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By: Senators Della, DeGrange, Gladden, Jimeno, Jones, Kasemeyer, Kelley, and McFadden

Introduced and read first time: January 31, 2003

Assigned to: Finance

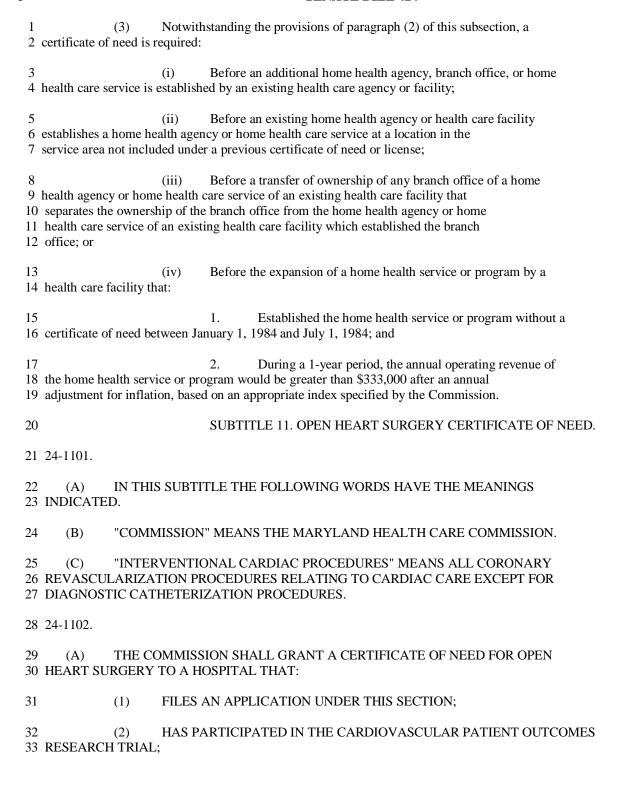
1 AN ACT concerning

A BILL ENTITLED

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 2002 Supplement)
- 14 BY adding to
- 15 Article Health General
- 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 2002 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:
- 27 (i) By a health care facility;

1		(ii)	In space	that is leased from a health care facility; or			
2		(iii)	In space	that is on land leased from a health care facility.			
3	(2)	This sub	section o	loes not apply if:			
4 5	services and the propo	(i) osed chan		nmission adopts limits for changes in health care I not exceed those limits;			
	would result from the equipment;	(ii) addition		posed change and the annual operating revenue that y associated with the use of medical			
9 10	(iii) The proposed change would establish, increase, or decrease a health care service and the change would not result in the:						
11 12	an existing medical se	ervice;	1.	Establishment of a new medical service or elimination of			
13 14	surgery, or burn or ne	onatal in	2. atensive h	Establishment of an open heart surgery, organ transplant ealth care service;			
15 16	program, or freestand	ing ambı	3. ulatory su	Establishment of a home health program, hospice argical center or facility; or			
19	4. Expansion of a comprehensive care, extended care, lintermediate 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						
	volume of 1 or more of health care service			At least 45 days before increasing or decreasing the es, written notice of intent to change the volume Commission;			
24 25	proposed change:		2.	The Commission in its sole discretion finds that the			
	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;						
29 30	institution-specific pl	an develo	B. oped and	Is not inconsistent with the State health plan or the adopted by the Commission;			
31 32	health care services; a	and	C.	Will result in the delivery of more efficient and effective			
33			D.	Is in the public interest; and			
34 35	subparagraph, the Co	mmissio	3. n shall no	Within 45 days of receiving notice under item 1 of this tify the health care facility of its finding.			



- 1 (3) HAS DIAGNOSED OR TREATED AT LEAST 500 PATIENTS WITHIN THE 2 12 MONTHS PRIOR TO THE APPLICATION WHO HAVE:
- $_{\rm 3}$ $_{\rm 4}$ HOSPITAL; OR
- 5 (II) BEEN TRANSPORTED OR REFERRED FROM THE HOSPITAL TO
- 6 HOSPITALS WITH OPEN HEART SURGERY PROGRAMS FOR INTERVENTIONAL
- 7 CARDIAC PROCEDURES; AND
- 8 (4) DEMONSTRATES CLINICAL AND RESOURCE CAPACITY FOR AN OPEN 9 HEART SURGERY PROGRAM.
- 10 (B) THE COMMISSION SHALL ADOPT REGULATIONS TO CARRY OUT THIS
- 11 SUBTITLE, INCLUDING ESTABLISHING THE APPLICATION PROCESS FOR HOSPITALS
- 12 UNDER THIS SECTION.
- 13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
- 14 October 1, 2003.