

HOUSE BILL 936

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By: **Delegate Lisanti**

Introduced and read first time: February 2, 2021

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Hospitals and Freestanding Medical Facilities – Closing or Partial**
3 **Closing – Public Notice**

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

20 BY repealing and reenacting, with amendments,
21 Article – Health – General
22 Section 19–120(l)
23 Annotated Code of Maryland
24 (2019 Replacement Volume and 2020 Supplement)

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

27 **Article – Health – General**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 19–120.

2 (l) (1) A certificate of need is not required to close any health care facility or
3 part of a health care facility if at least 90 days before the closing or if at least 45 days before
4 the partial closing of the health care facility, including a State hospital, a person proposing
5 to close all or part of the health care facility files notice of the proposed closing or partial
6 closing with the Commission.

7 (2) (i) **SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE**
8 **COMMISSION SHALL PUBLISH NOTICE OF THE PROPOSED CLOSING OR PARTIAL**
9 **CLOSING OF A HOSPITAL OR FREESTANDING MEDICAL FACILITY WITHIN 15 DAYS**
10 **AFTER RECEIVING THE NOTICE REQUIRED UNDER PARAGRAPH (1) OF THIS**
11 **SUBSECTION.**

12 (ii) **THE COMMISSION SHALL ENSURE THAT THE NOTICE OF**
13 **THE PROPOSED CLOSING OR PARTIAL CLOSING OF A HOSPITAL OR FREESTANDING**
14 **MEDICAL FACILITY IS:**

15 1. **AVAILABLE TO THE PUBLIC FOR INSPECTION AND**
16 **COPYING; AND**

17 2. **SUBJECT TO SUBPARAGRAPH (iii) OF THIS**
18 **PARAGRAPH, PROVIDED TO THE LOCAL GOVERNING BODY AND THE MEMBERS OF**
19 **THE GENERAL ASSEMBLY WHO REPRESENT THE DISTRICT IN WHICH THE HOSPITAL**
20 **OR FREESTANDING MEDICAL FACILITY IS LOCATED.**

21 (iii) **THE NOTICE REQUIRED UNDER SUBPARAGRAPH (ii)2 OF**
22 **THIS PARAGRAPH SHALL BE PROVIDED IN WRITING AND ELECTRONICALLY TO EACH**
23 **MEMBER OF THE LOCAL GOVERNING BODY AND EACH MEMBER OF THE GENERAL**
24 **ASSEMBLY WHO REPRESENTS THE DISTRICT.**

25 (3) (i) **A NOTICE REQUIRED TO BE PUBLISHED UNDER THIS**
26 **SUBSECTION SHALL BE PUBLISHED AT LEAST ONCE A WEEK FOR 2 CONSECUTIVE**
27 **WEEKS IN A DAILY OR WEEKLY NEWSPAPER OF GENERAL CIRCULATION IN THE**
28 **GEOGRAPHICAL AREA IN WHICH THE HOSPITAL OR FREESTANDING MEDICAL**
29 **FACILITY IS LOCATED.**

30 (ii) **THE COMMISSION SHALL REQUIRE THAT NOTICE OF AN**
31 **INFORMATIONAL MEETING OR A PUBLIC HEARING BE GIVEN BY MAIL TO EACH**
32 **PERSON REQUESTING THE MEETING OR HEARING OR TO THE PERSON'S**
33 **AUTHORIZED REPRESENTATIVES AND ELECTED OFFICIALS OF THE DISTRICT IN**
34 **WHICH THE HOSPITAL OR FREESTANDING MEDICAL FACILITY IS LOCATED.**

35 (iii) **THE COMMISSION SHALL PROVIDE ADDITIONAL NOTICE BY**

1 REQUIRING THAT THE NOTICE BE POSTED AT THE HOSPITAL OR FREESTANDING
2 MEDICAL FACILITY.

3 (4) (I) IN ADDITION TO THE REQUIREMENTS UNDER PARAGRAPH
4 (3) OF THIS SUBSECTION, WHEN THE COMMISSION IS REQUIRED TO PUBLISH NOTICE
5 OF THE CLOSURE OR PARTIAL CLOSURE OF A HOSPITAL OR FREESTANDING
6 MEDICAL FACILITY, THE COMMISSION SHALL:

