

(C) UNTIL DECEMBER 31, 1982, A PARTY AGGRIEVED BY A DECISION TO GRANT OR DENY AN APPLICATION FOR A CERTIFICATE OF NEED MAY APPEAL THAT DECISION TO THE SECRETARY UNDER THE REGULATIONS OF THE MARYLAND STATE HEALTH PLANNING AGENCY IN EFFECT ON OCTOBER 1, 1982. THE SECRETARY SHALL DECIDE ANY APPEAL FILED THROUGH THE CONCLUSION OF THAT CASE.

19-121.

ANY AGGRIEVED PARTY MAY NOT APPEAL A FINAL DECISION OF THE COMMISSION TO THE BOARD OF REVIEW BUT MAY TAKE A DIRECT JUDICIAL APPEAL WITHIN 30 DAYS OF THE FINAL DECISION OF THE COMMISSION.

19-122.

(A) THE COMMISSION, IN LIEU OF THE APPLICATION FEES PROVIDED FOR IN § 19-115(B) SHALL IMPOSE A USER FEE ON FACILITIES AS DEFINED IN THIS SECTION.

(1) FOR THE PURPOSE OF THIS SECTION FACILITIES SHALL MEAN: HOSPITALS, EXCLUDING KIDNEY DISEASE TREATMENT UNITS; SPECIAL HOSPITALS; AND NURSING HOMES; EXCEPT THAT FACILITIES SHALL NOT INCLUDE ANY AGENCY OF THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE.

(2) THE TOTAL USER FEES SHALL BE FOR AN AMOUNT NOT TO EXCEED \$1,000,000.

(3) THE TOTAL USER FEES SHALL BE REASONABLY RELATED TO THE COST OF CARRYING OUT THE FUNCTIONS OF THE COMMISSION INCLUDING THE COMPENSATION AND EXPENSES OF THE COMMISSION, ITS OFFICERS, AGENTS AND EMPLOYEES; THE COST OF RETIREMENT AND PENSION CONTRIBUTIONS, SOCIAL SECURITY, HEALTH INSURANCE AND OTHER BENEFITS REQUIRED TO BE PAID BY THE STATE FOR THE PERSONNEL OF THE COMMISSION; ITEMS OF MAINTENANCE, SERVICES AND OPERATIONAL EXPENSES; AND ANY REASONABLE COSTS OF THE HEALTH PLANNING AGENCIES PAID BY THE COMMISSION. THE COMMISSION SHALL TAKE INTO CONSIDERATION ANY LOCAL AND FEDERAL FUNDS AVAILABLE TO THE HEALTH PLANNING AGENCIES IN ALLOCATING FUNDS TO THE HEALTH PLANNING AGENCIES.

(4) THE COMMISSION SHALL PAY ALL FUNDS COLLECTED FROM USER FEES AND APPLICATION FEES INTO THE GENERAL FUND OF THE STATE.

(B) THE COMMISSION SHALL:

(1) EXCEPT AS PROVIDED IN THIS SECTION, ASSESS EACH FACILITY THAT PORTION OF THE TOTAL USER FEE THAT COMPARES ACTUAL ADMISSIONS OF EACH FACILITY TO THE TOTAL ADMISSIONS OF ALL FACILITIES.

(2) ESTABLISH MINIMUM AND MAXIMUM ASSESSMENTS;
AND