

HOUSE BILL 1039

J3

EMERGENCY BILL

8lr0332

By: **Prince George's County Delegation**

Introduced and read first time: February 7, 2008

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 19, 2008

CHAPTER _____

1 AN ACT concerning

2 **Prince George's County Hospital Authority**

3 **PG 403-08**

4 ~~FOR the purpose of establishing the Prince George's County Hospital Authority;~~
5 ~~providing for the mission of the Authority; providing that the Authority is an~~
6 ~~instrumentality of the State and a public corporation; providing that the~~
7 ~~exercise by the Authority of certain powers is the performance of an essential~~
8 ~~public function; requiring the Authority to be subject to the State Open~~
9 ~~Meetings Law; exempting the Authority from certain provisions of State law;~~
10 ~~providing that the employees of the Authority are not State personnel as~~
11 ~~defined in a certain provision of State law; authorizing the Authority to take~~
12 ~~certain actions to fulfill its mission; requiring Prince George's County to~~
13 ~~automatically transfer a certain title under certain circumstances; requiring the~~
14 ~~Authority to allow the Secretary of Health and Mental Hygiene access to certain~~
15 ~~records, notes, contracts, and plans; requiring the county to provide the~~
16 ~~Authority with access to certain books and records; requiring the Authority to~~
17 ~~submit certain reports to the Governor and the General Assembly at certain~~
18 ~~times; requiring that the Authority be governed by a Board of Directors;~~
19 ~~providing for the membership of the Board; providing for the removal of Board~~
20 ~~members under certain circumstances; establishing certain duties of the Board;~~
21 ~~providing that a member of the Board is entitled to reimbursement for certain~~
22 ~~expenses; providing that an officer or director of the Authority is not liable~~
23 ~~personally for actions taken as an officer or director under certain~~
24 ~~circumstances; providing that Board members are subject to the provisions of~~
25 ~~the State ethics laws; specifying the terms of the initial members of the Board;~~

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.



~~requiring the Authority to enter into certain negotiations; providing that a certain agreement is contingent on the fulfillment of certain contingencies; providing for the powers and duties of the Authority; requiring the Authority to submit certain information to the State Treasurer, the Secretary of Health and Mental Hygiene, certain legislative committees, the County Executive, and the County Council within a certain time period; providing that a certain health care entity shall be recognized as a merged asset system under certain provisions of law; authorizing the Authority to issue revenue bonds for a certain purpose; establishing the rights and duties associated with revenue bonding authority; requiring Prince George's County to pay as a grant to the Authority certain amounts on or before a certain date and in certain fiscal years; authorizing the Authority to use the amounts paid by the county for certain purposes; authorizing the State under certain circumstances to redirect to the Authority certain State funds otherwise required to be paid to the county; requiring the Governor to include certain appropriations in the annual State budget bill for certain fiscal years for the operating costs of the Authority; requiring the Governor to include certain amounts in the annual State capital budget for the capital costs of the Authority; stating the intent of the General Assembly regarding certain State funding for the support of the Prince George's Hospital Center; defining certain terms; requiring the Department of Health and Mental Hygiene and the Department of Business and Economic Development to provide certain staffing and receive certain reimbursement; stating the intent of the General Assembly that State funding for certain purposes will not be affected by certain State support for the Prince George's County Hospital Authority; making this Act an emergency measure; and generally relating to the establishment of the Prince George's County Hospital Authority.~~ FOR the purpose of establishing the Prince George's County Hospital Authority; providing for the mission of the Authority; providing that the Authority is an instrumentality of the State and a public corporation; providing that the exercise by the Authority of certain powers is the performance of an essential public function; requiring the Authority to be subject to the State Open Meetings Law and the State Tort Claims Act; exempting the Authority from certain provisions of State law; providing that the employees of the Authority are not State personnel as defined in a certain provision of State law; authorizing the Authority to take certain actions to fulfill its mission; requiring the Authority to allow the Secretary of Health and Mental Hygiene and Prince George's County access to certain records, notes, contracts, and plans; requiring the County and Dimensions Health Corporation to provide certain persons access to certain books and records; requiring the Authority to submit a certain request for proposals and certain reports to the Governor, the Secretary, the State Treasurer, the Prince George's County Executive, the Prince George's County Council, the President of the Senate, the Speaker of the House of Delegates, and certain committees of the General Assembly at certain times; providing for the powers, duties, and funding of the Authority; requiring the Authority to be governed by a Board of Directors; providing for the membership of the Board; providing for the removal of Board members under certain circumstances; establishing certain duties of the Board; providing that a member of the Board is entitled to reimbursement for certain expenses;

1 providing that a member of the Board is not liable personally for actions taken
 2 as a member under certain circumstances; providing that Board members are
 3 subject to the provisions of the State ethics laws; specifying the terms of the
 4 members of the Board; requiring the Governor, the County Executive, and the
 5 County Council to appoint certain representatives and reach certain
 6 agreements; providing that certain obligations shall be null and void under
 7 certain circumstances; requiring the Authority to establish and implement a
 8 certain bidding process for the transfer of a certain health care system to a new
 9 owner or owners; requiring the Authority to establish certain time frames and
 10 deadlines for the bidding and selection processes; requiring the Authority to
 11 implement and adhere to a certain time frame and certain deadlines and
 12 requirements; providing that a certain agreement may be made contingent on
 13 certain conditions and shall include a certain plan; relieving the State and the
 14 County of their respective obligations under certain circumstances; requiring
 15 the Authority to develop certain plans; requiring the Authority to submit
 16 certain information to certain persons under certain circumstances; providing
 17 that a certain health care entity shall be recognized as a merged asset system
 18 under certain provisions of law; providing for the transfer of certain property to
 19 a new owner of a certain health care system under certain circumstances;
 20 providing for certain compensation to the County for a certain acquisition under
 21 certain circumstances; authorizing the Governor to include a certain
 22 appropriation in the annual State budget bill for a certain fiscal year for the
 23 support of a certain health care system; requiring the Governor to include a
 24 certain appropriation in the annual State budget bill for a certain fiscal year for
 25 the support of a certain health care system under certain circumstances;
 26 requiring Prince George's County to make certain appropriations for the
 27 support of a certain health care system for certain fiscal years under certain
 28 circumstances; stating the intent of the General Assembly regarding certain
 29 State funding for the support of the Prince George's Hospital Center;
 30 authorizing the transfer of certain funds from the Dedicated Purpose Account
 31 under certain circumstances; defining certain terms; requiring the Department
 32 of Health and Mental Hygiene and the Department of Business and Economic
 33 Development to provide certain staffing and receive certain reimbursement;
 34 stating the intent of the General Assembly that State funding for certain
 35 purposes will not be affected by certain State support for the Prince George's
 36 County Hospital Authority; making this Act an emergency measure; providing
 37 for the termination of this Act; and generally relating to the establishment of
 38 the Prince George's County Hospital Authority.

39 BY adding to

40 Article – Health – General

41 Section 24–1601 through ~~24–1609~~ 24–1608 to be under the new subtitle

42 “Subtitle 16. Prince George’s County Hospital Authority”

43 Annotated Code of Maryland

44 (2005 Replacement Volume and 2007 Supplement)

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

1 Article - Health - General

2 SUBTITLE 16. PRINCE GEORGE'S COUNTY HOSPITAL AUTHORITY.

3 ~~24-1601.~~

4 ~~(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS~~
5 ~~INDICATED.~~

6 ~~(B) "AUTHORITY" MEANS THE PRINCE GEORGE'S COUNTY HOSPITAL~~
7 ~~AUTHORITY.~~

8 ~~(C) "BOARD" MEANS THE BOARD OF DIRECTORS OF THE AUTHORITY.~~

9 ~~(D) "COUNTY" MEANS PRINCE GEORGE'S COUNTY.~~

10 ~~(E) (1) "DIMENSIONS" MEANS DIMENSIONS HEALTH CORPORATION.~~

11 ~~(2) "DIMENSIONS" INCLUDES ANY SUCCESSOR, ASSIGNEE,~~
12 ~~SUBSIDIARY, OR AFFILIATE OF DIMENSIONS HEALTH CORPORATION THAT~~
13 ~~OPERATES OR PROVIDES SERVICES AT:~~

14 ~~(I) PRINCE GEORGE'S HOSPITAL CENTER;~~

15 ~~(II) LAUREL REGIONAL HOSPITAL;~~

16 ~~(III) BOWIE HEALTH CAMPUS;~~

17 ~~(IV) GLADYS SPELLMAN SPECIALTY HOSPITAL AND~~
18 ~~NURSING CENTER; OR~~

19 ~~(V) LARKIN CHASE NURSING AND REHABILITATION~~
20 ~~CENTER.~~

21 ~~(F) "SECRETARY" MEANS THE SECRETARY OF HEALTH AND MENTAL~~
22 ~~HYGIENE.~~

23 ~~24-1602.~~

24 ~~(A) THERE IS A BODY CORPORATE AND POLITIC KNOWN AS THE PRINCE~~
25 ~~GEORGE'S COUNTY HOSPITAL AUTHORITY.~~

26 ~~(B) THE MISSION OF THE AUTHORITY IS TO:~~

1 ~~(1) DEVELOP A LONG TERM STRATEGY FOR DELIVERING~~
2 ~~HOSPITAL SERVICES AND RELATED HEALTH CARE IN THE COUNTY; AND~~

3 ~~(2) PUT IN PLACE ORGANIZATIONAL AND OPERATING~~
4 ~~STRUCTURES THAT ARE:~~

5 ~~(I) SELF-SUSTAINING; AND~~

6 ~~(II) CONSISTENT WITH THE LONG TERM STRATEGY,~~
7 ~~CAPABLE OF:~~

8 ~~1. PROVIDING HIGH QUALITY,~~
9 ~~COMMUNITY-ORIENTED HEALTH CARE TO ALL COUNTY RESIDENTS; AND~~

10 ~~2. MEETING THE SHORT TERM AND LONG TERM~~
11 ~~HEALTH CARE NEEDS OF COUNTY RESIDENTS.~~

12 ~~(C) THE AUTHORITY IS AN INSTRUMENTALITY OF THE STATE AND A~~
13 ~~PUBLIC CORPORATION BY THAT NAME, STYLE, AND TITLE.~~

14 ~~(D) (1) THE EXERCISE BY THE AUTHORITY OF THE POWERS~~
15 ~~CONFERRED BY THIS SUBTITLE IS THE PERFORMANCE OF AN ESSENTIAL PUBLIC~~
16 ~~FUNCTION.~~

