

SENATE BILL 646

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4lr1352

By: Senators Middleton, Astle, Benson, Brinkley, Brochin, Colburn, Conway, Currie, DeGrange, Dyson, Edwards, Feldman, Ferguson, Forehand, Frosh, Getty, Gladden, Glassman, Hershey, Jacobs, Jennings, Jones–Rodwell, Kasemeyer, Kelley, King, Kittleman, Klausmeier, Madaleno, Manno, Mathias, McFadden, Miller, Montgomery, Muse, Peters, Pinsky, Pugh, Ramirez, Raskin, Reilly, Robey, Rosapepe, Shank, Simonaire, Stone, Young, and Zirkin

Introduced and read first time: January 31, 2014

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **State Health Plan – Licensed Hospice Programs – Certificate of Need Review**

3 FOR the purpose of requiring that, beginning on a certain date for licensed hospice
4 programs, the State health plan methodologies, standards, and criteria for
5 certificate of need review for a jurisdiction demonstrating need first take into
6 consideration the capability of current licensed hospice providers in that
7 jurisdiction that have the infrastructure, capacity, and scale to meet the
8 demonstrated need; and generally relating to the State health plan and licensed
9 hospice programs.

10 BY repealing and reenacting, with amendments,
11 Article – Health – General
12 Section 19–118
13 Annotated Code of Maryland
14 (2009 Replacement Volume and 2013 Supplement)

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

17 **Article – Health – General**

18 19–118.

19 (a) (1) At least every 5 years, beginning no later than October 1, 1983, the
20 Commission shall adopt a State health plan.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) **[The] SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE**
2 plan shall include:

3 (i) The methodologies, standards, and criteria for certificate of
4 need review; and

5 (ii) Priority for conversion of acute capacity to alternative uses
6 where appropriate.

7 **(3) BEGINNING DECEMBER 31, 2014, FOR LICENSED HOSPICE**
8 **PROGRAMS, THE PLAN METHODOLOGIES, STANDARDS, AND CRITERIA FOR**
9 **CERTIFICATE OF NEED REVIEW FOR A JURISDICTION DEMONSTRATING NEED**
10 **SHALL FIRST TAKE INTO CONSIDERATION THE CAPABILITY OF CURRENT**
11 **LICENSED HOSPICE PROVIDERS IN THAT JURISDICTION THAT HAVE THE**
12 **INFRASTRUCTURE, CAPACITY, AND SCALE TO MEET THE DEMONSTRATED NEED.**

13 (b) Annually or upon petition by any person, the Commission shall review
14 the State health plan and publish any changes in the plan that the Commission
15 considers necessary, subject to the review and approval granted to the Governor under
16 this subtitle.

17 (c) The Commission shall adopt rules and regulations that ensure broad
18 public input, public hearings, and consideration of local health plans in development of
19 the State health plan.

20 (d) (1) The Commission shall develop standards and policies consistent
21 with the State health plan that relate to the certificate of need program.

22 (2) The standards:

23 (i) Shall address the availability, accessibility, cost, and quality
24 of health care; and

25 (ii) Are to be reviewed and revised periodically to reflect new
26 developments in health planning, delivery, and technology.

27 (3) In adopting standards regarding cost, efficiency, cost-effectiveness,
28 or financial feasibility, the Commission shall take into account the relevant
29 methodologies of the Health Services Cost Review Commission.

30 (e) Annually, the Secretary shall make recommendations to the Commission
31 on the plan. The Secretary may review and comment on State specifications to be used
32 in the development of the State health plan.

1 (f) All State agencies and departments, directly or indirectly involved with
2 or responsible for any aspect of regulating, funding, or planning for the health care
3 industry or persons involved in it, shall carry out their responsibilities in a manner
4 consistent with the State health plan and available fiscal resources.

5 (g) In carrying out their responsibilities under this Part II of this subtitle for
6 hospitals, the Commission and the Secretary shall recognize, but may not apply,
7 develop, or duplicate standards or requirements related to quality which have been
8 adopted and enforced by national or State licensing or accrediting authorities.

9 (h) The Commission shall transfer to the Department of Health and Mental
10 Hygiene health planning functions and necessary staff resources for licensed entities
11 in the State health plan that are not required to obtain a certificate of need or an
12 exemption from the certificate of need program.

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