

HOUSE BILL 278

P4

(8lr0159)

ENROLLED BILL

—Health and Government Operations/Finance—

Introduced by **Chair, Health and Government Operations Committee (By Request – Departmental – Health and Mental Hygiene)**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Department of Health and Mental Hygiene – Powers of the Secretary**

3 FOR the purpose of clarifying that the Secretary of Health and Mental Hygiene may
4 conduct a survey to identify any ~~areas~~ area in this State that ~~have~~ has a
5 substantial deficiency in ~~specific~~ certain medical or health care facilities ~~or~~,
6 ~~staff, or services; clarifying that the Secretary may provide counsel and other~~
7 help to establish medical or health care services in a certain underserved area;
8 ~~clarifying that if the proposals considered or adopted by the Secretary are not~~
9 ~~feasible or successful to assure the public health of an identified underserved~~
10 ~~area of the State, the Secretary may provide the~~ authorizing the Secretary to
11 provide needed health care facilities, ~~staff,~~ or services by ~~entering into~~ certain
12 contracts or ~~approving,~~ to facilitate the provision of State health care services to
13 the underserved area, approve contracts with certain public or private health
14 care entities ~~that facilitate the provision of State health care services to the~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber / conference committee amendments.



1 ~~underserved area~~; requiring the Secretary to consider market factors that may
 2 be contributing to a deficiency in general or specific medical or health care
 3 facilities, staff, or services in certain areas of the State; requiring the Secretary
 4 to maximize, to the extent feasible, the State's recovery of health care costs and
 5 expenses when seeking to ameliorate an identified deficiency in health care
 6 facilities, staff, or services; requiring the Secretary to consult with certain
 7 commissions and groups under certain circumstances; *providing that this Act*
 8 *may not be construed to have any impact on certain requirements for health care*
 9 *providers and health care facilities*; and generally relating to the powers of the
 10 Secretary of Health and Mental Hygiene with respect to health care facilities,
 11 staff, and services in underserved areas of the State.

12 BY repealing and reenacting, with amendments,
 13 Article – Health – General
 14 Section 2–108
 15 Annotated Code of Maryland
 16 (2005 Replacement Volume and 2007 Supplement)

17 Preamble

18 WHEREAS, Disparities in the financing and delivery of health care limit the
 19 availability of medical and other health care services to certain populations and areas
 20 of the State and compromise efforts to assure the public health of those medically
 21 underserved populations and areas; and

22 WHEREAS, It is necessary to clarify the Secretary's authority to utilize a
 23 variety of business arrangements that may be necessary to assure the public health
 24 and facilitate the flexible and efficient provision of State health care services to those
 25 underserved populations and areas; now, therefore,

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

28 **Article – Health – General**

29 2–108.

30 [The Secretary:]

31 [(1)(A) On the Secretary's initiative or on request of a community or
 32 voluntary, nonprofit organization, **THE SECRETARY** may [do] **CONDUCT** a survey to
 33 identify any area in this State that has a substantial deficiency in general **OR**
 34 **SPECIFIC** medical or health care facilities, **STAFF**, or services[;].

35 [(2)(B) In cooperation with appropriate county and State groups,
 36 **THE SECRETARY** may provide the community or organization with counsel and other

1 help to establish medical or health care facilities **OR SERVICES** and to recruit medical
 2 or health care staff in [that] ~~THE AN~~ **UNDERSERVED** area **IDENTIFIED AS A RESULT**
 3 **OF THE SURVEY CONDUCTED IN ACCORDANCE WITH SUBSECTION (A) OF THIS**
 4 **SECTION** [; and].

5 [(3)](C) If [the efforts] ~~PROPOSALS CONSIDERED OR ADOPTED~~
 6 **THE COUNSEL AND OTHER HELP PROVIDED** under [item (2)] **SUBSECTION (B)** of
 7 this section ~~are [unsuccessful], NOT FEASIBLE OR SUCCESSFUL~~ **DO NOT RESULT IN**
 8 **FEASIBLE OR SUCCESSFUL PROPOSALS**, OR IF OTHER ACTION IS NECESSARY TO
 9 **ASSURE THE PUBLIC HEALTH OF THE UNDERSERVED AREA, THE SECRETARY**
 10 may:

11 (1) [provide] **PROVIDE** the **NEEDED HEALTH CARE** facilities [or],
 12 staff, **OR SERVICES** by contract with one or more physicians, hospitals, or other
 13 medical groups or personnel; **OR**

14 (2) ~~APPROVE~~ **TO FACILITATE THE PROVISION OF STATE HEALTH**
 15 **CARE SERVICES TO THE UNDERSERVED AREA, APPROVE A CONTRACT OR OTHER**
 16 **WRITTEN ARRANGEMENT WITH A PUBLIC OR PRIVATE HEALTH CARE ENTITY**
 17 ~~THAT FACILITATES THE PROVISION OF STATE HEALTH CARE SERVICES TO THE~~
 18 ~~UNDERSERVED AREA, INCLUDING:~~

19 (I) **A FEDERALLY QUALIFIED HEALTH CENTER;**

20 (II) **A HEALTH CARE FACILITY, AS DEFINED IN § 19-114 OF**
 21 **THIS ARTICLE;**

22 (III) ~~A HEALTH CARE PLAN OR INSURANCE PROVIDER~~
 23 **BENEFIT PLAN OR INSURANCE CARRIER;**

24 (IV) **A HEALTH MAINTENANCE ORGANIZATION;**

25 (V) **A MANAGED CARE ORGANIZATION; AND**

26 (VI) **ANY OTHER ENTITY THAT FINANCES THE PROVISION OF**
 27 **OR DELIVERS HEALTH CARE SERVICES TO THE AREA.**

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

29 (1) In conducting a survey under § 2-108(a) of the Health – General
 30 Article, as enacted by Section 1 of this Act, the Secretary of Health and Mental
 31 Hygiene shall consider market factors that may be contributing to an identified
 32 deficiency in general or specific medical or health care facilities, staff, or services in an
 33 area of the State;

1 (2) In authorizing action to ameliorate an identified deficiency in an
 2 area of the State, identified as a result of § 2-108(a) of the Health – General Article as
 3 enacted by Section 1 of this Act, the Secretary shall maximize, to the extent feasible,
 4 the State’s recovery of State health care costs and expenses and reimbursement for
 5 State health care services, consistent with Title 16 of the Health – General Article;
 6 and

7 (3) Following the taking or approval of action under § ~~2-108(3)~~
 8 ~~2-108(c)~~ of the Health – General Article, as enacted by Section 1 of this Article, the
 9 Secretary shall consult with the ~~Maryland State~~ Health Services ~~and~~ Cost Review
 10 Commission, the Maryland Health Care Commission, and other appropriate regional
 11 and State groups concerning feasible means to encourage the establishment and
 12 expansion of private sector health care providers and services for underserved
 13 individuals in that area.

14 SECTION 3. AND BE IT FURTHER ENACTED, That this Act may not be
 15 construed to have any impact on the current requirements for any licensing and
 16 certification of health care providers and health care facilities, including certificate of
 17 need requirements.

18 SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take
 19 effect October 1, 2008.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.