

HOUSE BILL 909

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2002 Regular Session
2lr2460
CF 2lr2461

By: **Delegates Dewberry, Bates, Boschert, Cole, DeCarlo, Dobson, Elliott,
Malone, McHale, Mohorovic, Murphy, Rzepkowski, Sophocleus, Stull,
and Weir**

Introduced and read first time: February 8, 2002
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Hospitals - Certificate of Need - Open Heart Surgery**

3 FOR the purpose of requiring the Maryland Health Care Commission to grant a
4 certificate of need for open heart surgery to certain hospitals; providing for the
5 requirements to be met by hospitals applying for the certificate of need;
6 requiring the Commission to adopt certain regulations; defining certain terms;
7 and generally relating to certificates of need for cardiac procedures granted to
8 hospitals by the Maryland Health Care Commission.

9 BY repealing and reenacting, with amendments,
10 Article - Health - General
11 Section 19-120(j)
12 Annotated Code of Maryland
13 (2000 Replacement Volume and 2001 Supplement)

14 BY adding to
15 Article - Health - General
16 Section 24-1101 and 24-1102 to be under the new subtitle "Subtitle 11. Open
17 Heart Surgery Certificate of Need"
18 Annotated Code of Maryland
19 (2000 Replacement Volume and 2001 Supplement)

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

22 **Article - Health - General**

23 19-120.

24 (j) (1) [A] SUBJECT TO TITLE 24, SUBTITLE 11 OF THIS ARTICLE, A
25 certificate of need is required before the type or scope of any health care service is
26 changed if the health care service is offered:

- 1 (i) By a health care facility;
- 2 (ii) In space that is leased from a health care facility; or
- 3 (iii) In space that is on land leased from a health care facility.
- 4 (2) This subsection does not apply if:
- 5 (i) The Commission adopts limits for changes in health care
6 services and the proposed change would not exceed those limits;
- 7 (ii) The proposed change and the annual operating revenue that
8 would result from the addition is entirely associated with the use of medical
9 equipment;
- 10 (iii) The proposed change would establish, increase, or decrease a
11 health care service and the change would not result in the:
- 12 1. Establishment of a new medical service or elimination of
13 an existing medical service;
- 14 2. Establishment of an open heart surgery, organ transplant
15 surgery, or burn or neonatal intensive health care service;
- 16 3. Establishment of a home health program, hospice
17 program, or freestanding ambulatory surgical center or facility; or
- 18 4. Expansion of a comprehensive care, extended care,
19 intermediate care, residential treatment, psychiatry, or rehabilitation medical
20 service, except for an expansion related to an increase in total bed capacity in
21 accordance with subsection (h)(2)(i) of this section; or
- 22 (iv) 1. At least 45 days before increasing or decreasing the
23 volume of 1 or more health care services, written notice of intent to change the volume
24 of health care services is filed with the Commission;
- 25 2. The Commission in its sole discretion finds that the
26 proposed change:
- 27 A. Is pursuant to the consolidation or merger of 2 or more
28 health care facilities, the conversion of a health care facility or part of a facility to a
29 nonhealth-related use, or the conversion of a hospital to a limited service hospital;
- 30 B. Is not inconsistent with the State health plan or the
31 institution-specific plan developed and adopted by the Commission;
- 32 C. Will result in the delivery of more efficient and effective
33 health care services; and
- 34 D. Is in the public interest; and

1 (2) HAS PARTICIPATED IN THE CARDIOVASCULAR PATIENT OUTCOMES
2 RESEARCH TRIAL;

3 (3) HAS DIAGNOSED OR TREATED AT LEAST 600 PATIENTS WITHIN THE
4 12 MONTHS PRIOR TO THE APPLICATION WHO HAVE:

5 (I) RECEIVED INTERVENTIONAL CARDIAC PROCEDURES AT THE
6 HOSPITAL; OR

7 (II) BEEN TRANSPORTED OR REFERRED FROM THE HOSPITAL TO
8 HOSPITALS WITH OPEN HEART SURGERY PROGRAMS FOR INTERVENTIONAL
9 CARDIAC PROCEDURES; AND

10 (4) DEMONSTRATES CLINICAL AND RESOURCE CAPACITY FOR AN OPEN
11 HEART SURGERY PROGRAM.

12 (B) THE COMMISSION SHALL ADOPT REGULATIONS TO CARRY OUT THIS
13 SUBTITLE, INCLUDING ESTABLISHING THE APPLICATION PROCESS FOR HOSPITALS
14 UNDER THIS SECTION.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2002.