

BY: Finance Committee

AMENDMENTS TO SENATE BILL NO. 193

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Application and Review” and substitute “Nursing Facilities Implementation”; strike beginning with “reapply” in line 5 down through “project” in line 6, and substitute “build, develop, establish, or operate a nursing facility”; in line 7, after the semicolon insert “providing for certain exceptions”; in line 8, after “person” insert “or location”; strike beginning with “altering” in line 11 down through “hearing” in line 14, and substitute “requiring the Commission to notify certain health agencies in certain counties of certain decisions to grant or modify certificates of need for nursing facilities; requiring the Commission to allow representatives of certain communities to address the Commission”; in line 14, after the semicolon insert “providing for the application of this Act”; and in line 15, strike “application and review” and substitute “implementation”.

AMENDMENT NO. 2

On page 2, in line 22, after “(I)” insert “1. EXCEPT AS PROVIDED IN SUB-SUBPARAGRAPH 2 OF THIS SUBPARAGRAPH,”; strike beginning with “DEVELOP” in line 23 down through “PROJECT” in line 24 and substitute “BUILD, DEVELOP, ESTABLISH, OR OPERATE A NURSING FACILITY”; strike beginning with “DEVELOP” in line 25 down through “PROJECT” in line 26, and substitute “BUILD, DEVELOP, ESTABLISH, OR OPERATE A NURSING FACILITY”; after line 26, insert:

“2. PURSUANT TO ITS REGULATIONS, THE COMMISSION

MAY:

A. GRANT AN EXTENSION OF THE TIME PERIOD IN SUB-SUBPARAGRAPH 1 OF THIS SUBPARAGRAPH IF A DELAY RESULTS FROM THE ACTION OR INACTION OF A GOVERNMENTAL AUTHORITY; OR

(Over)

B. IF AN APPEAL OF A COMMISSION DECISION IS MADE TO THE COURTS, STAY THE TIME PERIOD IN SUB-SUBPARAGRAPH 1 OF THIS SUBPARAGRAPH UNTIL THE APPEAL IS CONCLUDED.”;

and strike beginning with “DEVELOP” in line 27 down through “AS” in line 29, and substitute “BUILD, DEVELOP, ESTABLISH, OR OPERATE A NURSING FACILITY WITHIN THE TIME PERIOD”.

AMENDMENT NO. 3

On page 2, in line 35, strike “DEVELOP, OPERATE, OR PARTICIPATE IN A HEALTH CARE PROJECT” and substitute “BUILD, DEVELOP, ESTABLISH, OR OPERATE A NURSING FACILITY”; in line 36, after “PERSON” insert “OR LOCATION”; and in line 38, after “OWNERSHIP” insert “OR LOCATION”.

On page 3, after line 9, insert:

“(4) IF THE CERTIFICATE OF NEED IS MODIFIED TO ALLOW A TRANSFER OF OWNERSHIP OR LOCATION, THE DEADLINES ESTABLISHED BY THE COMMISSION IN ITS INITIAL APPROVAL OF THE CERTIFICATE OF NEED REMAIN IN EFFECT.”.

AMENDMENT NO. 4

On page 4, strike in their entirety lines 23 through 26, inclusive, and substitute:

“(II) THE REVIEWER MAY GRANT, DENY, OR IMPOSE LIMITATIONS ON AN INTERESTED PARTY’S REQUEST TO PRESENT ORAL ARGUMENT TO THE REVIEWER.”;

and strike in their entirety lines 32 through 36, inclusive, and substitute:

“(II) AT LEAST 30 DAYS BEFORE THE COMMISSION REACHES A FINAL DECISION TO GRANT A CERTIFICATE OF NEED TO BUILD, DEVELOP, ESTABLISH, OR OPERATE A NURSING FACILITY OR TO MODIFY THE ORIGINAL CERTIFICATE OF NEED FOR A NURSING FACILITY TO ALLOW A RELOCATION OF THE ORIGINALLY APPROVED SITE, THE COMMISSION SHALL:

1. NOTIFY THE LOCAL HEALTH PLANNING AGENCY, OR IN THE ABSENCE OF A LOCAL HEALTH PLANNING AGENCY, THE LOCAL HEALTH DEPARTMENT IN THE COUNTY OF THE PROPOSED SITE OF THE DECISION PENDING BEFORE THE COMMISSION;

2. REQUEST THAT THE LOCAL HEALTH PLANNING AGENCY OR LOCAL HEALTH DEPARTMENT IDENTIFY ALL AFFECTED COMMUNITIES AND NOTIFY THE RESIDENTS IN THOSE COMMUNITIES OF THE DECISION PENDING BEFORE THE COMMISSION; AND

3. ALLOW REPRESENTATIVES OF THE AFFECTED COMMUNITIES TO ADDRESS THE COMMISSION AT A PUBLIC HEARING REGARDING THE POTENTIAL IMPACT THAT THE PROPOSED NEW FACILITY WOULD HAVE ON THE COMMUNITIES.”.

AMENDMENT NO. 5

On page 5, after line 13, insert:

“SECTION 3. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the Maryland Health Resources Planning Commission consider for revocation any certificate of need for a nursing facility originally approved prior to July 1, 1993 which has not obtained all necessary construction permits and has not broken ground as of the effective date of this Act.”;

in line 14, strike “3.” and substitute “4.”; and in line 15, strike “October” and substitute “July”.