HOUSE BILL 909

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

A BILL ENTITLED

1 AN ACT concerning

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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:

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1		(i)	By a hea	alth care facility;	
2	(ii)		In space that is leased from a health care facility; or		
3		(iii)	In space	e that is on land leased from a health care facility.	
4	(2) This subsection does not apply if:				
5 6	services and the propo	(i) osed chan	The Commission adopts limits for changes in health care nge would not exceed those limits;		
	(ii) The proposed change and the annual operating revenue that would result from the addition is entirely associated with the use of medical equipment;				
10 11	(iii) The proposed change would establish, increase, or decrease a health care service and the change would not result in the:				
12 13	an existing medical se	ervice;	1.	Establishment of a new medical service or elimination of	
142.Establishment of an open heart surgery, organ transplant15surgery, or burn or neonatal intensive health care service;					
16 17		ling amb	3. ulatory su	Establishment of a home health program, hospice urgical center or facility; or	
 Expansion of a comprehensive care, extended care, intermediate care, residential treatment, psychiatry, or rehabilitation medical service, except for an expansion related to an increase in total bed capacity in accordance with subsection (h)(2)(i) of this section; or 					
				At least 45 days before increasing or decreasing the es, written notice of intent to change the volume Commission;	
25 26	proposed change:		2.	The Commission in its sole discretion finds that the	
28	A. Is pursuant to the consolidation or merger of 2 or more health care facilities, the conversion of a health care facility or part of a facility to a nonhealth-related use, or the conversion of a hospital to a limited service hospital;				
30 31		an devel	B. oped and	Is not inconsistent with the State health plan or the adopted by the Commission;	
32 33	health care services; a	and	C.	Will result in the delivery of more efficient and effective	
34			D.	Is in the public interest; and	

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13.Within 45 days of receiving notice under item 1 of this2 subparagraph, the Commission shall notify the health care facility of its finding.				
(3) Notwithstanding the provisions of paragraph (2) of this subsection, a certificate of need is required:				
5 (i) Before an additional home health agency, branch office, or home 6 health care service is established by an existing health care agency or facility;				
 (ii) Before an existing home health agency or health care facility establishes a home health agency or home health care service at a location in the service area not included under a previous certificate of need or license; 				
10 (iii) Before a transfer of ownership of any branch office of a home 11 health agency or home health care service of an existing health care facility that 12 separates the ownership of the branch office from the home health agency or home 13 health care service of an existing health care facility which established the branch 14 office; or				
15(iv)Before the expansion of a home health service or program by a16 health care facility that:				
171.Established the home health service or program without a18certificate of need between January 1, 1984 and July 1, 1984; and				
192.During a 1-year period, the annual operating revenue of20the home health service or program would be greater than \$333,000 after an annual21adjustment for inflation, based on an appropriate index specified by the Commission.				
22 SUBTITLE 11. OPEN HEART SURGERY CERTIFICATE OF NEED.				
23 24-1101.				
24 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS 25 INDICATED.				
26 (B) "COMMISSION" MEANS THE MARYLAND HEALTH CARE COMMISSION.				
 27 (C) "INTERVENTIONAL CARDIAC PROCEDURES" MEANS ALL CORONARY 28 REVASCULARIZATION PROCEDURES RELATING TO CARDIAC CARE EXCEPT FOR 29 DIAGNOSTIC CATHETERIZATION PROCEDURES. 				
30 24-1102.				
31 (A) THE COMMISSION SHALL GRANT A CERTIFICATE OF NEED FOR OPEN				

32 HEART SURGERY TO A HOSPITAL THAT:

33 (1) FILES AN APPLICATION UNDER THIS SECTION;

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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 OPEN11HEART 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.

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