

# HOUSE BILL 937

L5, J3

8lr0697

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By: **Prince George's County Delegation and Montgomery County Delegation**  
Introduced and read first time: February 6, 2008  
Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County - Maryland-National Capital Park and Planning**  
3 **Commission Home Health Practitioners' Offices - Inspections - Limitations**

4 **PG/MC 107-08**

5 FOR the purpose of restricting the number of special exception inspections of a home  
6 health practitioner's office in Montgomery County each year, with certain  
7 exceptions; limiting the fees for certain special exception inspections; defining  
8 certain terms; and generally relating to limitations on special exception  
9 inspections of home health practitioners' offices in Montgomery County.

10 BY adding to

11 Article 28 - Maryland-National Capital Park and Planning Commission  
12 Section 8-128  
13 Annotated Code of Maryland  
14 (2003 Replacement Volume and 2007 Supplement)

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

17 **Article 28 - Maryland-National Capital Park and Planning Commission**  
18 **8-128.**

19 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE  
20 MEANINGS INDICATED.

21 (2) "HOME HEALTH PRACTITIONER'S OFFICE" MEANS THE  
22 OFFICE OF A LICENSED PHYSICIAN OR DENTIST THAT IS LOCATED IN THE  
23 DWELLING WHERE THE PHYSICIAN OR DENTIST RESIDES.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(3) "SPECIAL EXCEPTION INSPECTION" MEANS AN INSPECTION**  
2 **TO ASSESS COMPLIANCE WITH THE TERMS AND CONDITIONS OF A SPECIAL**  
3 **EXCEPTION GRANTED UNDER THE MONTGOMERY COUNTY ZONING**  
4 **ORDINANCE.**

5           **(B) THIS SECTION APPLIES ONLY IN MONTGOMERY COUNTY.**

6           **(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**  
7 **SUBSECTION AND NOTWITHSTANDING ANY OTHER LAW, A HOME HEALTH**  
8 **PRACTITIONER'S OFFICE MAY NOT BE SUBJECTED TO MORE THAN ONE SPECIAL**  
9 **EXCEPTION INSPECTION IN A SINGLE YEAR.**

10           **(2) A HOME HEALTH PRACTITIONER'S OFFICE MAY BE SUBJECT**  
11 **TO MORE THAN ONE SPECIAL EXCEPTION INSPECTION IN A SINGLE YEAR TO:**

12                   **(I) RESPOND TO A COMPLAINT ALLEGING A VIOLATION OF**  
13 **THE SPECIAL EXCEPTION; OR**

14                   **(II) DETERMINE WHETHER A KNOWN VIOLATION OF THE**  
15 **SPECIAL EXCEPTION HAS BEEN CORRECTED.**

16           **(D) NOTWITHSTANDING ANY OTHER LAW, THE TOTAL FEES THAT MAY**  
17 **BE ASSESSED FOR CONDUCTING SPECIAL EXCEPTION INSPECTIONS OF A HOME**  
18 **HEALTH PRACTITIONER'S OFFICE UNDER THE MONTGOMERY COUNTY ZONING**  
19 **ORDINANCE MAY NOT EXCEED \$100 IN A SINGLE YEAR.**

20           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
21 October 1, 2008.