17 ~~(2) THE AUTHORITY SHALL BE SUBJECT TO THE STATE OPEN~~
18 ~~MEETINGS LAW, TITLE 10, SUBTITLE 5 OF THE STATE GOVERNMENT ARTICLE.~~

19 ~~(3) THE AUTHORITY SHALL BE EXEMPT FROM THE FOLLOWING~~
20 ~~PROVISIONS OF MARYLAND LAW:~~

21 ~~(I) THE STATE PERSONNEL AND PENSIONS ARTICLE;~~

22 ~~(II) TITLE 10, SUBTITLE 6 OF THE STATE GOVERNMENT~~
23 ~~ARTICLE;~~

24 ~~(III) DIVISION II OF THE STATE FINANCE AND~~
25 ~~PROCUREMENT ARTICLE; AND~~

26 ~~(IV) THE CLEARINGHOUSE PROVISIONS SET FORTH IN~~
27 ~~§§ 5-310, 5-504, AND 5-505 OF THE STATE FINANCE AND PROCUREMENT~~
28 ~~ARTICLE.~~

1 ~~(4) THE EMPLOYEES OF THE AUTHORITY ARE NOT STATE~~
2 ~~PERSONNEL AS DEFINED IN § 12-101 OF THE STATE GOVERNMENT ARTICLE.~~

3 ~~(E) TO FULFILL ITS MISSION AND NOTWITHSTANDING ANY~~
4 ~~CONTRACTUAL PROVISIONS BETWEEN DIMENSIONS AND THE COUNTY, THE~~
5 ~~AUTHORITY MAY:~~

6 ~~(1) ACQUIRE RIGHTS TO OR OPERATE ANY HEALTH CARE~~
7 ~~FACILITIES AND LEASEHOLD RIGHTS HELD OR OPERATED BY DIMENSIONS;~~

8 ~~(2) SEEK, THROUGH A REQUEST FOR PROPOSALS OR OTHERWISE,~~
9 ~~A NEW OWNER OR OPERATOR FOR ANY HEALTH CARE FACILITY OPERATED BY~~
10 ~~DIMENSIONS;~~

11 ~~(3) TRANSFER HEALTH CARE FACILITIES AND LEASEHOLD~~
12 ~~RIGHTS HELD OR OPERATED BY DIMENSIONS TO ANOTHER HEALTH CARE~~
13 ~~ENTITY;~~

14 ~~(4) ENGAGE IN NEW HEALTH CARE ACTIVITIES CONSISTENT WITH~~
15 ~~THE AUTHORITY'S MISSION;~~

16 ~~(5) BUILD OR ACQUIRE NEW COMMUNITY-ORIENTED HEALTH~~
17 ~~CARE FACILITIES; AND~~

18 ~~(6) ISSUE REVENUE BONDS.~~

19 ~~(F) THE TITLE TO ANY LAND OR ASSETS OWNED BY THE COUNTY THAT~~
20 ~~ARE UNDER THE POSSESSION OR CONTROL OF DIMENSIONS, AS A RESULT OF~~
21 ~~ANY LEASE AGREEMENT WITH THE COUNTY, SHALL AUTOMATICALLY TRANSFER~~
22 ~~TO:~~

23 ~~(1) THE AUTHORITY, ON THE ACQUISITION BY THE AUTHORITY~~
24 ~~OF HEALTH CARE FACILITIES AND LEASEHOLD RIGHTS HELD OR OPERATED BY~~
25 ~~DIMENSIONS; OR~~

26 ~~(2) ANOTHER HEALTH CARE ENTITY, ON THE TRANSFER TO THE~~
27 ~~HEALTH CARE ENTITY OF HEALTH CARE FACILITIES AND LEASEHOLD RIGHTS~~
28 ~~HELD OR OPERATED BY DIMENSIONS.~~

29 ~~(C) (1) THE AUTHORITY SHALL ALLOW THE SECRETARY ACCESS TO~~
30 ~~ALL RECORDS, NOTES, CONTRACTS, AND PLANS OF THE AUTHORITY.~~

31 ~~(2) THE COUNTY SHALL PROVIDE THE AUTHORITY WITH ACCESS~~
32 ~~TO ALL BOOKS AND RECORDS IN THE COUNTY'S POSSESSION RELATING TO~~

1 ~~DIMENSIONS AND THE PROPERTY ON WHICH DIMENSIONS' HOSPITAL~~
2 ~~FACILITIES ARE LOCATED.~~

3 ~~(H) SIX MONTHS AFTER THE AUTHORITY IS ESTABLISHED AND~~
4 ~~ANNUALLY THEREAFTER, THE AUTHORITY SHALL SUBMIT A REPORT ON ITS~~
5 ~~PROGRESS IN FULFILLING ITS MISSION UNDER THIS SUBTITLE TO THE~~
6 ~~GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT~~
7 ~~ARTICLE, THE GENERAL ASSEMBLY.~~

8 ~~24-1603.~~

9 ~~(A) (1) THE AUTHORITY SHALL BE GOVERNED BY A BOARD OF~~
10 ~~DIRECTORS.~~

11 ~~(2) THE BOARD SHALL CONSIST OF FIVE MEMBERS APPOINTED~~
12 ~~BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE.~~

13 ~~(3) EACH MEMBER OF THE BOARD SHALL RESIDE IN THE~~
14 ~~COUNTY.~~

15 ~~(4) THE GOVERNOR SHALL DESIGNATE A MEMBER TO SERVE AS~~
16 ~~THE CHAIR OF THE BOARD.~~

17 ~~(B) (1) THE TERM OF A MEMBER IS 3 YEARS.~~

18 ~~(2) THE TERMS OF MEMBERS ARE STAGGERED.~~

19 ~~(3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE~~
20 ~~UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.~~

21 ~~(4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN~~
22 ~~SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS~~
23 ~~APPOINTED AND QUALIFIES.~~

24 ~~(5) THE GOVERNOR MAY REMOVE A MEMBER FOR NEGLECT OF~~
25 ~~DUTY, INCOMPETENCE, OR MISCONDUCT.~~

26 ~~(C) A MEMBER MAY NOT HAVE A FINANCIAL INTEREST IN:~~

27 ~~(1) DIMENSIONS;~~

28 ~~(2) ANY ENTITY AFFILIATED WITH DIMENSIONS; OR~~

29 ~~(3) ANY ENTITY WITH WHICH THE AUTHORITY DOES BUSINESS.~~

1 ~~(D) A MEMBER OF THE BOARD MAY NOT RECEIVE COMPENSATION AS A~~
2 ~~MEMBER OF THE BOARD BUT IS ENTITLED TO REIMBURSEMENT FOR EXPENSES~~
3 ~~UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE~~
4 ~~STATE BUDGET.~~

5 ~~(E) THE BOARD SHALL BE THE GOVERNING BODY FOR ALL FACILITIES~~
6 ~~OWNED OR OPERATED BY THE AUTHORITY.~~

7 ~~(F) THE BOARD SHALL APPROVE THE MEDICAL STAFF BYLAWS FOR~~
8 ~~EACH FACILITY OWNED OR OPERATED BY THE AUTHORITY.~~

9 ~~(G) (1) AN OFFICER OR DIRECTOR OF THE AUTHORITY SHALL~~
10 ~~PERFORM THE OFFICER'S OR DIRECTOR'S DUTIES:~~

11 ~~(I) IN GOOD FAITH;~~

12 ~~(II) IN THE MANNER THE OFFICER OR DIRECTOR~~
13 ~~REASONABLY BELIEVES TO BE IN THE BEST INTERESTS OF THE AUTHORITY;~~
14 ~~AND~~

15 ~~(III) WITH THE CARE AN ORDINARILY PRUDENT PERSON IN A~~
16 ~~LIKE POSITION WOULD USE UNDER SIMILAR CIRCUMSTANCES.~~

17 ~~(2) AN OFFICER OR DIRECTOR WHO PERFORMS THE OFFICER'S~~
18 ~~OR DIRECTOR'S DUTIES IN ACCORDANCE WITH THE STANDARD PROVIDED IN~~
19 ~~PARAGRAPH (1) OF THIS SUBSECTION SHALL NOT BE LIABLE PERSONALLY FOR~~
20 ~~ACTIONS TAKEN AS AN OFFICER OR DIRECTOR.~~

21 ~~(H) BOARD MEMBERS SHALL BE SUBJECT TO THE PROVISIONS OF THE~~
22 ~~STATE ETHICS LAWS, TITLE 15, SUBTITLES 1 THROUGH 7 OF THE STATE~~
23 ~~GOVERNMENT ARTICLE.~~

24 ~~24-1604.~~

25 ~~(A) THE AUTHORITY SHALL ENTER INTO NEGOTIATIONS WITH~~
26 ~~DIMENSIONS TO REACH DEFINITIVE AGREEMENTS REGARDING THE~~
27 ~~FOLLOWING:~~

28 ~~(1) ACQUIRING TITLE AND RIGHTS TO SOME OR ALL PROPERTY,~~
29 ~~LEASEHOLD RIGHTS, AND OPERATING RIGHTS HELD OR USED BY DIMENSIONS;~~
30 ~~AND~~

1 ~~(2) ASSUMING CERTAIN OBLIGATIONS AND LIABILITIES HELD BY~~
2 ~~DIMENSIONS, INCLUDING BOND INDEBTEDNESS AND PENSION LIABILITY.~~

3 ~~(B) THE AUTHORITY MAY MAKE AN ACQUISITION OF THE TITLE AND~~
4 ~~RIGHTS OR AN ASSUMPTION OF THE OBLIGATIONS AND LIABILITIES DESCRIBED~~
5 ~~IN SUBSECTION (A) OF THIS SECTION CONTINGENT ON:~~

6 ~~(1) RECEIVING COMMITMENTS FOR SPECIFIC FINANCIAL AID AND~~
7 ~~ASSISTANCE, INCLUDING LONG TERM CAPITAL FINANCING OR OPERATING~~
8 ~~ASSISTANCE, FROM THE STATE OR COUNTY GOVERNMENT OR ELSEWHERE; OR~~

9 ~~(2) THE SUCCESSFUL COMPLETION OF AGREEMENTS TO~~
10 ~~TRANSFER TITLE AND CONTROL OVER FACILITIES OR OPERATIONS, IN WHOLE~~
11 ~~OR IN PART, TO ANOTHER ENTITY.~~

12 ~~(C) (1) THE AUTHORITY MAY OPERATE OR MANAGE ANY FACILITIES~~
13 ~~AND INTERESTS ACQUIRED UNTIL THE FACILITIES AND INTERESTS ARE~~
14 ~~TRANSFERRED TO ANOTHER ENTITY.~~

