

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL NO. 994

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, after “circumstances;” insert “increasing the capital expenditure limit for when a health care facility is required to obtain a certificate of need under certain circumstances;”; in lines 11 and 12, strike “critical access” and substitute “limited service”; strike beginning with “establishing” in line 12 down through “hospitals” in line 13 and substitute “requiring the Secretary of Health and Mental Hygiene to adopt certain regulations”; in line 16, after “date;” insert “requiring certain hospitals to include certain information in a certain report to the Health Services Cost Review Commission;”; in line 17, after “hospitals;” insert “requiring certain notice requirements for when a person proposes to convert certain hospitals;”; in line 20, strike “to a critical access hospital” and substitute “under certain circumstances”; in the same line, before “making” insert “altering the Maryland Hospital Bond Program to clarify the method used for determining a hospital’s bond indebtedness that will be included in the Program; authorizing the Maryland Health and Higher Educational Facilities Authority to proceed against certain entities under certain circumstances; requiring the Maryland Institute for Emergency Medical Services System to develop certain protocols; repealing certain obsolete provisions requiring the Secretary to conduct a certain study;”; and in line 25, after “Section” insert “19-101(f),”; in the same line, strike “19-221,”.

On page 2, strike in their entirety lines 1 through 6, inclusive.

AMENDMENT NO. 2

On page 2, after line 14, insert:

“19-101.

(f) (1) “Health care facility” means:

(i) A hospital, as defined in § 19-301(G) of this title;

(Over)

(II) A LIMITED SERVICE HOSPITAL, AS DEFINED IN § 19-301(E)  
OF THIS TITLE;

[(ii)] (III) A related institution, as defined in § 19-301 of this title;

[(iii)] (IV) An ambulatory surgical facility;

[(iv)] (V) An inpatient facility that is organized primarily to help in the rehabilitation of disabled individuals, through an integrated program of medical and other services provided under competent professional supervision;

[(v)] (VI) A home health agency, as defined in § 19-401 of this title;

[(vi)] (VII) A hospice, as defined in § 19-901 of this title; and

[(vii)] (VIII) Any other health institution, service, or program for which Part I of this subtitle requires a certificate of need.

(2) “Health care facility” does not include:

(i) A hospital or related institution that is operated, or is listed and certified, by the First Church of Christ Scientist, Boston, Massachusetts;

(ii) For the purpose of providing an exemption from a certificate of need under § 19-115 of this subtitle, a facility to provide comprehensive care constructed by a provider of continuing care, as defined by Article 70B of the Code, if:

1. The facility is for the exclusive use of the provider's subscribers who have executed continuing care agreements for the purpose of utilizing independent living units or domiciliary care within the continuing care facility;

2. The number of comprehensive care nursing beds in the facility does not exceed 20 percent of the number of independent living units at the continuing care community; and

3. The facility is located on the campus of the continuing care facility;

(iii) Except for a facility to provide kidney transplant services or programs, a kidney disease treatment facility, as defined by rule or regulation of the United States Department of Health and Human Services;

(iv) Except for kidney transplant services or programs, the kidney disease treatment stations and services provided by or on behalf of a hospital or related institution; or

(v) The office of one or more individuals licensed to practice dentistry under Title 4 of the Health Occupations Article, for the purposes of practicing dentistry.”

AMENDMENT NO. 3

On page 2 in line 17, on page 7 in line 19, on page 13 in line 18, on page 15 in line 3, on page 17 in line 25, and on page 18 in lines 6, 9, 11, 14, and 18, in each instance, strike “CRITICAL ACCESS” and substitute “LIMITED SERVICE”.

On page 2 in line 23, on page 15 in line 8, and on page 17 in line 32, in each instance, strike “DEPARTMENT” and substitute “OR URGENT CARE CENTER”.

On page 2 in line 22, on page 15 in line 7, and on page 17 in line 31, in each instance, after “CARE” insert “HOSPITALIZATION”.

On page 2 in line 24, on page 15 in line 9, and on page 17 in lines 33 and 34, in each instance, strike “OPERATING STANDARDS PROVIDED IN” and substitute “REGULATIONS ADOPTED BY THE SECRETARY UNDER”.

AMENDMENT NO. 4

On page 3, strike in their entirety lines 12 through 26, inclusive.

