

SENATE BILL 750

J3

EMERGENCY BILL

7lr1434

By: **Senators Pipkin, Della, Edwards, Hogan, Jacobs, and Kittleman**

Introduced and read first time: February 12, 2007

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Queen Anne's County – Health Care Facilities Regulation – Licensing of**
3 **Freestanding Medical Facilities**

4 FOR the purpose of providing that a freestanding medical facility located in Queen
5 Anne's County is exempt from a certain review process under certain
6 circumstances; defining a certain term; making this Act an emergency measure;
7 and generally relating to regulation of health care facilities in Queen Anne's
8 County.

9 BY repealing and reenacting, without amendments,
10 Article – Health – General
11 Section 19–3A–01
12 Annotated Code of Maryland
13 (2005 Replacement Volume and 2006 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Health – General
16 Section 19–131 and 19–3A–03
17 Annotated Code of Maryland
18 (2005 Replacement Volume and 2006 Supplement)

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

21 **Article – Health – General**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



19–131.

(a) On or before July 1, 2008, the Commission, in consultation with the Health Services Cost Review Commission and the Department of Health and Mental Hygiene, shall propose emergency regulations to establish a review process to approve facilities in the State that may seek licensure as a freestanding medical facility, as provided in Subtitle 3A of this title.

(b) The regulations shall include:

(1) A process to identify areas of the State in which a freestanding medical facility could meet health care service delivery needs;

(2) A process for submitting and acting on applications;

(3) Criteria for evaluating and approving applications, including:

(i) Documentation that the proposed freestanding medical facility will meet the licensure requirements of Subtitle 3A of this title;

(ii) The efficiency and effectiveness of the proposed freestanding medical facility in meeting the health care needs of the health planning region;

(iii) The types of equipment and level of staffing specified, in relation to the services the freestanding medical facility proposes to provide; and

(iv) Costs to both public and private payers; and

(4) Appropriate notice and opportunity for a hearing and judicial review, in accordance with the Administrative Procedure Act.

(c) A facility that is approved under this section to seek licensure as a freestanding medical facility shall provide to the Commission information, as specified by the Commission, on the configuration, location, operation, and utilization, including patient–level utilization, of the freestanding medical facility.

(d) A freestanding medical facility pilot project is exempt from the review process in subsections (a) and (b) of this section.

(E) A FREESTANDING MEDICAL FACILITY LOCATED IN QUEEN ANNE’S COUNTY IS EXEMPT FROM THE REVIEW PROCESS IN SUBSECTIONS (A) AND (B) OF THIS SECTION IF:

1 **(1) THE FREESTANDING MEDICAL FACILITY AND THE HOSPITAL**
2 **OF WHICH THE FACILITY IS AN ADMINISTRATIVE PART ARE LOCATED IN THE**
3 **SAME COUNTY; OR**

4 **(2) (I) THE FREESTANDING MEDICAL FACILITY AND THE**
5 **HOSPITAL OF WHICH THE FACILITY IS AN ADMINISTRATIVE PART ARE LOCATED**
6 **IN CONTIGUOUS COUNTIES; AND**

7 **(II) THE FREESTANDING MEDICAL FACILITY IS LOCATED**
8 **WITHIN 20 MILES OF THE COUNTY LINE OF THE COUNTY WHERE THE HOSPITAL**
9 **OF WHICH THE FACILITY IS AN ADMINISTRATIVE PART IS LOCATED.**

10 19-3A-01.

11 In this subtitle, “freestanding medical facility” means a facility:

12 (1) In which medical and health services are provided;

13 (2) That is physically separate from a hospital or hospital grounds;
14 and

15 (3) That is an administrative part of a hospital or related institution,
16 as defined in § 19-301 of this title.

17 19-3A-03.

18 (a) The Department shall issue a license to a freestanding medical facility
19 that:

20 (1) Meets the licensure requirements under this subtitle; and

21 (2) Receives approval from the Maryland Health Care Commission
22 under the regulations required under § 19-131 of this title.

23 (b) A freestanding medical facility that uses in its title or advertising the
24 word “emergency” or other language indicating to the public that medical treatment
25 for immediately life-threatening medical conditions exist at that facility shall be
26 licensed by the Department before it may operate in this State.

1 (c) Notwithstanding subsection (a)(2) of this section, the Department may
2 not require a freestanding medical facility pilot project to be approved by the
3 Maryland Health Care Commission as a condition of licensure.

4 (D) NOTWITHSTANDING SUBSECTION (A)(2) OF THIS SECTION, THE
5 DEPARTMENT MAY NOT REQUIRE A FREESTANDING MEDICAL FACILITY THAT IS
6 LOCATED IN QUEEN ANNE'S COUNTY TO BE APPROVED BY THE MARYLAND
7 HEALTH CARE COMMISSION AS A CONDITION OF LICENSURE IF:

8 (1) THE FREESTANDING MEDICAL FACILITY AND THE HOSPITAL
9 OF WHICH THE FACILITY IS AN ADMINISTRATIVE PART ARE LOCATED IN THE
10 SAME COUNTY; OR

11 (2) (I) THE FREESTANDING MEDICAL FACILITY AND THE
12 HOSPITAL OF WHICH THE FACILITY IS AN ADMINISTRATIVE PART ARE LOCATED
13 IN CONTIGUOUS COUNTIES; AND

14 (II) THE FREESTANDING MEDICAL FACILITY IS LOCATED
15 WITHIN 20 MILES OF THE COUNTY LINE OF THE COUNTY WHERE THE HOSPITAL
16 OF WHICH THE FACILITY IS AN ADMINISTRATIVE PART IS LOCATED.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
18 measure, is necessary for the immediate preservation of the public health or safety,
19 has been passed by a ye and nay vote supported by three-fifths of all the members
20 elected to each of the two Houses of the General Assembly, and shall take effect from
21 the date it is enacted.