

# HOUSE BILL 1291

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By: **Delegate Morgan**

Introduced and read first time: February 7, 2020

Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Health Facilities – Certificate of Need – Exemption for Hospitals Providing**  
3 **Hospice Program Services**

4 FOR the purpose of altering the definition of “health care facility” to exempt from the  
5 certificate of need requirements hospitals that are providing certain hospice program  
6 services to patients admitted to the hospital; and generally relating to health care  
7 facilities and certificates of need.

8 BY repealing and reenacting, with amendments,  
9 Article – Health – General  
10 Section 19–114(d)(2)  
11 Annotated Code of Maryland  
12 (2019 Replacement Volume)

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

15 **Article – Health – General**

16 19–114.

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

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

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

15                           (iii)   For the purpose of providing an exception to the requirement for  
16 a certificate of need under § 19–120 of this subtitle, a facility to provide comprehensive care  
17 that:

18                            1.     Is owned and operated by the Maryland Department of  
19 Veterans Affairs; and

20                            2.     Restricts admissions to individuals who meet the  
21 residency requirements established by the Maryland Department of Veterans Affairs and  
22 are:

23                            A.     Veterans who were discharged or released from the armed  
24 forces of the United States under honorable conditions;

25                            B.     Former members of a reserve component of the armed  
26 forces of the United States; or

27                            C.     Nonveteran spouses of eligible veterans;

28                           (iv)   Except for a facility to provide kidney transplant services or  
29 programs, a kidney disease treatment facility, as defined by rule or regulation of the United  
30 States Department of Health and Human Services;

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

34                           **(VI)   FOR THE PURPOSE OF PROVIDING AN EXCEPTION TO THE**

1 **REQUIREMENT FOR A CERTIFICATE OF NEED UNDER § 19–120 OF THIS SUBTITLE, A**  
2 **HOSPITAL THAT PROVIDES HOSPICE PROGRAM SERVICES AS DESCRIBED UNDER**  
3 **SUBTITLE 9 OF THIS TITLE TO A PATIENT ADMITTED TO THE HOSPITAL; OR**

4                                **[(vi)] (vii)** The office of one or more individuals licensed to practice  
5 dentistry under Title 4 of the Health Occupations Article, for the purposes of practicing  
6 dentistry.

7                SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
8 October 1, 2020.