

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

19-208.

(b) The power of the Secretary to transfer by rule, regulation, or written directive, any staff, functions, or funds of units in the Department does not apply to any staff, function, or funds of the Commission. [For each of fiscal years 2005 and 2006, the Secretary may assess an administrative charge, consistent with the indirect cost charge assessed to federal grants, to fund services provided to the Commission by the Executive Branch.] THE AMOUNT TO BE PAID BY THE COMMISSION TO THE DEPARTMENT FOR ADMINISTRATIVE COSTS, NOT TO EXCEED 18% 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.

19-213.

(a) (1) In this section the following words have the meanings indicated.

(2) "Facilities" means hospitals and related institutions whose rates have been approved by the Commission.

(b) The Commission shall assess and collect user fees on facilities as defined in this section.

(c) (1) [(i) For each of fiscal years 2005 and 2006, the total user fees assessed by the Commission may not exceed \$4,500,000.

(ii) For fiscal year 2007 and each fiscal year thereafter, the] THE total fees assessed by the Commission may not exceed [~~\$4,000,000~~] ~~\$5,000,000~~.

(2) The total user fees assessed by the Commission may not exceed the Special Fund appropriation for the Commission by more than 20%.

(3) The user 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.

(4) The Commission shall pay all funds collected from fees assessed in accordance with this section into the Health Services Cost Review Commission Fund.

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

(6) The percentage amount by which total user fees assessed by the Commission under this section are increased from one fiscal year to the next may not exceed the percentage amount by which the annual update factor applicable to all Maryland general acute care hospitals is increased for the same fiscal year.

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