15 ~~(2) CONSISTENT WITH ITS MISSION, WHILE THE AUTHORITY IS~~
16 ~~OPERATING OR MANAGING FACILITIES AND INTERESTS ACQUIRED, THE~~
17 ~~AUTHORITY MAY TAKE ANY LAWFUL AND NECESSARY ACTIONS, INCLUDING:~~

18 ~~(I) HIRING STAFF, CONTRACTORS, CONSULTANTS,~~
19 ~~ATTORNEYS, ACCOUNTANTS, AND OTHER PROFESSIONALS;~~

20 ~~(II) ENTERING INTO BUSINESS ARRANGEMENTS NECESSARY~~
21 ~~FOR THE EFFICIENT AND PROPER MANAGEMENT AND OPERATION OF THE~~
22 ~~HEALTH CARE FACILITIES;~~

23 ~~(III) ENTERING INTO JOINT VENTURES, PARTNERSHIPS, AND~~
24 ~~OTHER AGREEMENTS TO ENHANCE THE OPERATIONS MANAGED BY THE~~
25 ~~AUTHORITY OR ANY SUBSEQUENT OPERATOR; AND~~

26 ~~(IV) ENTERING INTO SHORT TERM AND LONG TERM~~
27 ~~ARRANGEMENTS FOR THE MANAGEMENT OR SATISFACTION OF ANY~~
28 ~~INDEBTEDNESS OR THE FUNDING OF ANY LONG TERM LIABILITIES OWED BY~~
29 ~~DIMENSIONS RELATED TO THE HEALTH CARE FACILITIES IN THE COUNTY.~~

30 ~~24-1605.~~

31 ~~(A) CONSISTENT WITH ITS MISSION, THE AUTHORITY SHALL ACTIVELY~~
32 ~~APPROACH AND ENTER INTO NEGOTIATIONS WITH OTHER ENTITIES PROVIDING~~
33 ~~HEALTH CARE SERVICES INSIDE OR OUTSIDE THE STATE FOR THE SALE OR~~

1 ~~TRANSFER OF ANY OR ALL FACILITIES, RIGHTS, OR OPERATIONS THE~~
2 ~~AUTHORITY MAY HAVE ACQUIRED.~~

3 ~~(B) THE AUTHORITY MAY ENTER INTO NEGOTIATIONS WITH OTHER~~
4 ~~ENTITIES, AS PROVIDED IN SUBSECTION (A) OF THIS SECTION, ON A~~
5 ~~CONTINGENT BASIS AND BEFORE THE AUTHORITY ACQUIRES OWNERSHIP OR~~
6 ~~CONTROL OVER ANY FACILITIES.~~

7 ~~(C) THE AUTHORITY MAY CONSULT WITH, AND FINANCE OR REFINANCE~~
8 ~~THE AUTHORITY'S ACQUISITIONS AND PROJECTS THROUGH, THE MARYLAND~~
9 ~~HEALTH AND HIGHER EDUCATIONAL FACILITIES AUTHORITY, IF THE~~
10 ~~AUTHORITY IS ELIGIBLE TO DO SO UNDER ARTICLE 43C OF THE CODE.~~

11 ~~(D) ANY AGREEMENT FOR THE SALE OR TRANSFER OF FACILITIES,~~
12 ~~RIGHTS, OR OPERATIONS MAY BE MADE CONTINGENT ON THE RECEIPT OF~~
13 ~~SPECIFIC COMMITMENTS FROM THE STATE, THE COUNTY, OR A RELATED~~
14 ~~REGULATORY AGENCY.~~

15 ~~(E) AT LEAST 60 DAYS BEFORE THE AUTHORITY COMPLETES THE SALE~~
16 ~~OR TRANSFER OF ANY MATERIAL PART OF THE PROPERTY OR OPERATIONS OF~~
17 ~~DIMENSIONS, THE AUTHORITY SHALL SUBMIT INFORMATION ON THE TERMS OF~~
18 ~~THE SALE OR TRANSFER TO THE SECRETARY, THE STATE TREASURER, THE~~
19 ~~SENATE BUDGET AND TAXATION COMMITTEE, THE SENATE FINANCE~~
20 ~~COMMITTEE, THE HOUSE APPROPRIATIONS COMMITTEE, THE HOUSE HEALTH~~
21 ~~AND GOVERNMENT OPERATIONS COMMITTEE, THE COUNTY EXECUTIVE, AND~~
22 ~~THE COUNTY COUNCIL.~~

23 ~~(F) ANY HEALTH CARE ENTITY THAT RECEIVES THE TRANSFER OF THE~~
24 ~~FACILITIES AND LEASEHOLD RIGHTS HELD OR OPERATED BY DIMENSIONS~~
25 ~~SHALL BE RECOGNIZED UNDER MARYLAND HEALTH PLANNING LAW AS A~~
26 ~~MERGED ASSET SYSTEM UNDER TITLE 19, SUBTITLE 1 OF THIS ARTICLE.~~

27 ~~24-1606.~~

28 ~~(A) (1) SUBJECT TO ANY LIMITATIONS UNDER THIS SUBTITLE OR~~
29 ~~OTHER APPLICABLE LAW, THE AUTHORITY SHALL HAVE ALL POWERS~~
30 ~~NECESSARY OR CONVENIENT FOR THE OPERATION, MANAGEMENT, CONTROL,~~
31 ~~AND USE OF THE AUTHORITY'S ASSETS.~~

32 ~~(2) THE ENUMERATION OF SPECIFIC POWERS IN THIS SUBTITLE~~
33 ~~IS NOT INTENDED TO RESTRICT THE AUTHORITY'S POWER TO TAKE ANY~~
34 ~~LAWFUL ACTION THAT THE AUTHORITY DETERMINES IS NECESSARY OR~~
35 ~~CONVENIENT TO FURTHER ITS MISSION.~~

1 ~~(B) IN ADDITION TO THE POWERS SET FORTH ELSEWHERE IN THIS~~
2 ~~SUBTITLE, THE AUTHORITY MAY:~~

3 ~~(1) ADOPT AND ALTER AN OFFICIAL SEAL;~~

4 ~~(2) SUE AND BE SUED, PLEAD AND BE IMPEADED;~~

5 ~~(3) ADOPT BYLAWS, RULES, AND REGULATIONS TO CARRY OUT~~
6 ~~THE PROVISIONS OF THIS SUBTITLE;~~

7 ~~(4) MAINTAIN AN OFFICE AT THE PLACE DESIGNATED BY THE~~
8 ~~AUTHORITY;~~

9 ~~(5) EMPLOY OR RETAIN ANY PERSONNEL THAT THE AUTHORITY~~
10 ~~DETERMINES TO BE NECESSARY AND FIX THEIR COMPENSATION;~~

11 ~~(6) ENTER INTO ANY AGREEMENTS NECESSARY TO MANAGE ITS~~
12 ~~OWN AFFAIRS;~~

13 ~~(7) ACQUIRE PROPERTY AND RIGHTS, INCLUDING, SUBJECT TO~~
14 ~~APPLICABLE LAW AND REGULATION, THE RIGHT TO CONSTRUCT, LEASE, OR~~
15 ~~OPERATE ADDITIONAL FACILITIES AS MAY BE NECESSARY AND APPROPRIATE~~
16 ~~TO THE FULFILLMENT OF THE MISSION OF THE AUTHORITY;~~

17 ~~(8) APPLY FOR AND RECEIVE FUNDING FROM STATE, LOCAL, AND~~
18 ~~NATIONAL GOVERNMENTAL ENTITIES;~~

19 ~~(9) APPLY FOR AND RECEIVE GRANTS, CONTRACTS, OR OTHER~~
20 ~~FUNDING; AND~~

21 ~~(10) ENTER INTO SHORT TERM AND LONG TERM FINANCIAL~~
22 ~~ARRANGEMENTS, INCLUDING ISSUANCE OF DEBT AS PROVIDED IN § 24-1607 OF~~
23 ~~THIS SUBTITLE, AS NECESSARY TO FULFILL THE MISSION OF THE AUTHORITY.~~

24 ~~24-1607.~~

25 ~~(A) THE AUTHORITY MAY ISSUE REVENUE BONDS, IN ACCORDANCE~~
26 ~~WITH TITLE 8, SUBTITLE 2 OF THE STATE FINANCE AND PROCUREMENT~~
27 ~~ARTICLE, FOR THE PURPOSE OF FULFILLING THE MISSION OF THE AUTHORITY.~~

28 ~~(B) REVENUE BONDS SHALL BE AUTHORIZED BY A RESOLUTION OF THE~~
29 ~~AUTHORITY AND MAY BE ISSUED AS FIXED OR VARIABLE RATE BONDS.~~

1 ~~(C) THE RESOLUTION OF THE AUTHORITY AUTHORIZING THE REVENUE~~
2 ~~BONDS;~~

3 ~~(1) SHALL APPROVE THE TERMS AND CONDITIONS OF THE~~
4 ~~BONDS;~~

5 ~~(2) SHALL DESCRIBE THE PROJECTS WHICH ARE TO BE~~
6 ~~FINANCED OR REFINANCED BY THE BONDS;~~

7 ~~(3) SHALL DESCRIBE THE SOURCES OF PAYMENT OF THE BONDS;~~

8 ~~(4) MAY PROVIDE THAT THE BONDS MAY BE SUBJECT TO EARLY~~
9 ~~REDEMPTION AS DETERMINED BY THE AUTHORITY; AND~~

10 ~~(5) SHALL PROVIDE THAT THE PROCEEDS OF THE BONDS SHALL~~
11 ~~BE INVESTED IN ACCORDANCE WITH § 6-222 OF THE STATE FINANCE AND~~
12 ~~PROCUREMENT ARTICLE.~~

13 ~~(D) AFTER CONSULTATION WITH THE MARYLAND HEALTH AND~~
14 ~~HIGHER EDUCATIONAL FACILITIES AUTHORITY, THE REVENUE BONDS SHALL~~
15 ~~BE SOLD IN THE MANNER AND ON THE TERMS DETERMINED BY THE AUTHORITY~~
16 ~~AND, NOTWITHSTANDING § 8-206(B) OF THE STATE FINANCE AND~~
17 ~~PROCUREMENT ARTICLE, MAY BE SOLD AT A PRIVATE OR NEGOTIATED SALE.~~

18 ~~(E) REVENUE BONDS MAY BE ISSUED UNDER THE PROVISIONS OF THIS~~
19 ~~SUBTITLE;~~

20 ~~(1) WITHOUT OBTAINING THE CONSENT OF ANY DEPARTMENT,~~
21 ~~DIVISION, COMMISSION, BOARD, BUREAU, OR AGENCY OF THE STATE; OR~~

