SENATE BILL 804

By: Senator Beidle
Introduced and read first time: February 7, 2022
Assigned to: Finance

A BILL ENTITLED

AN ACT concerning

Continuing Care at Home – Certificate of Need – Exemption

FOR the purpose of providing that the definition of a health care facility, for the purpose of
providing an exemption from the certificate of need requirement, does not include
certain facilities that are for the exclusive use of the provider’s subscribers who have
executed continuing care at home agreements and paid certain entrance fees; and
generally relating to continuing care at home and exemptions to certificate of need.

BY repealing and reenacting, with amendments,

Article – Health – General

Section 19–114(d)(2)(ii)
Annotated Code of Maryland
(2019 Replacement Volume and 2021 Supplement)

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

Article – Health – General

19–114.

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

(ii) For the purpose of providing an exception to the requirement for
a certificate of need under § 19–120 of this subtitle, a facility to provide comprehensive care
constructed by a provider of continuing care, as defined in § 10–401 of the Human Services
Article, if:

1. Except as provided under § 19–123 of this subtitle, the
facility is for the exclusive use of the provider’s subscribers who have executed continuing

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
care agreements, INCLUDING CONTINUING CARE AT HOME AGREEMENTS, and paid entrance fees that are at least equal to the lowest entrance fee charged for an independent living unit [or], an assisted living unit, OR A CONTINUING CARE AT HOME AGREEMENT before entering the continuing care community, regardless of the level of care needed by the subscribers at the time of admission;

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

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

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

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

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2022.