

HOUSE BILL 89

J3
HB 1105/06 – HGO

9lr0767

By: **Delegates Morhaim, Hammen, and Hubbard**
Introduced and read first time: January 20, 2009
Assigned to: Health and Government Operations

A BILL ENTITLED

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
5 regulations for certification of need that require certain hospital projects to
6 incorporate the requirements for a high performance building; requiring the
7 Health Services Cost Review Commission, in the determination of reasonable
8 rates for each facility, to take into account the costs of hospital projects that
9 incorporate the requirements for a high performance building; defining a
10 certain term; making a technical change; and generally relating to consideration
11 for high performance buildings in hospital certificate of need and rate–setting
12 decisions.

13 BY repealing and reenacting, with amendments,
14 Article – Health – General
15 Section 19–120(a) and (c) and 19–220(e)
16 Annotated Code of Maryland
17 (2005 Replacement Volume and 2008 Supplement)

18 BY repealing and reenacting, without amendments,
19 Article – State Finance and Procurement
20 Section 3–602.1(a)(1) and (2)
21 Annotated Code of Maryland
22 (2006 Replacement Volume and 2008 Supplement)

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

25 **Article – Health – General**

26 19–120.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 (a) (1) In this section the following words have the meanings indicated.

2 (2) “Limited service hospital” means a health care facility that:

3 (i) Is licensed as a hospital on or after January 1, 1999;

4 (ii) Changes the type or scope of health care services offered by
5 eliminating the facility’s capability to admit or retain patients for overnight
6 hospitalization;

7 (iii) Retains an emergency or urgent care center; and

8 (iv) Complies with the regulations adopted by the Secretary
9 under § 19–307.1 of this title.

10 (3) (i) “Health care service” means any clinically related patient
11 service.

12 (ii) “Health care service” includes a medical service.

13 (4) **“MAJOR RENOVATION” MEANS THE RENOVATION OF A**
14 **BUILDING WHERE:**

15 (I) **THE BUILDING SHELL IS TO BE REUSED FOR THE NEW**
16 **CONSTRUCTION;**

17 (II) **THE HEATING, VENTILATING, AND AIR–CONDITIONING**
18 **(HVAC), ELECTRICAL, AND PLUMBING SYSTEMS ARE TO BE REPLACED; AND**

19 (III) **THE AREA TO BE RENOVATED IS AT LEAST 7,500**
20 **SQUARE FEET.**

21 [(4)] (5) “Medical service” means:

22 (i) Any of the following categories of health care services:

23 1. Medicine, surgery, gynecology, addictions;

24 2. Obstetrics;

25 3. Pediatrics;

26 4. Psychiatry;

27 5. Rehabilitation;

- 1 6. Chronic care;
- 2 7. Comprehensive care;
- 3 8. Extended care;
- 4 9. Intermediate care; or
- 5 10. Residential treatment; or

6 (ii) Any subcategory of the rehabilitation, psychiatry,
7 comprehensive care, or intermediate care categories of health care services for which
8 need is projected in the State health plan.

9 (c) **(1)** The Commission shall adopt [rules and] regulations for applying
10 for and issuing certificates of need.

11 **(2) THE REGULATIONS SHALL REQUIRE HOSPITAL PROJECTS**
12 **THAT INCLUDE THE CONSTRUCTION OR MAJOR RENOVATION OF A BUILDING**
13 **THAT IS AT LEAST 7,500 SQUARE FEET TO INCORPORATE THE REQUIREMENTS**
14 **FOR A HIGH PERFORMANCE BUILDING, AS DEFINED IN §**
15 **3-602.1 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

16 19-220.

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

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

21 **(2) THE COSTS OF HOSPITAL PROJECTS THAT INCORPORATE THE**
22 **REQUIREMENTS FOR A HIGH PERFORMANCE BUILDING, AS DEFINED IN §**
23 **3-602.1 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

24 **Article – State Finance and Procurement**

25 3-602.1.

26 (a) **(1)** In this section the following words have the meanings indicated.

27 **(2)** “High performance building” means a building that:

28 (i) meets or exceeds the current version of the U.S. Green
29 Building Council’s LEED (Leadership in Energy and Environmental Design) Green
30 Building Rating System Silver rating; or

1 (ii) achieves at least a comparable numeric rating according to a
2 nationally recognized, accepted, and appropriate numeric sustainable development
3 rating system, guideline, or standard approved by the Secretaries of Budget and
4 Management and General Services.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2009.