

---

By: **Delegate Rosenberg**

Introduced and read first time: February 20, 2004

Assigned to: Rules and Executive Nominations

---

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Health Care Commission - Membership and Duties**

3 FOR the purpose of altering the number of members of the Maryland Health Care  
4 Commission; requiring at least a certain number of members of the Commission  
5 to be representatives of certain regional health care entities; requiring the  
6 Governor, to the extent practicable, to assure geographic representation when  
7 appointing members of the Commission by considering representation by health  
8 planning regions; requiring certain Commission members or certain staff  
9 members to disclose certain conflicts of interest; prohibiting certain Commission  
10 members or certain staff members from participating in certain discussions,  
11 decisions, and votes regarding certain matters related to a disclosed conflict of  
12 interest; requiring that certain consultants be subject to certain conflict of  
13 interest provisions; providing for staggered terms for certain members of the  
14 Commission; requiring the Commission to make certain need forecasts each  
15 year; requiring the Commission to submit a certain report to certain committees  
16 of the General Assembly in certain circumstances; and generally relating to the  
17 membership and duties of the Maryland Health Care Commission.

18 BY repealing and reenacting, with amendments,  
19 Article - Health - General  
20 Section 19-104  
21 Annotated Code of Maryland  
22 (2000 Replacement Volume and 2003 Supplement)

23 BY adding to  
24 Article - Health - General  
25 Section 19-112  
26 Annotated Code of Maryland  
27 (2000 Replacement Volume and 2003 Supplement)

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

1 **Article - Health - General**

2 19-104.

3 (a) (1) The Commission shall consist of [13] 16 members appointed by the  
4 Governor with the advice and consent of the Senate.

5 (2) [(i)] Of the [13 members,] 16 MEMBERS:

6 (I) [seven] SEVEN shall be individuals who do not have any  
7 connection with the management or policy of a health care provider or [payor.]  
8 PAYOR;9 (ii) [Of the remaining six members, only] ONLY two shall be  
10 physicians; [and]11 (III) [only] ONLY two shall be payors, as defined in § 19-132 of this  
12 article; AND13 (IV) AT LEAST ONE SHALL BE A REPRESENTATIVE OF A REGIONAL  
14 HEALTH CARE ENTITY WITH ITS HEADQUARTERS IN MARYLAND.

15 (b) (1) The term of a member is 4 years.

16 (2) The terms of members are staggered as required by the terms  
17 provided for members of the Commission on [October 1, 1999] OCTOBER 1, 2004.18 (3) At the end of a term, a member continues to serve until a successor is  
19 appointed and qualifies.20 (4) A member who is appointed after a term has begun serves only for  
21 the rest of the term and until a successor is appointed and qualifies.22 (5) The Governor may remove a member for neglect of duty,  
23 incompetence, or misconduct.

24 (6) A member may not serve more than two consecutive terms.

25 (c) To the extent practicable, when appointing members to the Commission,  
26 the Governor shall assure geographic balance BY CONSIDERING REPRESENTATION BY  
27 HEALTH PLANNING REGIONS, and promote racial diversity in the Commission's  
28 membership.

29 19-112.

30 (A) (1) IF A MEMBER OF THE COMMISSION OR A STAFF MEMBER EMPLOYED  
31 BY THE COMMISSION HAS A CONFLICT OF INTEREST UNDER MARYLAND PUBLIC  
32 ETHICS LAW, THE MEMBER OR STAFF MEMBER SHALL DISCLOSE THE CONFLICT OF  
33 INTEREST.

1           (2)     A MEMBER OF THE COMMISSION OR STAFF MEMBER WITH A  
2 CONFLICT OF INTEREST MAY NOT DO ANY OF THE FOLLOWING REGARDING ANY  
3 MATTER RELATED TO THE CONFLICT OF INTEREST:

4                   (I)     PARTICIPATE IN A DISCUSSION OR DECISION; OR

5                   (II)    VOTE.

6     (B)     EACH INVITATION FOR REQUEST FOR PROPOSALS FOR A CONTRACT THAT  
7 WILL INVOLVE THE SELECTION OF A CONSULTANT WHO IS TO ASSIST THE  
8 COMMISSION IN THE FORMATION, AWARD, OR EXECUTION OF ANY STATE CONTRACT  
9 IS SUBJECT TO THE CONFLICT OF INTEREST PROVISIONS IN § 13-212 OF THE STATE  
10 FINANCE AND PROCUREMENT ARTICLE.

11     SECTION 2. AND BE IT FURTHER ENACTED, That terms of the members of  
12 the Maryland Health Care Commission shall begin on October 1, 2004, and shall  
13 expire as follows:

14           (1)     on September 30, 2005, for the three members whose terms are due  
15 to expire on September 30, 2005, and one new member appointed in 2004;

16           (2)     on September 30, 2006, for the three members whose terms are due  
17 to expire on September 30, 2006, and one new member appointed in 2004; and

18           (3)     on September 30, 2007, for the three members whose terms are due  
19 to expire on September 30, 2007, and one new member appointed in 2004.

20     SECTION 3. AND BE IT FURTHER ENACTED, That the Maryland Health  
21 Care Commission shall forecast each year any changes needed for each service area  
22 based on verifiable data. At least 90 days before the Commission adopts regulations  
23 or decides to make changes to the certificate of need for the State Health Plan, the  
24 Commission shall submit to the Senate Finance Committee and the Health and  
25 Government Operations Committee a report explaining each forecasted change and  
26 the verifiable data that the forecasted change is based on.

27     SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect  
28 October 1, 2004.