

Chapter 18

(Senate Bill 89)

AN ACT concerning

Maryland Health Care Commission – Requirement for Certificate of Need – Exceptions

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

BY repealing and reenacting, with amendments,

Article – Health – General

Section 19–114(d)

Annotated Code of Maryland

(2009 Replacement Volume and 2013 Supplement)

(As enacted by Chapters 505 and 506 of the Acts of the General Assembly of 2010)

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) (1) “Health care facility” means:
- (i) A hospital, as defined in § 19–301 of this title;
 - (ii) A limited service hospital, as defined in § 19–301 of this title;
 - (iii) A related institution, as defined in § 19–301 of this title;
 - (iv) An ambulatory surgical facility;

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

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

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

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

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

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

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

(ii) For the purpose of providing an [exemption from] **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 care 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 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;

(III) 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 THAT:

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

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

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

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

C. NONVETERAN SPOUSES OF ELIGIBLE VETERANS;

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

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

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

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

Approved by the Governor, April 8, 2014.