

19-307.2.

(A) FOR A HOSPITAL CLASSIFIED AS A GENERAL HOSPITAL, THE SECRETARY SHALL ANNUALLY CALCULATE THE HOSPITAL'S LICENSED BED CAPACITY.

~~(B) (1) FOR HOSPITALS WITH 100 OR MORE AUTHORIZED BEDS AS OF JANUARY 1 OF THAT YEAR, THE ANNUAL LICENSED BED CAPACITY CALCULATION SHALL BE NO GREATER THAN 120 PERCENT OF THE AVERAGE DAILY CENSUS FOR THE 12 MONTH PERIOD IMMEDIATELY PRECEDING THE CALCULATION.~~

~~(2) FOR HOSPITALS WITH FEWER THAN 100 AUTHORIZED BEDS AS OF JANUARY 1 OF THAT YEAR, THE ANNUAL LICENSED BED CAPACITY CALCULATION SHALL BE NO GREATER THAN 130 PERCENT OF THE AVERAGE DAILY CENSUS FOR THE 12 MONTH PERIOD IMMEDIATELY PRECEDING THE CALCULATION.~~

(B) THE ANNUAL LICENSED BED CALCULATION FOR EACH HOSPITAL SHALL EQUAL 140 PERCENT OF THE AVERAGE DAILY CENSUS FOR THE 12-MONTH PERIOD IMMEDIATELY PRECEDING THE CALCULATION.

(C) IF NECESSARY TO ADEQUATELY MEET DEMAND FOR SERVICES, A HOSPITAL MAY EXCEED ITS LICENSED BED CAPACITY IF:

(1) ON AVERAGE FOR THE 12-MONTH PERIOD, THE HOSPITAL DOES NOT EXCEED ITS LICENSED BED CAPACITY BASED ON THE ANNUAL CALCULATION; AND

(2) THE HOSPITAL NOTIFIES THE COMMISSION WITHIN 15 DAYS OF EXCEEDING ITS LICENSED BED CAPACITY INCLUDES IN ITS MONTHLY REPORT TO THE HEALTH SERVICES COST REVIEW COMMISSION THE FOLLOWING INFORMATION:

(I) THE NUMBER OF DAYS THE HOSPITAL EXCEEDED ITS LICENSED BED CAPACITY FOR THE MONTH; AND

(I) THE NUMBER OF DAYS IN THE MONTH THE HOSPITAL EXCEEDED ITS LICENSED BED CAPACITY; AND

(II) THE NUMBER OF BEDS THAT WERE EXCEEDED IN EXCESS ON EACH OF THOSE DAYS.

(D) BEFORE JULY 1, 2000 AND EACH JULY 1 THEREAFTER, THE SECRETARY SHALL DELICENSE ANY LICENSED HOSPITAL BEDS DETERMINED TO BE EXCESS BED CAPACITY UNDER SUBSECTION (B) OF THIS SECTION.

#### Subtitle 3A. Freestanding Medical Facilities.

19-3A-01.

In this subtitle, "freestanding medical facility" means a facility:

- (1) In which medical and health services are provided;
- (2) That is physically separate from a hospital or hospital grounds; and
- (3) That is not an administrative part of a hospital or related institution; as defined in § 19-301 of this title.