22 ~~(2) WITHOUT ANY OTHER PROCEEDINGS OR THE OCCURRENCE~~
23 ~~OF ANY OTHER CONDITIONS OTHER THAN THOSE PROCEEDINGS OR CONDITIONS~~
24 ~~THAT ARE REQUIRED SPECIFICALLY BY PROVISIONS OF THIS SUBTITLE.~~

25 ~~(F) (1) EACH REVENUE BOND ISSUED BY THE AUTHORITY UNDER~~
26 ~~THIS SUBTITLE SHALL STATE PLAINLY ON ITS FACE THAT THE BOND:~~

27 ~~(I) WAS ISSUED UNDER THE PROVISIONS OF THIS~~
28 ~~SUBTITLE;~~

29 ~~(II) DOES NOT CREATE OR CONSTITUTE ANY INDEBTEDNESS~~
30 ~~OR OBLIGATION OF THE STATE OR OF ANY POLITICAL SUBDIVISION OF THE~~
31 ~~STATE; AND~~

1 ~~(III) DOES NOT PLEDGE THE FAITH OR CREDIT OF THE~~
2 ~~STATE OR ANY PUBLIC BODY WITHIN THE MEANING OF ARTICLE III, § 34 OF~~
3 ~~THE MARYLAND CONSTITUTION.~~

4 ~~(2) THE REVENUE BONDS ISSUED UNDER THIS SUBTITLE DO NOT~~
5 ~~CONSTITUTE A DEBT OR OBLIGATION CONTRACTED BY THE STATE OR A PLEDGE~~
6 ~~OF THE FAITH OR CREDIT OF THE STATE OR ANY PUBLIC BODY WITHIN THE~~
7 ~~MEANING OF ARTICLE III, § 34 OF THE MARYLAND CONSTITUTION.~~

8 ~~(3) NEITHER THE REVENUE BONDS NOR THE INTEREST ON THE~~
9 ~~BONDS SHALL EVER:~~

10 ~~(I) CONSTITUTE AN INDEBTEDNESS OR A CHARGE AGAINST~~
11 ~~THE GENERAL CREDIT OR TAXING POWERS OF ANY PUBLIC BODY WITHIN THE~~
12 ~~MEANING OF ANY CONSTITUTIONAL OR CHARTER PROVISION OR STATUTORY~~
13 ~~LIMITATION; OR~~

14 ~~(II) CONSTITUTE OR GIVE RISE TO ANY PECUNIARY~~
15 ~~LIABILITY OF ANY ISSUING PUBLIC BODY.~~

16 ~~(G) THE REVENUE BONDS SHALL BE PAYABLE FROM AND SECURED~~
17 ~~SOLELY BY:~~

18 ~~(1) ALL OR ANY PART OF THE FEES OR REVENUES GENERATED BY~~
19 ~~AN ACTIVITY OF THE AUTHORITY TO THE EXTENT LAWFULLY AVAILABLE FOR~~
20 ~~THAT PURPOSE;~~

21 ~~(2) COUNTY GRANTS TO THE AUTHORITY;~~

22 ~~(3) THE PROCEEDS OF THE BONDS AND INVESTMENT EARNINGS~~
23 ~~ON THE BONDS;~~

24 ~~(4) ANY OTHER GRANT OR GIFT RECEIVED BY THE AUTHORITY TO~~
25 ~~THE EXTENT LAWFULLY AVAILABLE FOR THAT PURPOSE;~~

26 ~~(5) RESERVES OR OTHER FUNDS ESTABLISHED FOR THE BONDS~~
27 ~~UNDER THE RESOLUTION OR TRUST AGREEMENT;~~

28 ~~(6) ANY MONEYS THAT MAY LAWFULLY BE APPLIED TO THE~~
29 ~~PAYMENT OF THE BONDS, INCLUDING ANY APPROPRIATION BY THE STATE OR~~
30 ~~THE COUNTY MADE LAWFULLY AVAILABLE FOR THAT PURPOSE; OR~~

31 ~~(7) ANY SOURCE OF FUNDS TO WHICH THE AUTHORITY HAS~~
32 ~~ACCESS TO THE EXTENT LAWFULLY AVAILABLE FOR THAT PURPOSE.~~

1 ~~(H) ALL REVENUE BONDS ISSUED UNDER THE PROVISIONS OF THIS~~
2 ~~SUBTITLE SHALL HAVE ALL THE QUALITIES AND INCIDENTS OF NEGOTIABLE~~
3 ~~INSTRUMENTS UNDER THE LAWS OF THE STATE RELATING TO NEGOTIABLE~~
4 ~~INSTRUMENTS.~~

5 ~~24-1608.~~

6 ~~(A) THE COUNTY SHALL PAY AS A GRANT TO THE AUTHORITY:~~

7 ~~(1) ON OR BEFORE MAY 1, 2008, THE AMOUNT APPROPRIATED~~
8 ~~FOR DIMENSIONS IN THE COUNTY'S FISCAL YEAR 2008 BUDGET; AND~~

9 ~~(2) IN EACH OF FISCAL YEARS 2009 THROUGH 2015, \$17,000,000.~~

10 ~~(B) THE AUTHORITY MAY USE THE AMOUNTS PAID BY THE COUNTY FOR:~~

11 ~~(1) THE OPERATION OF THE AUTHORITY;~~

12 ~~(2) CAPITAL INVESTMENT;~~

13 ~~(3) SECURITY FOR REVENUE BONDS; OR~~

14 ~~(4) ANY OTHER PURPOSE CONSISTENT WITH THE MISSION OF THE~~
15 ~~AUTHORITY.~~

16 ~~(C) (1) IF THE COUNTY FAILS TO PAY THE AMOUNTS REQUIRED~~
17 ~~UNDER SUBSECTION (A) OF THIS SECTION, THE STATE, ACTING THROUGH THE~~
18 ~~COMPTROLLER OR OTHERWISE, SHALL IMMEDIATELY REDIRECT TO THE~~
19 ~~AUTHORITY STATE FUNDS OTHERWISE REQUIRED TO BE PAID TO THE COUNTY~~
20 ~~IN THE AMOUNT OF THE DELINQUENT PAYMENT.~~

21 ~~(2) NOTWITHSTANDING § 2-608 OF THE TAX GENERAL~~
22 ~~ARTICLE OR ANY OTHER PROVISION OF LAW, THE REDIRECTION OF FUNDS~~
23 ~~FROM THE COUNTY TO THE AUTHORITY AUTHORIZED UNDER THIS SUBSECTION~~
24 ~~MAY BE EFFECTED BY REDUCING ANY LOCAL AID OR GRANT FUNDS OTHERWISE~~
25 ~~PAYABLE TO THE COUNTY OR BY WITHHOLDING FROM THE COUNTY ANY INCOME~~
26 ~~TAX REVENUE OTHERWISE REQUIRED TO BE DISTRIBUTED TO THE COUNTY~~
27 ~~UNDER § 2-608 OF THE TAX GENERAL ARTICLE AND PAYING OVER DIRECTLY~~
28 ~~TO THE AUTHORITY THE FUNDS OR REVENUE SO REDUCED OR WITHHELD.~~

29 ~~24-1609.~~

~~(A) FOR EACH OF THE FISCAL YEARS 2010 THROUGH 2014, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL SUBMITTED TO THE GENERAL ASSEMBLY AN APPROPRIATION OF AT LEAST \$10,000,000 FOR THE OPERATING COSTS OF THE AUTHORITY.~~

~~(B) FOR EACH OF THE FISCAL YEARS 2010 THROUGH 2015, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL CAPITAL BUDGET AT LEAST \$13,000,000 FOR THE CAPITAL COSTS OF THE AUTHORITY.~~

~~(C) IF THE AUTHORITY SELECTS A NEW OWNER OR OPERATOR FOR HEALTH CARE FACILITIES PREVIOUSLY OPERATED BY DIMENSIONS, THE AUTHORITY SHALL TRANSFER TO THAT OWNER OR OPERATOR FUNDS RECEIVED FROM THE STATE OR COUNTY AS THE AUTHORITY CONSIDERS APPROPRIATE.~~

~~(D) IF THE AUTHORITY SELECTS A NEW OWNER OR OPERATOR OF THE FACILITIES PREVIOUSLY OPERATED BY DIMENSIONS AND THAT OWNER OR OPERATOR'S CONTRACT TO OPERATE THE FACILITIES REQUIRES LESS FINANCIAL SUPPORT THAN THAT SPECIFIED UNDER THIS SUBTITLE, THE AUTHORITY SHALL REFUND ANY EXCESS TO THE STATE AND COUNTY, PRO RATA ACCORDING TO THEIR RESPECTIVE CONTRIBUTIONS UNDER THIS SUBTITLE.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the initial members of the Board of the Prince George's County Hospital Authority, established under Section 1 of this Act, shall expire as follows:~~

~~(1) one member in 2009;~~

~~(2) two members in 2010; and~~

~~(3) two members in 2011.~~

24-1601.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) "AUTHORITY" MEANS THE PRINCE GEORGE'S COUNTY HOSPITAL AUTHORITY.

(C) "BOARD" MEANS THE BOARD OF DIRECTORS OF THE AUTHORITY.

(D) "COUNTY" MEANS PRINCE GEORGE'S COUNTY.

(E) "COUNTY COUNCIL" MEANS THE PRINCE GEORGE'S COUNTY COUNCIL.