7 1. ELECTRONICALLY POST THE NOTICE ON THE
8 COMMISSION'S WEBSITE; AND

9 2. PROVIDE A METHOD FOR INTERESTED PERSONS TO
10 ELECTRONICALLY REQUEST ANY ADDITIONAL NOTICES RELATED TO THE CLOSURE
11 OR PARTIAL CLOSURE OF A HOSPITAL OR FREESTANDING MEDICAL FACILITY.

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

14 1. THE NAME AND ADDRESS OF THE PERSON PROPOSING
15 THE CLOSURE OR PARTIAL CLOSURE OF A HOSPITAL OR FREESTANDING MEDICAL
16 FACILITY;

17 2. A DESCRIPTION OF THE LOCATION AND THE NATURE
18 OF THE ACTIVITY FOR WHICH THE PROPOSED CLOSURE OR PARTIAL CLOSURE OF A
19 HOSPITAL OR FREESTANDING MEDICAL FACILITY HAS BEEN SOUGHT;

20 3. A REFERENCE TO THE APPLICABLE STATUTES OR
21 REGULATIONS GOVERNING THE PROCESS FOR THE CLOSURE OR PARTIAL CLOSURE
22 OF A HOSPITAL OR FREESTANDING MEDICAL FACILITY;

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

26 5. A DESCRIPTION OF WHERE FURTHER INFORMATION
27 ABOUT THE PROPOSED CLOSURE OR PARTIAL CLOSURE OF A HOSPITAL OR
28 FREESTANDING MEDICAL FACILITY CAN BE FOUND; AND

29 6. ANY OTHER INFORMATION THAT THE COMMISSION
30 DETERMINES IS NECESSARY.

31 (III) THE COMMISSION MAY REQUIRE THE PERSON PROPOSING
32 THE CLOSURE OR PARTIAL CLOSURE OF A HOSPITAL OR FREESTANDING MEDICAL

1 **FACILITY TO PUBLISH AND SEND THE NOTICES REQUIRED TO BE ELECTRONICALLY**
2 **POSTED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.**

3 **[(2)] (5)** A hospital shall hold a public informational hearing in the county
4 where the hospital is located if the hospital:

5 (i) Files a notice of the proposed closing of the hospital with the
6 Commission;

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

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

11 **[(3)] (6)** The Commission may require a health care facility other than a
12 hospital described in paragraph **[(2)] (5)** of this subsection that files notice of its proposed
13 closing or partial closing to hold a public informational hearing in the county where the
14 health care facility is located.

15 **[(4)] (7)** A public informational hearing required under paragraph **[(2)]**
16 **(5)** or **[(3)] (6)** of this subsection shall be held by the health care facility, in consultation
17 with the Commission, within 30 days after:

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

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

22 **[(5)] (8)** (i) **[The] SUBJECT TO PARAGRAPH (2) OF THIS**
23 **SUBSECTION, THE** Commission shall establish by regulation requirements for a public
24 informational hearing required under paragraph **[(2)] (5)** or **[(3)] (6)** of this subsection.

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

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

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

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

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

1 5. The plan for the hospital’s physical plant and site; and

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

4 **[(6)] (9)** Within 10 working days after a public informational hearing held
5 by a hospital under this subsection, the hospital shall provide a written summary of the
6 hearing to:

7 (i) The Governor;

8 (ii) The Secretary;

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

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

12 (v) The Commission; and

13 (vi) Subject to § 2–1257 of the State Government Article, the Senate
14 Finance Committee, the House Health and Government Operations Committee, and the
15 members of the General Assembly who represent the district in which the hospital is
16 located.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2021.