

Chapter 711

(House Bill 353)

AN ACT concerning

Maryland Health Care Commission – User Fee Assessments

FOR the purpose of increasing the maximum amount of user fees the Maryland Health Care Commission may assess on hospitals, nursing homes, payors, and health care practitioners; and generally relating to user fees and the Maryland Health Care Commission.

BY repealing and reenacting, without amendments,
Article – Health – General
Section 19–111(a) and (b)
Annotated Code of Maryland
(2019 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 19–111(c)
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

19–111.

- (a) (1) In this section the following words have the meanings indicated.
- (2) “Fund” means the Maryland Health Care Commission Fund.
- (3) “Health benefit plan” has the meaning stated in § 15–1201 of the Insurance Article.
- (4) “Health care practitioner” means any individual who is licensed, certified, or otherwise authorized under the Health Occupations Article to provide health care services.
- (5) “Nursing home” means a related institution that is classified as a nursing home.
- (6) “Payor” means:

(i) A health insurer or nonprofit health service plan that holds a certificate of authority and provides health insurance policies or contracts in the State in accordance with this article or the Insurance Article; or

(ii) A health maintenance organization that holds a certificate of authority in the State.

(b) Subject to the provisions of subsection (d) of this section, the Commission shall assess a fee on:

- (1) All hospitals;
- (2) All nursing homes;
- (3) All payors; and
- (4) All health care practitioners.

(c) (1) The total fees assessed by the Commission may not exceed ~~[\$16,000,000]~~ **\$20,000,000**.

(2) (i) The fees assessed by the Commission shall be used exclusively to cover the actual documented direct costs of fulfilling the statutory and regulatory duties of the Commission in accordance with the provisions of this subtitle.

(ii) The costs of the Commission include the administrative costs incurred by the Department on behalf of the Commission.

(iii) The amount to be paid by the Commission to the Department for administrative costs, not to exceed 30.5% of the salaries of the Commission, shall be based on indirect costs or services benefiting the Commission, less overhead costs paid directly by the Commission.

(3) The Commission shall pay all funds collected from the fees assessed in accordance with this section into the Fund.

(4) The fees assessed may be expended only for purposes authorized by the provisions of this subtitle.

(5) The amount in paragraph (1) of this subsection limits only the total fees the Commission may assess in a fiscal year.

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

Enacted under Article II, § 17(c) of the Maryland Constitution, May 29, 2022.