1 **(F) “COUNTY EXECUTIVE” MEANS THE COUNTY EXECUTIVE OF PRINCE**
2 **GEORGE’S COUNTY.**

3 **(G) (1) “DIMENSIONS” MEANS DIMENSIONS HEALTH CORPORATION.**

4 **(2) “DIMENSIONS” INCLUDES ANY SUCCESSOR, ASSIGNEE,**
5 **SUBSIDIARY, OR AFFILIATE OF DIMENSIONS HEALTH CORPORATION, OR ANY**
6 **HOLDER OF A FINANCIAL INTEREST IN DIMENSIONS HEALTH CORPORATION,**
7 **THAT OPERATES OR PROVIDES SERVICES AT:**

8 **(I) PRINCE GEORGE’S HOSPITAL CENTER;**

9 **(II) LAUREL REGIONAL HOSPITAL;**

10 **(III) BOWIE HEALTH CAMPUS;**

11 **(IV) GLADYS SPELLMAN SPECIALTY HOSPITAL AND**
12 **NURSING CENTER; OR**

13 **(V) LARKIN CHASE NURSING AND REHABILITATION**
14 **CENTER.**

15 **(H) “PRINCE GEORGE’S COUNTY HEALTH CARE SYSTEM” MEANS THE**
16 **HEALTH CARE FACILITIES, ASSETS, LEASEHOLD RIGHTS, LIABILITIES, AND**
17 **OPERATIONS CURRENTLY HELD, CONDUCTED, OR OPERATED BY DIMENSIONS**
18 **AT:**

19 **(I) PRINCE GEORGE’S HOSPITAL CENTER;**

20 **(II) LAUREL REGIONAL HOSPITAL;**

21 **(III) BOWIE HEALTH CAMPUS;**

22 **(IV) GLADYS SPELLMAN SPECIALTY HOSPITAL AND**
23 **NURSING CENTER; OR**

24 **(V) LARKIN CHASE NURSING AND REHABILITATION**
25 **CENTER.**

26 **(I) “SECRETARY” MEANS THE SECRETARY OF HEALTH AND MENTAL**
27 **HYGIENE.**

28 **24-1602.**

1 **(A) THERE IS A BODY CORPORATE AND POLITIC KNOWN AS THE PRINCE**
2 **GEORGE'S COUNTY HOSPITAL AUTHORITY.**

3 **(B) THE MISSION OF THE AUTHORITY IS TO ESTABLISH AND**
4 **IMPLEMENT AN OPEN, TRANSPARENT, AND COMPETITIVE BIDDING PROCESS**
5 **FOR THE PURPOSE OF TRANSFERRING THE PRINCE GEORGE'S COUNTY HEALTH**
6 **CARE SYSTEM TO ONE OR MORE NEW OWNERS.**

7 **(C) THE NEW OWNER OR OWNERS SELECTED THROUGH THE**
8 **COMPETITIVE BIDDING PROCESS UNDER THIS SUBTITLE SHALL:**

9 **(1) PROVIDE ACCESS TO, IMPROVE, AND DELIVER HIGH QUALITY,**
10 **COMMUNITY-ORIENTED HEALTH AND HOSPITAL SERVICES IN THE COUNTY**
11 **THAT MEET THE HEALTH CARE NEEDS OF RESIDENTS OF THE COUNTY AND**
12 **SURROUNDING JURISDICTIONS IN A MANNER CONSISTENT WITH PRINCIPLES OF**
13 **STATE HEALTH PLANNING LAW UNDER TITLE 19, SUBTITLE 1 OF THIS ARTICLE;**

14 **(2) BE A FINANCIALLY SELF-SUSTAINING ENTITY OR ENTITIES**
15 **CAPABLE OF:**

16 **(I) OPERATING AND ACHIEVING THE GOALS SET FORTH IN**
17 **ITEM (1) OF THIS SUBSECTION INDEPENDENTLY OF THE STATE AND THE**
18 **COUNTY;**

19 **(II) DEVELOPING A PLAN TO SATISFY ANY LIABILITIES,**
20 **INCLUDING LONG-TERM BOND INDEBTEDNESS, PENSION OBLIGATIONS,**
21 **MALPRACTICE LIABILITIES, AND ANY ENCUMBRANCES PLACED BY DIMENSIONS**
22 **ARISING FROM THE HEALTH CARE FACILITIES, ASSETS, LEASEHOLD RIGHTS,**
23 **LIABILITIES, OR OPERATIONS HELD OR OPERATED BY DIMENSIONS;**

24 **(III) COVERING THE OPERATING AND CAPITAL EXPENSES**
25 **ARISING FROM THE PRINCE GEORGE'S COUNTY HEALTH CARE SYSTEM; AND**

26 **(IV) ACHIEVING ACCESS TO LONG-TERM CAPITAL**
27 **RESOURCES.**

28 **(D) THE AUTHORITY IS AN INSTRUMENTALITY OF THE STATE AND A**
29 **PUBLIC CORPORATION BY THAT NAME, STYLE, AND TITLE.**

30 **(E) (1) THE EXERCISE BY THE AUTHORITY OF THE POWERS**
31 **CONFERRED BY THIS SUBTITLE IS THE PERFORMANCE OF AN ESSENTIAL PUBLIC**
32 **FUNCTION.**

1 **(2) THE AUTHORITY SHALL BE SUBJECT TO:**

2 **(I) THE STATE OPEN MEETINGS LAW, TITLE 10, SUBTITLE**
3 **5 OF THE STATE GOVERNMENT ARTICLE; AND**

4 **(II) THE STATE TORT CLAIMS ACT, TITLE 12, SUBTITLE 1**
5 **OF THE STATE GOVERNMENT ARTICLE.**

6 **(3) THE AUTHORITY SHALL BE EXEMPT FROM THE FOLLOWING**
7 **PROVISIONS OF STATE LAW:**

8 **(I) THE STATE PERSONNEL AND PENSIONS ARTICLE;**

9 **(II) TITLE 10, SUBTITLE 6 OF THE STATE GOVERNMENT**
10 **ARTICLE;**

11 **(III) DIVISION II OF THE STATE FINANCE AND**
12 **PROCUREMENT ARTICLE; AND**

13 **(IV) THE CLEARINGHOUSE PROVISIONS SET FORTH IN**
14 **§§ 5-310, 5-504, AND 5-505 OF THE STATE FINANCE AND PROCUREMENT**
15 **ARTICLE.**

16 **(4) THE EMPLOYEES OF THE AUTHORITY ARE NOT STATE**
17 **PERSONNEL AS DEFINED IN § 12-101 OF THE STATE GOVERNMENT ARTICLE.**

18 **(F) (1) THE AUTHORITY SHALL ALLOW THE SECRETARY AND THE**
19 **COUNTY ACCESS TO ALL RECORDS, NOTES, CONTRACTS, AND PLANS OF THE**
20 **AUTHORITY WHICH ARE NOT PROPRIETARY OR CONFIDENTIAL.**

21 **(2) THE COUNTY AND DIMENSIONS SHALL PROVIDE THE**
22 **AUTHORITY, REPRESENTATIVES FROM THE STATE AND COUNTY**
23 **PARTICIPATING IN THE NEGOTIATIONS TO REACH AGREEMENT ON THE PUBLIC**
24 **FUNDING COMMITMENTS UNDER § 24-1604 OF THIS SUBTITLE, AND ALL**
25 **ENTITIES PARTICIPATING IN THE BIDDING PROCESS SET FORTH IN § 24-1605 OF**
26 **THIS SUBTITLE, TIMELY AND COMPLETE ACCESS TO ALL BOOKS AND RECORDS**
27 **IN THE COUNTY'S POSSESSION OR CONTROL RELATING TO:**

28 **(I) DIMENSIONS;**

29 **(II) THE HEALTH CARE SERVICES PROVIDED BY**
30 **DIMENSIONS;**

31 **(III) THE FACILITIES HELD OR OPERATED BY DIMENSIONS;**

1 (IV) THE PROPERTY OR ASSETS UNDER THE POSSESSION OR
2 CONTROL OF DIMENSIONS UNDER A LEASE AGREEMENT WITH THE COUNTY;
3 AND

4 (V) ALL LIABILITIES ARISING FROM THESE SERVICES,
5 OPERATIONS, FACILITIES, ASSETS, AND PROPERTY.

6 (G) (1) ON RELEASE OF THE REQUEST FOR PROPOSALS TO BE ISSUED
7 IN ACCORDANCE WITH § 24-1605 OF THIS SUBTITLE, THE AUTHORITY
8 IMMEDIATELY SHALL SUBMIT A COPY OF THE REQUEST FOR PROPOSALS TO THE
9 GOVERNOR, THE SECRETARY, THE STATE TREASURER, THE COUNTY
10 EXECUTIVE, THE COUNTY COUNCIL, AND, IN ACCORDANCE WITH § 2-1246 OF
11 THE STATE GOVERNMENT ARTICLE, THE PRESIDENT OF THE SENATE, THE
12 SPEAKER OF THE HOUSE OF DELEGATES, THE SENATE BUDGET AND TAXATION
13 COMMITTEE, THE SENATE FINANCE COMMITTEE, THE HOUSE
14 APPROPRIATIONS COMMITTEE, AND THE HOUSE HEALTH AND GOVERNMENT
15 OPERATIONS COMMITTEE.

16 (2) EVERY 3 MONTHS AFTER THE REQUEST FOR PROPOSALS IS
17 ISSUED, THE AUTHORITY SHALL SUBMIT A STATUS REPORT ON ITS ABILITY TO
18 FULFILL ITS MISSION WITHIN THE TIMEFRAMES AND DEADLINES REQUIRED
19 UNDER THIS SUBTITLE TO THE GOVERNOR, THE SECRETARY, THE PRINCE
20 GEORGE'S COUNTY EXECUTIVE, THE PRINCE GEORGE'S COUNTY COUNCIL
21 AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE,
22 THE PRESIDENT OF THE SENATE, THE SPEAKER OF THE HOUSE OF
23 DELEGATES, THE SENATE BUDGET AND TAXATION COMMITTEE, THE SENATE
24 FINANCE COMMITTEE, THE HOUSE APPROPRIATIONS COMMITTEE, AND THE
25 HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE.

26 24-1603.

27 (A) (1) THE AUTHORITY SHALL BE GOVERNED BY A BOARD OF
28 DIRECTORS.

29 (2) THE BOARD SHALL CONSIST OF SEVEN MEMBERS APPOINTED
30 AS FOLLOWS:

31 (I) THREE MEMBERS SHALL BE APPOINTED BY THE
32 GOVERNOR;

33 (II) THREE MEMBERS SHALL BE APPOINTED JOINTLY BY
34 THE COUNTY EXECUTIVE AND THE COUNTY COUNCIL; AND

1 (III) ONE MEMBER SHALL BE APPOINTED JOINTLY BY THE
2 PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF DELEGATES.

3 (3) THE GOVERNOR SHALL DESIGNATE A MEMBER TO SERVE AS
4 THE CHAIR OF THE BOARD.

5 (4) (I) THE GOVERNOR, THE COUNTY EXECUTIVE, THE
6 COUNTY COUNCIL, THE PRESIDENT OF THE SENATE, AND THE SPEAKER OF
7 THE HOUSE OF DELEGATES SHALL APPOINT THEIR RESPECTIVE MEMBERS OF
8 THE BOARD NO LATER THAN 30 DAYS AFTER THE AUTHORITY IS ESTABLISHED.

9 (II) THE BOARD SHALL BEGIN ITS WORK IMMEDIATELY
10 AFTER THE EARLIER OF:

11 1. ALL MEMBERS BEING APPOINTED; OR

12 2. 30 DAYS AFTER THE AUTHORITY IS ESTABLISHED.

