

HOUSE BILL 1540

J3

8lr3378

By: **Delegates Lisanti and Glass**

Introduced and read first time: February 9, 2018

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Health Care Facilities – Closing or Partial Closing – Public Notice**

3 FOR the purpose of requiring the Maryland Health Care Commission to publish a certain
4 notice of the closing or partial closing of a certain health care facility within a certain
5 time period; requiring the Commission to ensure that a certain notice is available to
6 the public for certain purposes and a certain local governing body and certain
7 members of the General Assembly; requiring the Commission to publish a notice of
8 certain informational meetings; specifying certain procedures for the publication of
9 certain notices by the Commission; requiring a certain person to bear certain costs
10 incurred by the Commission; requiring the Commission to electronically post a
11 certain notice and to provide a certain method for certain persons to electronically
12 request certain additional notices; requiring that a certain electronic notice include
13 certain information; authorizing the Commission to require a certain person to
14 publish and send certain notices under certain circumstances; making conforming
15 changes; and generally relating to public notification of the closing or partial closing
16 of a health care facility.

17 BY repealing and reenacting, with amendments,
18 Article – Health – General
19 Section 19–120(l)
20 Annotated Code of Maryland
21 (2015 Replacement Volume and 2017 Supplement)

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

24 **Article – Health – General**

25 19–120.

26 (l) (1) A certificate of need is not required to close any health care facility or

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 part of a health care facility if at least 90 days before the closing or if at least 45 days before
2 the partial closing of the health care facility, including a State hospital, a person proposing
3 to close all or part of the health care facility files notice of the proposed closing or partial
4 closing with the Commission.

5 **(2) (I) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE**
6 **COMMISSION SHALL PUBLISH NOTICE OF THE PROPOSED CLOSING OR PARTIAL**
7 **CLOSING OF A HEALTH CARE FACILITY WITHIN 10 DAYS AFTER RECEIVING THE**
8 **NOTICE REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

9 **(II) THE COMMISSION SHALL ENSURE THAT THE NOTICE OF**
10 **THE PROPOSED CLOSING OR PARTIAL CLOSING OF A HEALTH CARE FACILITY IS:**

11 **1. AVAILABLE TO THE PUBLIC FOR INSPECTION AND**
12 **COPYING; AND**

13 **2. PROVIDED TO THE LOCAL GOVERNING BODY AND THE**
14 **MEMBERS OF THE GENERAL ASSEMBLY WHO REPRESENT THE DISTRICT IN WHICH**
15 **THE HOSPITAL IS LOCATED.**

16 **(III) THE COMMISSION SHALL PUBLISH NOTICE OF AN**
17 **INFORMATIONAL MEETING HELD UNDER PARAGRAPH (5) OR (6) OF THIS**
18 **SUBSECTION.**

19 **(3) (I) 1. A NOTICE REQUIRED TO BE PUBLISHED UNDER THIS**
20 **SUBSECTION SHALL BE PUBLISHED AT LEAST ONCE A WEEK FOR 2 CONSECUTIVE**
21 **WEEKS IN A DAILY OR WEEKLY NEWSPAPER OF GENERAL CIRCULATION IN THE**
22 **GEOGRAPHICAL AREA IN WHICH THE HEALTH CARE FACILITY IS LOCATED.**

23 **2. THE COMMISSION MAY REQUIRE THAT NOTICE OF AN**
24 **INFORMATIONAL MEETING OR A PUBLIC HEARING BE GIVEN BY MAIL TO EACH**
25 **PERSON REQUESTING THE MEETING OR HEARING OR TO THE PERSON'S**
26 **AUTHORIZED REPRESENTATIVES.**

27 **3. THE COMMISSION MAY PROVIDE ADDITIONAL NOTICE**
28 **BY REQUIRING THAT THE NOTICE BE POSTED AT THE HEALTH CARE FACILITY OR AT**
29 **PUBLIC FACILITIES IN THE GEOGRAPHICAL AREA OF THE HEALTH CARE FACILITY.**

30 **(II) A PERSON PROPOSING TO CLOSE OR PARTIALLY CLOSE A**
31 **HEALTH CARE FACILITY SHALL BEAR ALL COSTS INCURRED BY THE COMMISSION IN**
32 **PROVIDING NOTICE.**

33 **(4) (I) IN ADDITION TO THE REQUIREMENTS UNDER PARAGRAPH**
34 **(3) OF THIS SUBSECTION, WHEN THE COMMISSION IS REQUIRED TO PUBLISH NOTICE**

1 OF THE CLOSURE OR PARTIAL CLOSURE OF A HEALTH CARE FACILITY, THE
2 COMMISSION SHALL:

3 1. ELECTRONICALLY POST THE NOTICE ON THE
4 COMMISSION'S WEBSITE; AND

5 2. PROVIDE A METHOD FOR INTERESTED PERSONS TO
6 ELECTRONICALLY REQUEST ANY ADDITIONAL NOTICES RELATED TO THE CLOSURE
7 OR PARTIAL CLOSURE OF A HEALTH CARE FACILITY.

