

SENATE BILL 89

J3

4lr0020

(PRE-FILED)

By: **Chair, Finance Committee (By Request – Departmental – Veterans Affairs)**

Requested: November 6, 2013

Introduced and read first time: January 8, 2014

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Health Care Commission – Requirement for Certificate of Need –**
3 **Exceptions**

4 FOR the purpose of establishing an exception to the requirement that a person have a
5 certificate of need issued by the Maryland Health Care Commission before
6 certain actions are taken relating to a health care facility by altering the
7 definition of a “health care facility” to exclude a comprehensive care facility that
8 is owned and operated by the Maryland Department of Veterans Affairs and
9 that restricts admissions to certain individuals; clarifying language; and
10 generally relating to health care facilities and certificates of need.

11 BY repealing and reenacting, with amendments,
12 Article – Health – General
13 Section 19–114(d)
14 Annotated Code of Maryland
15 (2009 Replacement Volume and 2013 Supplement)
16 (As enacted by Chapters 505 and 506 of the Acts of the General Assembly of
17 2010)

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

20 **Article – Health – General**

21 19–114.

22 (d) (1) “Health care facility” means:

23 (i) A hospital, as defined in § 19–301 of this title;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (ii) A limited service hospital, as defined in § 19–301 of this
2 title;

3 (iii) A related institution, as defined in § 19–301 of this title;

4 (iv) An ambulatory surgical facility;

5 (v) An inpatient facility that is organized primarily to help in
6 the rehabilitation of disabled individuals, through an integrated program of medical
7 and other services provided under competent professional supervision;

8 (vi) A home health agency, as defined in § 19–401 of this title;

9 (vii) A hospice, as defined in § 19–901 of this title;

10 (viii) A freestanding medical facility, as defined in § 19–3A–01 of
11 this title; and

12 (ix) Any other health institution, service, or program for which
13 this Part II of this subtitle requires a certificate of need.

14 (2) “Health care facility” does not include:

15 (i) A hospital or related institution that is operated, or is listed
16 and certified, by the First Church of Christ Scientist, Boston, Massachusetts;

17 (ii) For the purpose of providing an [exemption from]
18 **EXCEPTION TO THE REQUIREMENT FOR** a certificate of need under § 19–120 of this
19 subtitle, a facility to provide comprehensive care constructed by a provider of
20 continuing care, as defined in § 10–401 of the Human Services Article, if:

21 1. Except as provided under § 19–123 of this subtitle,
22 the facility is for the exclusive use of the provider’s subscribers who have executed
23 continuing care agreements and paid entrance fees that are at least equal to the
24 lowest entrance fee charged for an independent living unit or an assisted living unit
25 before entering the continuing care community, regardless of the level of care needed
26 by the subscribers at the time of admission;

27 2. The facility is located on the campus of the continuing
28 care community; and

29 3. The number of comprehensive care nursing beds in
30 the community does not exceed:

31 A. 24 percent of the number of independent living units
32 in a community having less than 300 independent living units; or

1 B. 20 percent of the number of independent living units
2 in a community having 300 or more independent living units;

3 **(III) FOR THE PURPOSE OF PROVIDING AN EXCEPTION TO**
4 **THE REQUIREMENT FOR A CERTIFICATE OF NEED UNDER § 19–120 OF THIS**
5 **SUBTITLE, A FACILITY TO PROVIDE COMPREHENSIVE CARE THAT:**

6 **1. IS OWNED AND OPERATED BY THE MARYLAND**
7 **DEPARTMENT OF VETERANS AFFAIRS; AND**

8 **2. RESTRICTS ADMISSIONS TO INDIVIDUALS WHO**
9 **MEET THE RESIDENCY REQUIREMENTS ESTABLISHED BY THE MARYLAND**
10 **DEPARTMENT OF VETERANS AFFAIRS AND ARE:**

11 **A. VETERANS WHO WERE DISCHARGED OR**
12 **RELEASED FROM THE ARMED FORCES OF THE UNITED STATES UNDER**
13 **HONORABLE CONDITIONS;**

14 **B. FORMER MEMBERS OF A RESERVE COMPONENT**
15 **OF THE ARMED FORCES OF THE UNITED STATES; OR**

16 **C. NONVETERAN SPOUSES OF ELIGIBLE VETERANS;**

17 [(iii)] **(IV)** Except for a facility to provide kidney transplant
18 services or programs, a kidney disease treatment facility, as defined by rule or
19 regulation of the United States Department of Health and Human Services;

20 [(iv)] **(V)** Except for kidney transplant services or programs,
21 the kidney disease treatment stations and services provided by or on behalf of a
22 hospital or related institution; or

23 [(v)] **(VI)** The office of one or more individuals licensed to
24 practice dentistry under Title 4 of the Health Occupations Article, for the purposes of
25 practicing dentistry.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2014.