13 (B) (1) THE TERM OF A MEMBER IS 2 YEARS.

14 (2) A MEMBER MAY BE REMOVED FOR NEGLECT OF DUTY,
15 INCOMPETENCE, OR MISCONDUCT BY:

16 (I) THE GOVERNOR, IF THE MEMBER WAS APPOINTED BY
17 THE GOVERNOR;

18 (II) THE JOINT ACTION OF THE COUNTY EXECUTIVE AND
19 COUNTY COUNCIL, IF THE MEMBER WAS APPOINTED BY THE COUNTY
20 EXECUTIVE AND COUNTY COUNCIL; AND

21 (III) THE JOINT ACTION OF THE PRESIDENT OF THE SENATE
22 AND THE SPEAKER OF THE HOUSE OF DELEGATES, IF THE MEMBER WAS
23 APPOINTED BY THE PRESIDENT AND SPEAKER.

24 (3) A MEMBER MAY NOT:

25 (I) BE A CURRENT OR FORMER ELECTED OFFICIAL OF
26 STATE OR LOCAL GOVERNMENT; OR

27 (II) HAVE A CURRENT OR PAST FINANCIAL INTEREST IN, OR
28 OTHER AFFILIATION AS AN EMPLOYEE OR MEMBER OF THE BOARD OF,
29 DIMENSIONS OR ANY ENTITY AFFILIATED WITH DIMENSIONS.

1 (C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
2 SUBSECTION, A MAJORITY OF THE FULL AUTHORIZED MEMBERSHIP OF THE
3 BOARD SHALL CONSTITUTE A QUORUM.

4 (2) IF, AFTER 30 DAYS AFTER THE AUTHORITY IS ESTABLISHED
5 NOT ALL MEMBERS OF THE BOARD HAVE BEEN APPOINTED, A MAJORITY OF THE
6 MEMBERS WHO HAVE BEEN APPOINTED SHALL CONSTITUTE A QUORUM UNTIL
7 ALL MEMBERS OF THE BOARD HAVE BEEN APPOINTED.

8 (D) HAVING BEEN GIVEN PRIOR NOTICE OF THE MATTER, THE BOARD
9 MAY ACT ON ANY MATTER WITH THE AUTHORIZATION OF A QUORUM BEING
10 PRESENT AND VOTING.

11 (E) A MEMBER OF THE BOARD IS ENTITLED TO REIMBURSEMENT FOR
12 EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED
13 IN THE STATE BUDGET.

14 (F) (1) A MEMBER OF THE AUTHORITY SHALL PERFORM THE
15 MEMBER'S DUTIES:

16 (I) IN GOOD FAITH;

17 (II) IN THE MANNER THE MEMBER REASONABLY BELIEVES
18 TO BE IN THE BEST INTERESTS OF THE AUTHORITY; AND

19 (III) WITHOUT INTENTIONAL OR RECKLESS DISREGARD OF
20 THE CARE AN ORDINARILY PRUDENT PERSON IN A LIKE POSITION WOULD USE
21 UNDER SIMILAR CIRCUMSTANCES.

22 (2) A MEMBER WHO PERFORMS THE MEMBER'S DUTIES IN
23 ACCORDANCE WITH THE STANDARD PROVIDED IN PARAGRAPH (1) OF THIS
24 SUBSECTION IS NOT LIABLE PERSONALLY FOR ACTIONS TAKEN AS A MEMBER.

25 (G) BOARD MEMBERS SHALL BE SUBJECT TO THE PROVISIONS OF THE
26 STATE ETHICS LAWS, TITLE 15, SUBTITLES 1 THROUGH 7 OF THE STATE
27 GOVERNMENT ARTICLE.

28 24-1604.

29 (A) WITHIN 10 DAYS AFTER THE AUTHORITY IS ESTABLISHED, THE
30 GOVERNOR SHALL APPOINT A REPRESENTATIVE, AND THE COUNTY EXECUTIVE
31 AND COUNTY COUNCIL JOINTLY SHALL APPOINT A REPRESENTATIVE, TO
32 CONDUCT NEGOTIATIONS TO REACH AGREEMENT ON THE FUNDING THE STATE
33 AND THE COUNTY WILL COMMIT FOR SUPPORT OF THE PRINCE GEORGE'S

1 COUNTY HEALTH CARE SYSTEM IN THE EVENT THAT THE BIDDING PROCESS
2 ESTABLISHED UNDER § 24-1605 OF THIS SUBTITLE RESULTS IN AN AGREEMENT
3 TO TRANSFER THE PRINCE GEORGE'S COUNTY HEALTH CARE SYSTEM TO A NEW
4 OWNER OR OWNERS.

5 (B) WITHIN 60 DAYS AFTER THE AUTHORITY IS ESTABLISHED, THE
6 GOVERNOR, THE COUNTY EXECUTIVE, AND THE COUNTY COUNCIL, WITH
7 INPUT FROM THE PRESIDING OFFICERS AND FISCAL LEADERSHIP OF THE
8 GENERAL ASSEMBLY, SHALL REACH AGREEMENT ON THE FUNDING THE STATE
9 AND THE COUNTY WILL COMMIT FOR SUPPORT OF THE PRINCE GEORGE'S
10 COUNTY HEALTH CARE SYSTEM IF THE BIDDING PROCESS ESTABLISHED UNDER
11 § 24-1605 OF THIS SUBTITLE RESULTS IN AN AGREEMENT TO TRANSFER THE
12 PRINCE GEORGE'S COUNTY HEALTH CARE SYSTEM TO A NEW OWNER OR
13 OWNERS.

14 (C) THE AGREEMENT ESTABLISHED UNDER SUBSECTION (B) OF THIS
15 SECTION SHALL INCLUDE:

16 (1) THE AGGREGATE AMOUNT OF FUNDING;

17 (2) THE PERIOD OF YEARS OVER WHICH THE AGGREGATE
18 AMOUNT OF FUNDING SHALL BE PROVIDED, AND THE AMOUNT OF FUNDING TO
19 BE PROVIDED EACH YEAR; AND

20 (3) THE PERCENTAGE OF THE TOTAL FINANCIAL COMMITMENT
21 FOR WHICH THE STATE AND THE COUNTY WILL EACH BE RESPONSIBLE.

22 (D) (1) IF THE AGREEMENT FOR TRANSFER TO THE NEW OWNER OR
23 OWNERS SELECTED THROUGH THE BIDDING PROCESS ESTABLISHED UNDER §
24 24-1605 OF THIS SUBTITLE REQUIRES LESS FINANCIAL SUPPORT FROM THE
25 STATE AND THE COUNTY THAN THAT AGREED UPON UNDER SUBSECTIONS (B)
26 AND (C) OF THIS SECTION, THE STATE AND THE COUNTY'S FUNDING
27 OBLIGATIONS SHALL BE REDUCED ON A PRO RATA BASIS.

28 (2) IF, WITHIN 60 DAYS AFTER THE ESTABLISHMENT OF THE
29 AUTHORITY, THE GOVERNOR, THE COUNTY EXECUTIVE, AND THE COUNTY
30 COUNCIL FAIL TO REACH AGREEMENT IN ACCORDANCE WITH SUBSECTIONS (B)
31 AND (C) OF THIS SECTION, THE NEXT QUARTERLY PAYMENT, AND ANY
32 SUBSEQUENT PAYMENTS, DUE TO DIMENSIONS FROM THE STATE AND THE
33 COUNTY UNDER § 24-1608 OF THIS SUBTITLE SHALL BE WITHHELD.

34 (3) IF THE GOVERNOR, THE COUNTY EXECUTIVE, AND THE
35 COUNTY COUNCIL FAIL TO REACH AGREEMENT WITHIN 60 DAYS IN

1 ACCORDANCE WITH SUBSECTIONS (B) AND (C) OF THIS SECTION, ALL OTHER
2 OBLIGATIONS UNDER THIS SUBTITLE SHALL BE NULL AND VOID.

3 24-1605.

4 (A) EXCEPT AS OTHERWISE PROVIDED IN § 24-1604(D)(3) OF THIS
5 SUBTITLE, WITHIN 90 DAYS AFTER ITS ESTABLISHMENT, THE AUTHORITY SHALL
6 DEVELOP AND ISSUE A REQUEST FOR PROPOSALS FROM ENTITIES PROVIDING
7 HEALTH CARE SERVICES INSIDE OR OUTSIDE THE STATE FOR THE SALE OR
8 TRANSFER OF THE PRINCE GEORGE'S COUNTY HEALTH CARE SYSTEM.

9 (B) (1) THE REQUEST FOR PROPOSALS SHALL REQUIRE THAT
10 BIDDERS SUBMIT A PROPOSAL THAT DOES NOT REQUEST OR ASSUME PUBLIC
11 FUNDING IN EXCESS OF THE AMOUNT OF THE STATE AND THE COUNTY'S
12 FUNDING COMMITMENTS AGREED UPON UNDER § 24-1604 OF THIS SUBTITLE
13 AND SET FORTH IN THE REQUEST FOR PROPOSALS; AND

14 (2) RESPONSIVE BIDS MAY PROPOSE FINANCIAL SUPPORT AND
15 RESOURCES IN EXCESS OF THE PUBLIC FUNDING COMMITMENT, BUT ANY SUCH
16 ADDITIONAL SUPPORT SHALL BE PROVIDED BY SOURCES OTHER THAN THE
17 STATE AND THE COUNTY.

