

BY: Health and Government Operations Committee

AMENDMENTS TO SENATE BILL NO. 732

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “- Prohibition”; strike beginning with “prohibiting” in line 3 down through the semicolon in line 8 and substitute “restricting the jurisdictions in which a purchaser of a general hospice may provide home-based hospice services; prohibiting the Maryland Health Care Commission from issuing a certificate of need or a determination pursuant to an acquisition under certain circumstances; requiring the Secretary of Health and Mental Hygiene, in consultation with the Commission, to specify the jurisdictions in which a general hospice is authorized to provide home-based hospice services; prohibiting a general hospice from being licensed to provide home-based hospice services in a jurisdiction except under certain circumstances; providing for certain exceptions; requiring the Secretary, upon a certain notification, to append to a general hospice license additional jurisdiction in which a general hospice may provide home-base hospice services; requiring the Secretary to use certain data in making the initial specification of the jurisdictions in which a general hospice may provide home-based hospice services; requiring the Commission, in consultation with the Hospice Network of Maryland, to implement a certain annual survey; requiring the Commission to conduct a certain study and to begin a process for updating the State Health Plan’s hospice chapter, in a certain manner;”; in line 12, after “19-101” insert “and 19-120(k)(4)”; in line 17, after “Section” insert “19-120(k)(5)(ii) and”; and after line 19 insert:

“BY adding to

Article - Health - General

Section 19-120(o)

Annotated Code of Maryland

(2000 Replacement Volume and 2002 Supplement)”.

AMENDMENT NO. 2

On page 2, after line 3 insert:

(Over)

“19-120.

(k) (4) A certificate of need is required before a person acquires a health care facility if a certificate of need would be required under paragraph (1) of this subsection for the acquisition by or on behalf of the health care facility.

(5) This subsection does not apply to:

(ii) Acquisition of a health care facility if, at least 30 days before making the contractual arrangement to acquire the facility, written notice of the intent to make the arrangement is filed with the Commission and the Commission does not find, within 30 days after the Commission receives notice, that the health services or bed capacity of the facility will be changed, PROVIDED THAT, FOR A MERGER WITH OR ACQUISITION OF AN EXISTING GENERAL HOSPICE, THE PURCHASER OF THE GENERAL HOSPICE MAY ONLY ACQUIRE THE AUTHORITY TO PROVIDE HOME-BASED HOSPICE SERVICES IN JURISDICTIONS IN WHICH THE SELLER OF THE GENERAL HOSPICE IS LICENSED TO PROVIDE HOME-BASED HOSPICE SERVICES;

(O) THE COMMISSION MAY NOT ISSUE A CERTIFICATE OF NEED OR A DETERMINATION WITH RESPECT TO AN ACQUISITION THAT AUTHORIZES A GENERAL HOSPICE TO PROVIDE HOME-BASED HOSPICE SERVICES ON A STATEWIDE BASIS.”.

AMENDMENT NO. 3

On page 2, strike beginning with “(2)” in line 14 down through “PROGRAM.” in line 2 on page 3 and substitute:

“(2) THE SECRETARY, IN CONSULTATION WITH THE MARYLAND HEALTH CARE COMMISSION, SHALL SPECIFY THOSE JURISDICTIONS IN WHICH A GENERAL HOSPICE IS AUTHORIZED TO PROVIDE HOME-BASED HOSPICE SERVICES.

(3) A GENERAL HOSPICE MAY NOT BE LICENSED TO PROVIDE HOME-BASED HOSPICE SERVICES IN A JURISDICTION UNLESS THE GENERAL HOSPICE OR AN ENTITY ACQUIRED BY THE GENERAL HOSPICE PROVIDED HOME-BASED HOSPICE SERVICES TO A PATIENT IN THE JURISDICTION DURING THE 12-MONTH PERIOD ENDING DECEMBER 31, 2001.

(4) NOTWITHSTANDING PARAGRAPH (3) OF THIS SUBSECTION:

(I) A GENERAL HOSPICE MAY PROVIDE HOME-BASED HOSPICE SERVICES TO A SPECIFIC PATIENT OUTSIDE OF THE JURISDICTIONS IN WHICH THE HOSPICE IS LICENSED IF THE MARYLAND HEALTH CARE COMMISSION APPROVES THE SERVICE PROVISION; AND

(II) A GENERAL HOSPICE THAT IS A HOSPITAL-BASED HOSPICE MAY SERVE PATIENTS IMMEDIATELY UPON DISCHARGE FROM THE HOSPITAL, REGARDLESS OF THE JURISDICTION IN WHICH THE PATIENT RESIDES.

(5) UPON THE NOTIFICATION BY THE MARYLAND HEALTH CARE COMMISSION OF THE ISSUANCE OF A CERTIFICATE OF NEED TO A GENERAL HOSPICE, THE SECRETARY SHALL APPEND TO THE GENERAL HOSPICE LICENSE ANY ADDITIONAL JURISDICTIONS IN WHICH THE GENERAL HOSPICE MAY PROVIDE HOME-BASED HOSPICE SERVICES.”.

AMENDMENT NO. 4

On page 3, in line 3, strike “(5)” and substitute “(6)”; and after line 4 insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The Secretary of Health and Mental Hygiene, in making the initial specification of the jurisdictions in which a general hospice may provide home-based hospice services, shall use the data provided by the Maryland Health Care Commission from the annual hospice survey for calendar year 2001.

(b) For the reporting period beginning January 1, 2003, the Maryland Health Care Commission, in consultation with the Hospice Network of Maryland, shall implement an annual survey of Maryland hospice programs to collect data on the characteristics and utilization of hospice services.

SECTION 3. AND BE IT FURTHER ENACTED, That, on or before January 1, 2004, the Maryland Health Care Commission shall:

(Over)

(1) conduct a study to clarify the existing status of certificates of need or determinations for hospice services in Maryland and, in accordance with § 2-1246 of the State Government Article, report the results of its study to the Senate Finance Committee and the House Health and Government Operations Committee; and

(2) begin a process for updating the State health plan's hospice chapter, using data the Commission independently collects:

(i) without relying on or delegating the collection of data to any nongovernmental entity; and

(ii) by soliciting input from hospice providers, experts, clinicians, and hospice volunteers.”;

in line 12, strike “2.” and substitute “4.”; in line 13, strike “October” and substitute “July”.