisions.

12 BY repealing and reenacting, with amendments,  
13 Article - Health - General  
14 Section 19-120(c) and 19-220(e)  
15 Annotated Code of Maryland  
16 (2005 Replacement Volume and 2005 Supplement)

17 BY repealing and reenacting, without amendments,  
18 Article - State Finance and Procurement  
19 Section 3-602(d)(1)(i)  
20 Annotated Code of Maryland  
21 (2001 Replacement Volume and 2005 Supplement)

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 19-120.

5 (c) (1) The Commission shall adopt rules and regulations for applying for  
6 and issuing certificates of need.

7 (2) THE RULES AND REGULATIONS SHALL PROVIDE CONSIDERATION  
8 FOR HOSPITAL PROJECTS THAT INCORPORATE THE REQUIREMENTS FOR A HIGH  
9 PERFORMANCE BUILDING, AS DEFINED IN § 3-602(D)(1)(I) OF THE STATE FINANCE  
10 AND PROCUREMENT ARTICLE.

11 19-220.

12 (e) In the determination of reasonable rates for each facility, as specified in  
13 this section, the Commission shall take into account:

14 (1) [all] ALL of the cost of complying with recommendations made,  
15 under Subtitle 1 of this title, on comprehensive health planning; AND

16 (2) THE COSTS OF HOSPITAL PROJECTS THAT INCORPORATE THE  
17 REQUIREMENTS FOR A HIGH PERFORMANCE BUILDING, AS DEFINED IN §  
18 3-602(D)(1)(I) OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

19 **Article - State Finance and Procurement**

20 3-602.

21 (d) (1) (i) In this paragraph, "high performance building" means a  
22 building that:

23 1. achieves at least a silver rating according to the U.S.  
24 Green Building Council's LEED (leadership in energy and environmental design)  
25 Green Building Rating System as adopted in 2001 or subsequently by the Maryland  
26 Green Building Council;

27 2. achieves at least a two globe rating according to the Green  
28 Globes Program as adopted by the Green Building Initiative;

29 3. achieves at least a comparable numeric rating according to  
30 a nationally recognized, accepted, and appropriate numeric sustainable development  
31 rating system, guideline, or standard; or

32 4. meets nationally recognized, consensus-based, and  
33 accepted green building guidelines, standards, or systems approved by the State.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2 October 1, 2006.