
By: **Delegates Costa, Boschert, Busch, Cadden, V. Clagett, Dwyer, Frush,
Gilleland, Leopold, Love, McConkey, McMillan, Menes, Moe, and
Sophocleus**

Introduced and read first time: February 10, 2006

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Hospitals - Open Heart Surgery**

3 FOR the purpose of requiring the Maryland Health Care Commission, on or before a
4 certain date and notwithstanding certain other provisions, to grant one new
5 open heart surgery program to a hospital that meets certain requirements;
6 providing that the Commission's need methodology or assessment for the
7 necessity of an open heart surgery program does not apply to the creation of a
8 certain program; and generally relating to the requirements for open heart
9 surgery programs.

10 BY repealing and reenacting, with amendments,
11 Article - Health - General
12 Section 19-120(j)(1)
13 Annotated Code of Maryland
14 (2005 Replacement Volume and 2005 Supplement)

15 BY adding to
16 Article - Health - General
17 Section 19-125.1
18 Annotated Code of Maryland
19 (2005 Replacement Volume and 2005 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 § 19-125.1 OF THIS SUBTITLE, A certificate of need is
25 required before the type or scope of any health care service is changed if the health
26 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 19-125.1.

5 (A) NOTWITHSTANDING THE PROVISIONS OF § 19-120 OF THIS SUBTITLE, OR
6 ANY REGULATIONS, POLICIES, OR DECISIONS OF THE COMMISSION, ON OR BEFORE
7 JANUARY 1, 2007, THE COMMISSION SHALL GRANT ONE NEW OPEN HEART SURGERY
8 PROGRAM TO A HOSPITAL THAT:

9 (1) IS IN A COUNTY:

10 (I) THAT DOES NOT HAVE A HOSPITAL THAT PROVIDES OPEN
11 HEART SURGERY; AND

12 (II) IN WHICH, DURING THE PREVIOUS 12-MONTH PERIOD BEFORE
13 THE COMMISSION GRANTS AN OPEN HEART SURGERY PROGRAM UNDER THIS
14 SUBSECTION, AT LEAST 500 PATIENTS REQUIRING OPEN HEART SURGERY WERE
15 TRANSPORTED OR REFERRED TO HOSPITALS WITH OPEN HEART SURGERY;

16 (2) IS NOT PART OF A MERGED ASSET SYSTEM THAT ALREADY PROVIDES
17 CARDIAC SURGERY IN ANY HOSPITAL THAT IS PART OF THE SYSTEM;

18 (3) IN THE PREVIOUS 3 YEARS BEFORE THE COMMISSION GRANTS AN
19 OPEN HEART SURGERY PROGRAM, ATTAINED AN ANNUAL AVERAGE OF:

20 (I) 14,000 ADULT MEDICAL, SURGICAL, GYNECOLOGICAL, AND
21 ADDICTION ADMISSIONS;

22 (II) 64,000 EMERGENCY DEPARTMENT VISITS; AND

23 (III) 2,500 INPATIENTS RECEIVING CARDIOLOGY SERVICES;

24 (4) HAS PARTICIPATED IN THE CARDIOVASCULAR PATIENT OUTCOMES
25 RESEARCH TRIAL;

26 (5) HAS FILED AN APPLICATION WITH THE COMMISSION BEFORE
27 JANUARY 11, 2006, FOR A WAIVER TO PROVIDE PRIMARY PERCUTANEOUS CORONARY
28 INTERVENTION SERVICES; AND

29 (6) DEMONSTRATES CLINICAL AND RESOURCE CAPACITY FOR AN OPEN
30 HEART SURGERY PROGRAM.

31 (B) THE COMMISSION'S NEED METHODOLOGY OR ASSESSMENT FOR THE
32 NECESSITY OF AN OPEN HEART SURGERY PROGRAM DOES NOT APPLY TO A
33 PROGRAM CREATED UNDER THIS SECTION.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2006.