18 (C) THE REQUEST FOR PROPOSALS SHALL ALLOW THE AUTHORITY TO
19 ASSESS AND GIVE CONSIDERATION TO A BIDDER'S PLAN AND ABILITY TO:

20 (1) MEET THE GOALS SET FORTH IN § 24-1602(C) OF THIS
21 SUBTITLE FOR ESTABLISHING A FINANCIALLY SELF-SUSTAINING HEALTH CARE
22 SYSTEM WHICH SHALL PROVIDE HIGH QUALITY, COMMUNITY-ORIENTED
23 HEALTH AND HOSPITAL SERVICES TO MEET THE NEEDS OF RESIDENTS OF THE
24 COUNTY AND SURROUNDING JURISDICTIONS;

25 (2) MEET THE GOALS WITHOUT REQUIRING ANY STATE OR
26 COUNTY FUNDING IN EXCESS OF THE AMOUNT AGREED UPON UNDER § 24-1604
27 OF THIS SUBTITLE AND PROVIDED IN THE REQUEST FOR PROPOSALS, WITH ANY
28 ADDITIONAL FINANCIAL SUPPORT AND RESOURCES PROVIDED BY THE BIDDER
29 OR SOURCES OTHER THAN THE STATE OR THE COUNTY;

30 (3) SUPPLEMENT THE PUBLIC FUNDING STREAM WITH ITS OWN
31 OR OTHER FINANCIAL SUPPORT AND RESOURCES;

32 (4) DEVELOP A PLAN FOR SATISFACTION OF THE OBLIGATIONS
33 AND LIABILITIES HELD BY DIMENSIONS, INCLUDING BOND INDEBTEDNESS,
34 PENSION LIABILITY, MALPRACTICE LIABILITY, AND ANY REMAINING

1 ENCUMBRANCES PLACED ON THE REAL PROPERTY, ASSETS, AND FACILITIES BY
2 DIMENSIONS;

3 (5) ADDRESS THE CHRONIC PROBLEMS OF ATTRACTING AND
4 RETAINING QUALIFIED MEDICAL PERSONNEL TO SERVE THE HEALTH CARE
5 NEEDS OF RESIDENTS OF THE COUNTY AND SURROUNDING JURISDICTIONS;
6 AND

7 (6) DEVELOP A PLAN FOR USE OF THE REAL PROPERTY, ASSETS,
8 AND FACILITIES CURRENTLY HELD OR OPERATED BY DIMENSIONS THAT SHALL
9 SPECIFY:

10 (I) THE PORTION OR PORTIONS OF THE REAL PROPERTY,
11 ASSETS, AND FACILITIES TO BE ACQUIRED OR TRANSFERRED UNDER THE
12 PROPOSAL;

13 (II) THE SPECIFIC PURPOSES FOR WHICH EACH PORTION
14 OF THE REAL PROPERTY, ASSETS, AND FACILITIES ACQUIRED OR TRANSFERRED
15 WILL BE USED; AND

16 (III) THE PROJECTED TIMELINE FOR THE USE AND
17 DEVELOPMENT OF EACH PORTION OF THE REAL PROPERTY, ASSETS, AND
18 FACILITIES TO BE ACQUIRED OR TRANSFERRED.

19 (D) THE BOARD SHALL SELECT A BIDDER FROM AMONG THE ENTITIES
20 SUBMITTING A PROPOSAL IN ACCORDANCE WITH ITS BY-LAWS ADOPTED UNDER
21 § 24-1607 OF THIS SUBTITLE.

22 (E) ANY AGREEMENT FOR THE SALE OR TRANSFER OF THE PRINCE
23 GEORGE'S COUNTY HEALTH CARE SYSTEM:

24 (1) MAY BE MADE CONTINGENT ON:

25 (I) THE RECEIPT OF SPECIFIC FUNDING COMMITMENTS
26 FROM THE STATE AND THE COUNTY;

27 (II) IN ACCORDANCE WITH § 24-1606 OF THIS SUBTITLE,
28 THE TRANSFER OF CLEAR LEGAL TITLE TO ALL REAL PROPERTY, ASSETS, AND
29 FACILITIES TO BE ACQUIRED BY OR TRANSFERRED TO THE NEW OWNER OR
30 OWNERS UNDER THE AGREEMENT; AND

31 (III) ZONING OF THE REAL PROPERTY TO BE ACQUIRED BY
32 OR TRANSFERRED TO THE NEW OWNER OR OWNERS TO PERMIT DEVELOPMENT
33 CONSISTENT WITH THE SURROUNDING AREA AND NOT REZONED TO LIMIT OR

1 REDUCE THE VALUE OR DEVELOPMENT POTENTIAL OF THE REAL PROPERTY;
2 AND

3 (2) SHALL INCLUDE A PLAN FOR THE SATISFACTION OF ANY
4 INDEBTEDNESS, LIABILITIES, OR ENCUMBRANCES ON THE REAL PROPERTY
5 PLACED AND HELD BY DIMENSIONS AS OF THE EFFECTIVE DATE OF THE
6 TRANSFER TO THE NEW OWNER OR OWNERS.

7 (F) ANY HEALTH CARE ENTITY THAT RECEIVES THE TRANSFER OF THE
8 PRINCE GEORGE'S COUNTY HEALTH CARE SYSTEM SHALL BE RECOGNIZED AS A
9 MERGED ASSET SYSTEM FOR CERTIFICATE OF NEED PURPOSES UNDER TITLE
10 19, SUBTITLE 1 OF THIS ARTICLE.

11 (G) (1) THE AUTHORITY SHALL ESTABLISH A TIME FRAME AND
12 DEADLINES FOR THE SUBMISSION OF BIDS AND SELECTION OF A SUCCESSFUL
13 BIDDER AFTER THE REQUEST FOR PROPOSAL IS ISSUED.

14 (2) THE TIME FRAME AND DEADLINES SHALL ENSURE THAT A
15 SUCCESSFUL BIDDER SHALL BE SELECTED AND AN AGREEMENT TO TRANSFER
16 THE PRINCE GEORGE'S COUNTY HEALTH CARE SYSTEM TO A NEW OWNER OR
17 OWNERS SHALL BE REACHED IN TIME TO PRESENT THE PROPOSED AGREEMENT
18 TO THE GOVERNOR, THE SECRETARY, THE STATE TREASURER, THE SENATE
19 BUDGET AND TAXATION COMMITTEE, THE SENATE FINANCE COMMITTEE, THE
20 HOUSE APPROPRIATIONS COMMITTEE, THE HOUSE HEALTH AND
21 GOVERNMENT OPERATIONS COMMITTEE, THE PRINCE GEORGE'S COUNTY
22 COUNCIL, AND THE PRINCE GEORGE'S COUNTY EXECUTIVE PRIOR TO THE
23 BEGINNING OF THE 2009 SESSION OF THE GENERAL ASSEMBLY.

24 (3) THE AUTHORITY SHALL IMPLEMENT AND ADHERE STRICTLY
25 TO THE TIME FRAME, DEADLINES, AND REQUIREMENTS ESTABLISHED UNDER
26 PARAGRAPHS (1) AND (2) OF THIS SUBSECTION.

27 (H) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (I) OF THIS
28 SECTION, IF THE AUTHORITY FAILS TO CONDUCT THE BIDDING PROCESS IN
29 ACCORDANCE WITH THE REQUIREMENTS, TIME FRAME, AND DEADLINES SET
30 FORTH IN THIS SUBTITLE, THE STATE AND THE COUNTY SHALL BE RELIEVED OF
31 THEIR OBLIGATION TO COMMIT FINANCIAL SUPPORT TO THE PRINCE GEORGE'S
32 COUNTY HEALTH CARE SYSTEM AS AGREED UPON UNDER § 24-1604(B) AND (C)
33 OF THIS SUBTITLE.

34 (I) IF THE AUTHORITY, ACTING IN GOOD FAITH AND WITH ALL DUE
35 DILIGENCE, CONDUCTS THE BIDDING PROCESS IN ACCORDANCE WITH THE
36 REQUIREMENTS, TIMEFRAME, AND DEADLINES SET FORTH IN THIS SUBTITLE,
37 BUT IN THE JUDGMENT OF A MAJORITY OF THE BOARD IS UNABLE TO MAKE A

1 FINAL SELECTION OF A SUCCESSFUL BIDDER AND REACH FINAL AGREEMENT ON
2 THE TRANSFER OF THE PRINCE GEORGE'S COUNTY HEALTH CARE SYSTEM
3 BEFORE THE BEGINNING OF THE 2009 SESSION OF THE GENERAL ASSEMBLY:

4 (1) THE AUTHORITY SHALL SUBMIT A REPORT TO THE
5 GOVERNOR, THE SECRETARY, THE STATE TREASURER, THE PRINCE GEORGE'S
6 COUNTY EXECUTIVE, THE PRINCE GEORGE'S COUNTY COUNCIL, AND, IN
7 ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE
8 SENATE BUDGET AND TAXATION COMMITTEE, THE SENATE FINANCE
9 COMMITTEE, THE HOUSE APPROPRIATIONS COMMITTEE, AND THE HOUSE
10 HEALTH AND GOVERNMENT OPERATIONS COMMITTEE, BEFORE THE
11 BEGINNING OF THE 2009 SESSION OF THE GENERAL ASSEMBLY;

12 (2) THE REPORT SHALL EXPLAIN WHY THE AUTHORITY IS
13 UNABLE TO MAKE A TIMELY SELECTION OF A SUCCESSFUL BIDDER AND REACH
14 A TIMELY AGREEMENT ON THE TRANSFER OF THE PRINCE GEORGE'S COUNTY
15 HEALTH CARE SYSTEM, INCLUDING WHATEVER PROBLEMS THERE MAY HAVE
16 BEEN WITH THE BIDS AND THE STATUS OF ANY ONGOING NEGOTIATIONS OVER
17 THOSE BIDS; AND

18 (3) IF, IN THE JUDGMENT OF A MAJORITY OF THE AUTHORITY, AN
19 EXTENSION OF TIME WOULD ENABLE IT TO COMPLETE THE PROCESS OF
20 SELECTING A SUCCESSFUL BIDDER AND REACHING AGREEMENT ON THE
21 TRANSFER OF THE PRINCE GEORGE'S COUNTY HEALTH CARE SYSTEM, THE
22 REPORT SHALL REQUEST AN EXTENSION OF TIME FOR UP TO BUT NO MORE
23 THAN 60 DAYS, SETTING FORTH THE AMOUNT OF TIME NEEDED AND THE
24 AUTHORITY'S PLAN FOR COMPLETING THE PROCESS WITHIN THE PROPOSED
25 PERIOD OF TIME.

26 (J) ON AGREEMENT OF THE GOVERNOR, THE COUNTY EXECUTIVE, THE
27 COUNTY COUNCIL, AND THE PRESIDING OFFICERS OF THE GENERAL
28 ASSEMBLY, THE AUTHORITY'S REQUEST FOR EXTENSION OF TIME SHALL BE
29 GRANTED.

30 (K) IF, AT THE END OF THE EXTENSION OF TIME AND NOT MORE THAN
31 60 DAYS FROM THE BEGINNING OF THE 2009 GENERAL ASSEMBLY, THE
32 AUTHORITY HAS NOT REACHED A FINAL AGREEMENT ON THE TRANSFER OF THE
33 PRINCE GEORGE'S COUNTY HEALTH CARE SYSTEM TO A SUCCESSFUL BIDDER,
34 THE STATE AND THE COUNTY SHALL BE RELIEVED OF THEIR OBLIGATION TO
35 COMMIT FINANCIAL SUPPORT TO THE PRINCE GEORGE'S COUNTY HEALTH
36 CARE SYSTEM AS AGREED UPON UNDER § 24-1604(B) AND (C) OF THIS
37 SUBTITLE.