8 (II) A NOTICE REQUIRED TO BE ELECTRONICALLY POSTED
9 UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL INCLUDE:

10 1. THE NAME AND ADDRESS OF THE PERSON PROPOSING
11 THE CLOSURE OR PARTIAL CLOSURE OF A HEALTH CARE FACILITY;

12 2. A DESCRIPTION OF THE LOCATION AND THE NATURE
13 OF THE ACTIVITY FOR WHICH THE PROPOSED CLOSURE OR PARTIAL CLOSURE OF A
14 HEALTH CARE FACILITY HAS BEEN SOUGHT;

15 3. A REFERENCE TO THE APPLICABLE STATUTES OR
16 REGULATIONS GOVERNING THE PROCESS FOR THE CLOSURE OR PARTIAL CLOSURE
17 OF A HEALTH CARE FACILITY;

18 4. THE TIME AND PLACE OF ANY SCHEDULED
19 INFORMATIONAL MEETING OR PUBLIC HEARING, OR A DESCRIPTION OF WHERE THIS
20 INFORMATION CAN BE FOUND;

21 5. A DESCRIPTION OF WHERE FURTHER INFORMATION
22 ABOUT THE PROPOSED CLOSURE OR PARTIAL CLOSURE OF A HEALTH CARE
23 FACILITY CAN BE FOUND; AND

24 6. ANY OTHER INFORMATION THAT THE COMMISSION
25 DETERMINES IS NECESSARY.

26 (III) THE COMMISSION MAY REQUIRE THE PERSON PROPOSING
27 THE CLOSURE OR PARTIAL CLOSURE OF A HEALTH CARE FACILITY TO PUBLISH AND
28 SEND THE NOTICES REQUIRED TO BE ELECTRONICALLY POSTED UNDER
29 SUBPARAGRAPH (I) OF THIS PARAGRAPH.

30 [(2)] (5) A hospital shall hold a public informational hearing in the county
31 where the hospital is located if the hospital:

32 (i) Files a notice of the proposed closing of the hospital with the

1 Commission;

2 (ii) Requests an exemption from the Commission under subsection
3 (o)(3) of this section to convert to a freestanding medical facility; or

4 (iii) Is located in a county with fewer than three hospitals and files a
5 notice of the partial closing of the hospital with the Commission.

6 **[(3)] (6)** The Commission may require a health care facility other than a
7 hospital described in paragraph **[(2)] (5)** of this subsection that files notice of its proposed
8 closing or partial closing to hold a public informational hearing in the county where the
9 health care facility is located.

10 **[(4)] (7)** A public informational hearing required under paragraph **[(2)]**
11 **(5)** or **[(3)] (6)** of this subsection shall be held by the health care facility, in consultation
12 with the Commission, within 30 days after:

13 (i) The health care facility files with the Commission a notice of its
14 proposed closing or partial closing; or

15 (ii) The hospital files with the Commission a notice of intent to
16 convert to a freestanding medical facility.

17 **[(5)] (8)** (i) **[The] SUBJECT TO PARAGRAPH (2) OF THIS**
18 **SUBSECTION, THE** Commission shall establish by regulation requirements for a public
19 informational hearing required under paragraph **[(2)] (5)** or **[(3)] (6)** of this subsection.

20 (ii) For a hospital proposing to close, partially close, or convert to a
21 freestanding medical facility, the regulations shall require the hospital to address:

22 1. The reasons for the closure, partial closure, or conversion;

23 2. The plan for transitioning acute care services previously
24 provided by the hospital to residents of the hospital service area;

25 3. The plan for addressing the health care needs of the
26 residents of the hospital service area;

27 4. The plan for retraining and placing displaced employees;

28 5. The plan for the hospital's physical plant and site; and

29 6. The proposed timeline for the closure, partial closure, or
30 conversion to a freestanding medical facility.

31 **[(6)] (9)** Within 10 working days after a public informational hearing held

1 by a hospital under this subsection, the hospital shall provide a written summary of the
2 hearing to:

3 (i) The Governor;

4 (ii) The Secretary;

5 (iii) The governing body of the county in which the hospital is located;

6 (iv) The local health department and the local board of health or
7 similar body for the county in which the hospital is located;

8 (v) The Commission; and

9 (vi) Subject to § 2-1246 of the State Government Article, the Senate
10 Finance Committee, the House Health and Government Operations Committee, and the
11 members of the General Assembly who represent the district in which the hospital is
12 located.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2018.