AMENDMENT NO. 5

On page 4, strike in their entirety lines 24 through 30, inclusive, and substitute:

“(III) SUBJECT TO THE PROVISIONS OF SUBSECTIONS (I) AND (J) OF THIS SECTION, THE RELOCATION IS OF AN EXISTING HEALTH CARE FACILITY OWNED OR CONTROLLED BY A MERGED ASSET SYSTEM AND IS TO:

1. A SITE WITHIN THE PRIMARY SERVICE AREA OF THE HEALTH CARE FACILITY TO BE RELOCATED IF:

A. THE PROPOSED RELOCATION IS NOT ACROSS COUNTY BOUNDARIES; AND

B. AT LEAST 45 DAYS PRIOR TO THE PROPOSED RELOCATION NOTICE IS FILED WITH THE COMMISSION; OR

2. A SITE OUTSIDE THE PRIMARY SERVICE AREA OF THE HEALTH CARE FACILITY TO BE RELOCATED BUT WITHIN THE PRIMARY SERVICE AREA OF THE MERGED ASSET SYSTEM IF:

A. AT LEAST 45 DAYS PRIOR TO THE PROPOSED RELOCATION NOTICE IS FILED WITH THE COMMISSION; AND

B. THE COMMISSION IN ITS SOLE DISCRETION, AND IN ACCORDANCE WITH THE CRITERIA ADOPTED BY REGULATION, FINDS THAT THE RELOCATION IS IN THE PUBLIC INTEREST, IS NOT INCONSISTENT WITH THE STATE HEALTH PLAN, AND WILL RESULT IN THE MORE EFFICIENT AND EFFECTIVE DELIVERY OF HEALTH CARE SERVICES; OR”.

AMENDMENT NO. 6

On page 7, in line 19, after “HOSPITAL” insert “OR TO ANOTHER HEALTH-RELATED USE”.

AMENDMENT NO. 7

On page 8 in lines 18, 20, 33, and 35, and on page 10 in line 16, in each instance, strike “\$1,250,000” and substitute “\$2,500,000”.

AMENDMENT NO. 8

On page 12, in line 2, strike “COMMISSION” and substitute “HOSPITAL”; and in the same line, strike “HOSPITAL” and substitute “COMMISSION”.

AMENDMENT NO. 9

On pages 13 and 14, strike in their entirety the lines beginning with line 28 on page 13 through line 17 on page 14, inclusive.

AMENDMENT NO. 10

On page 18, strike in their entirety lines 4 and 5, inclusive, and substitute “THE DEPARTMENT SHALL ADOPT REGULATIONS FOR A LIMITED SERVICE HOSPITAL THAT INCLUDES THE FOLLOWING STANDARDS:”; in line 8, strike “TRAINED” and substitute “CREDENTIALLED”; in line 27, strike “AND”; and in line 32, after “PRECAUTIONS” insert “; AND”

(10) ANY OTHER STANDARD THAT THE SECRETARY DEEMS NECESSARY TO ENSURE THE QUALITY OF THE SERVICES PROVIDED BY LIMITED LICENSE HOSPITALS”.

AMENDMENT NO. 11

On page 19, strike in their entirety lines 1 through 8, inclusive, and substitute:

“(B) THE ANNUAL LICENSED BED CALCULATION FOR EACH HOSPITAL SHALL EQUAL 140 PERCENT OF THE AVERAGE DAILY CENSUS FOR THE 12-MONTH PERIOD IMMEDIATELY PRECEDING THE CALCULATION.”;

strike beginning with “NOTIFIES” in line 13 down through “CAPACITY” in line 14 and substitute “INCLUDES IN ITS MONTHLY REPORT TO THE HEALTH SERVICES COST REVIEW COMMISSION THE FOLLOWING INFORMATION:”

(I) THE NUMBER OF DAYS THE HOSPITAL EXCEEDED ITS LICENSED BED CAPACITY FOR THE MONTH; AND

(II) THE NUMBER OF BEDS THAT WERE EXCEEDED ON EACH OF THOSE DAYS".

AMENDMENT NO. 12

On pages 19 through 21, strike in their entirety the lines beginning with line 18 on page 19 through line 11 on page 21, inclusive.

AMENDMENT NO. 13

On page 21, strike in their entirety lines 19 through 23, inclusive, and substitute:

“(3) THE CONVERSION OF A HOSPITAL TO A LIMITED SERVICE HOSPITAL UNDER § 19-115(J) OF THE HEALTH - GENERAL ARTICLE OR TO ANOTHER HEALTH-RELATED USE IF:

(I) THE CONVERSION OCCURS BEFORE OCTOBER 1, 2002; AND

(II) THE HOSPITAL’S CAPABILITY TO ADMIT OR RETAIN PATIENTS FOR OVERNIGHT ACUTE CARE HOSPITALIZATION IS ELIMINATED.”.

AMENDMENT NO. 14

On page 22, in line 1, after “Authority” insert “, THE STATE, ANY AGENCY, INSTRUMENTALITY, OR PUBLIC CORPORATION OF THE STATE”.

AMENDMENT NO. 15

On page 22 in line 36, on page 23 in line 14, and on page 25 in lines 17 and 18, in each instance, strike “§ 19-115(J) OF THE HEALTH - GENERAL ARTICLE” and substitute “SUBSECTION (A)(3) OF THIS SECTION”.

On page 23, in line 14, strike “§ 19-115 (J) OF THE HEALTH - GENERAL ARTICLE” and substitute “SUBSECTION (A)(3) OF THIS SECTION”.

AMENDMENT NO. 16

On page 23, in line 33, after “WITH” insert “THREE OR”; in lines 33 and 34, strike “THAN THREE”; in line 36, after the first “THE” insert “HOSPITAL, IN CONSULTATION WITH THE”;

in the same line, after “COMMISSION” insert “;”; and in lines 36 and 37, strike “AND THE HOSPITAL”.

AMENDMENT NO. 17

On page 24, in lines 4 and 14, in each instance, strike “DETERMINATION” and substitute “FINDING”; strike beginning with “TO” in line 11 down through “ARTICLE,” in line 12.

AMENDMENT NO. 18

On page 24, in lines 32 and 33, strike “TO A CRITICAL ACCESS HOSPITAL”.

On page 25, in line 20, strike “TO A CRITICAL ASSESS HOSPITAL”.

AMENDMENT NO. 19

On pages 28 and 29, strike in their entirety the lines beginning with line 35 on page 28 through line 2 on page 29, inclusive, and substitute:

“(L) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(II) “AFFILIATE” MEANS ANY ENTITY THAT DIRECTLY OR INDIRECTLY, THROUGH ONE OR MORE INTERMEDIARIES, CONTROLS, IS CONTROLLED BY, OR IS UNDER THE COMMON CONTROL WITH ANOTHER PERSON.

(III) “CONTROLS”, “CONTROLLING”, “CONTROLLED BY”, OR “UNDER COMMON CONTROL WITH” MEANS THE DIRECT OR INDIRECT POSSESSION OF THE POWER TO DIRECT OR CAUSE THE DIRECTION OF THE MANAGEMENT AND POLICES OF A PERSON, THROUGH OWNERSHIP OF VOTING SECURITIES OR MEMBERSHIP INTEREST OR OF SECURITIES CONVERTIBLE INTO VOTING SECURITIES, BY CONTRACT OTHER THAN A COMMERCIAL CONTRACT FOR GOODS OR NONMANAGEMENT SERVICES, OR OTHERWISE, WHETHER OR NOT THE POWER IS EXERCISED OR SOUGHT TO BE EXERCISED.

(IV) “VALUE” MEANS THE FAIR MARKET VALUE OF ANY

(Over)

PROPERTY TRANSFERRED OR RETAINED OR SERVICES PROVIDED.

(2) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, THE AMOUNT OF ANY PUBLIC BODY OBLIGATION THAT QUALIFIES FOR PAYMENT UNDER THE MARYLAND HOSPITAL BOND PROGRAM ESTABLISHED UNDER SUBSECTION (A)(3) OF THIS SECTION SHALL BE REDUCED BY THE SUM OF:

(I) THE EXCESS, IF ANY, OF THE TOTAL VALUE OF ALL PROPERTY TRANSFERRED BY A CLOSED, DELICENSED, OR CONVERTED HOSPITAL TO ANY AFFILIATE OR TO ANY PERSON OR ENTITY HAVING AN INTEREST IN THE FACILITY AFTER THE CLOSURE, DELICENSURE, OR CONVERSION OF THE HOSPITAL OVER THE TOTAL VALUE OF ALL PROPERTY TRANSFERRED AND ALL SERVICES PROVIDED TO THE CLOSED, DELICENSED, OR CONVERTED HOSPITAL BY THE AFFILIATE OR OTHER PERSON OR ENTITY; AND

(II) THE TOTAL VALUE OF ALL PROPERTY TO BE RETAINED BY THE HOSPITAL OR ANY AFFILIATE FOLLOWING THE CLOSURE, DELICENSURE, OR CONVERSION OTHER THAN THE PROPERTY TO BE APPLIED TO THE PAYMENT OF CLOSURE COSTS APPROVED BY THE HEALTH SERVICES COST REVIEW COMMISSION.

(3) (I) THE AUTHORITY MAY DETERMINE THE VALUE OF ANY PROPERTY OR SERVICES BASED UPON AN APPRAISAL MADE BY AN INDEPENDENT PROFESSIONAL APPRAISER, THE REPORT OF AN INDEPENDENT CONSULTANT, OR ANY OTHER METHOD DEEMED APPROPRIATE BY THE AUTHORITY.

(II) THE COST OF PROCURING THE APPRAISER OR CONSULTANT EMPLOYED SHALL BE PAID BY THE CLOSED, DELICENSED, OR CONVERTED HOSPITAL.”; and in lines 3, 11, and 17, strike “(2)”, “(3)”, and “(4)”, respectively, and substitute “(4)”, “(5)”, and “(6)”, respectively.

AMENDMENT NO. 20

On page 29, in lines 3 and 18, in each instance, after “against” insert “THE CLOSED, DELICENSED, OR CONVERTED HOSPITAL OR”.



AMENDMENT NO. 21

On page 29, after line 35, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That the Maryland Institute for Emergency Medical Services System shall develop standard procedures in accordance with the State Emergency Medical Services Plan for the transport of individuals in need of emergency or urgent care to limited services hospitals.”;

and in line 36, strike “2.” and substitute “3.”.