38 24-1606.

1 **(A) (1) ON THE BOARD'S SELECTION OF A NEW OWNER OR OWNERS**
2 **IN ACCORDANCE WITH THE BIDDING PROCESS ESTABLISHED UNDER § 24-1605**
3 **OF THIS SUBTITLE, AND ON AGREEMENT FOR THE SALE OR TRANSFER OF THE**
4 **PRINCE GEORGE'S COUNTY HEALTH CARE SYSTEM TO THE NEW OWNER OR**
5 **OWNERS, DISPOSITION OF THE REAL PROPERTY, ASSETS, AND FACILITIES**
6 **OWNED BY THE COUNTY THAT ARE UNDER THE POSSESSION OR CONTROL OF**
7 **DIMENSIONS, AS A RESULT OF ANY LEASE AGREEMENT WITH THE COUNTY,**
8 **SHALL OCCUR AS FOLLOWS:**

9 **(I) THE COUNTY SHALL TRANSFER TITLE TO ALL REAL**
10 **PROPERTY, ASSETS, AND FACILITIES THAT ARE ACQUIRED BY THE NEW OWNER**
11 **OR OWNERS AS PART OF THE AGREEMENT FOR THE SALE OR TRANSFER OF THE**
12 **HEALTH CARE SYSTEM TO THE NEW OWNER OR OWNERS FOR COMPENSATION TO**
13 **THE COUNTY AS PROVIDED UNDER SUBSECTIONS (B) AND (C) OF THIS SECTION;**

14 **(II) THE PROCESS FOR TRANSFER OF TITLE SHALL BE**
15 **COMPLETED BY THE DATE OF FINAL IMPLEMENTATION OF THE AGREEMENT**
16 **FOR THE SALE OR TRANSFER OF THE HEALTH CARE SYSTEM; AND**

17 **(III) ANY PORTION OF THE REAL PROPERTY, ASSETS, AND**
18 **FACILITIES THAT ARE NOT ACQUIRED BY A NEW OWNER OR OWNERS AS PART OF**
19 **THE AGREEMENT FOR THE SALE OR TRANSFER OF THE HEALTH CARE SYSTEM**
20 **SHALL REMAIN UNDER THE CONTROL AND OWNERSHIP OF THE COUNTY.**

21 **(2) THE COUNTY SHALL SETTLE ALL ENCUMBRANCES THE**
22 **COUNTY HAS PLACED OR BEEN INVOLVED IN PLACING ON THE REAL PROPERTY,**
23 **ASSETS, AND FACILITIES TO BE ACQUIRED BY THE NEW OWNER OR OWNERS**
24 **PRIOR TO THE TRANSFER OF TITLE, SO THAT, EXCEPT FOR ANY REMAINING**
25 **ENCUMBRANCES PLACED AND HELD SOLELY BY DIMENSIONS, CLEAR LEGAL**
26 **TITLE WILL BE CONVEYED.**

27 **(B) (1) THE COUNTY MAY NOT RECEIVE COMPENSATION OR CREDIT**
28 **TOWARD ITS FINANCIAL OBLIGATIONS AS AGREED UPON UNDER § 24-1604 OF**
29 **THIS SUBTITLE FOR THE REAL PROPERTY, ASSETS, AND FACILITIES ACQUIRED**
30 **BY THE NEW OWNER OR OWNERS THAT WILL BE USED FOR PURPOSES RELATED**
31 **TO THE OPERATIONS OF A HEALTH CARE SYSTEM SERVING THE RESIDENTS OF**
32 **THE COUNTY AND SURROUNDING JURISDICTIONS.**

33 **(2) SPECIFIC PLANS FOR SUCH USE SHALL BE ESTABLISHED IN**
34 **THE AGREEMENT FOR THE SALE OR TRANSFER OF THE HEALTH CARE SYSTEM.**

35 **(3) THE DEVELOPMENT OF THE REAL PROPERTY, ASSETS, AND**
36 **FACILITIES FOR PURPOSES RELATED TO THE OPERATION OF A HEALTH CARE**

1 SYSTEM SHALL OCCUR AND BE SUBSTANTIALLY UNDERWAY AT LEAST ONE YEAR
2 BEFORE THE END OF THE PERIOD DURING WHICH THE STATE AND THE COUNTY
3 ARE PROVIDING FINANCIAL SUPPORT TO THE HEALTH CARE SYSTEM.

4 (C) (1) FOR ANY PORTION OR PORTIONS OF THE REAL PROPERTY,
5 ASSETS, OR FACILITIES ACQUIRED BY THE NEW OWNER OR OWNERS THAT WILL
6 NOT BE USED FOR PURPOSES RELATED TO THE OPERATION OF A HEALTH CARE
7 SYSTEM, IF ANY, THE COUNTY SHALL BE GIVEN A CREDIT TOWARDS ITS
8 OBLIGATION FOR FINANCIAL SUPPORT OF THE PRINCE GEORGE'S COUNTY
9 HEALTH CARE SYSTEM AS AGREED UPON UNDER § 24-1604 OF THIS SUBTITLE.

10 (2) THE AMOUNT OF THE CREDIT SHALL BE DETERMINED BY THE
11 AVERAGE OF THREE INDEPENDENT APPRAISALS OF THE VALUE OF THAT
12 PORTION OR PORTIONS OF THE REAL PROPERTY, ASSETS, OR FACILITIES, AS
13 FOLLOWS:

14 (I) TWO APPRAISALS SHALL BE CONDUCTED BY QUALIFIED
15 APPRAISERS EMPLOYED BY OR UNDER CONTRACT WITH THE STATE;

16 (II) ONE APPRAISAL SHALL BE CONDUCTED BY A QUALIFIED
17 APPRAISER EMPLOYED BY OR UNDER CONTRACT WITH THE COUNTY; AND

18 (III) THE APPRAISALS MAY NOT BE REDUCED BY THE
19 AMOUNT OF ANY REMAINING ENCUMBRANCES PLACED AND HELD BY
20 DIMENSIONS.

21 (3) ANY CREDIT SHALL BE REDUCED BY THE AMOUNT OF
22 FUNDING, IF ANY, REQUIRED TO REMOVE ANY ENCUMBRANCES PLACED BY OR
23 WITH THE INVOLVEMENT OF THE COUNTY ON THE TITLE TO THE FACILITIES,
24 ASSETS, AND REAL PROPERTY CONVEYED TO THE NEW OWNER OR OWNERS.

25 (4) ANY CREDIT SHALL BE APPLIED ON A PRO RATA BASIS FOR
26 EACH YEAR OF THE COUNTY'S FUNDING OBLIGATION AS AGREED UPON UNDER §
27 24-1604 OF THIS SUBTITLE.

28 (D) IF THE AMOUNT OF THE CREDIT AS DETERMINED UNDER
29 SUBSECTION (C)(2) AND (3) OF THIS SECTION EXCEEDS THE COUNTY'S TOTAL
30 OBLIGATION FOR FINANCIAL SUPPORT, THE NEW OWNER OR OWNERS SHALL
31 PROMPTLY PAY THE BALANCE TO THE COUNTY.

32 24-1607.

1 **(A) (1) SUBJECT TO ANY LIMITATIONS UNDER THIS SUBTITLE OR**
2 **OTHER APPLICABLE LAW, THE AUTHORITY SHALL HAVE ALL POWERS**
3 **NECESSARY OR CONVENIENT TO FURTHER ITS MISSION.**

4 **(2) THE ENUMERATION OF SPECIFIC POWERS IN THIS SUBTITLE**
5 **IS NOT INTENDED TO RESTRICT THE AUTHORITY'S POWER TO TAKE ANY**
6 **LAWFUL ACTION THAT THE AUTHORITY DETERMINES IS NECESSARY OR**
7 **CONVENIENT TO FURTHER ITS MISSION.**

8 **(B) IN ADDITION TO THE POWERS SET FORTH ELSEWHERE IN THIS**
9 **SUBTITLE, THE AUTHORITY MAY:**

10 **(1) ADOPT AND ALTER AN OFFICIAL SEAL;**

11 **(2) SUE AND BE SUED, PLEAD AND BE IMPEADED;**

12 **(3) ADOPT BYLAWS, RULES, AND REGULATIONS TO CARRY OUT**
13 **THE PROVISIONS OF THIS SUBTITLE;**

14 **(4) MAINTAIN AN OFFICE AT THE PLACE DESIGNATED BY THE**
15 **AUTHORITY;**

16 **(5) EMPLOY OR RETAIN ANY PERSONNEL THAT THE AUTHORITY**
17 **DETERMINES TO BE NECESSARY AND FIX THEIR COMPENSATION;**

18 **(6) ENTER INTO ANY AGREEMENTS NECESSARY TO MANAGE ITS**
19 **OWN AFFAIRS; AND**

20 **(7) APPLY FOR AND RECEIVE GRANTS, CONTRACTS, OR OTHER**
21 **PUBLIC OR PRIVATE FUNDING.**

22 **(C) THE AUTHORITY SHALL RECEIVE FUNDING IN AN AMOUNT NOT TO**
23 **EXCEED \$1,500,000, DIVIDED EVENLY BETWEEN THE STATE AND THE COUNTY**
24 **FROM THE APPROPRIATIONS PROVIDED UNDER § 24-1608 OF THIS SUBTITLE.**

25 **24-1608.**

26 **(A) SUBJECT TO § 24-1604(D)(2) OF THIS SUBTITLE:**

27 **(1) FOR FISCAL YEAR 2009, THE GOVERNOR MAY INCLUDE IN**
28 **THE BUDGET SUBMITTED TO THE GENERAL ASSEMBLY AN APPROPRIATION OF**
29 **\$12,000,000 FOR THE FINANCIAL SUPPORT OF THE FACILITIES, ASSETS,**
30 **LEASEHOLD RIGHTS, LIABILITIES, AND OPERATIONS HELD OR OPERATED BY**
31 **DIMENSIONS; AND**

1 **(2) FOR FISCAL YEAR 2009, THE COUNTY SHALL APPROPRIATE**
2 **\$12,000,000 FOR THE FINANCIAL SUPPORT OF THE FACILITIES, ASSETS,**
3 **LEASEHOLD RIGHTS, LIABILITIES, AND OPERATIONS HELD OR OPERATED BY**
4 **DIMENSIONS.**

5 **(B) SUBJECT TO § 24-1604(D)(2) OF THIS SUBTITLE, AND UNLESS AN**
6 **AGREEMENT FOR THE SALE OR TRANSFER OF THE PRINCE GEORGE'S COUNTY**
7 **HEALTH CARE SYSTEM TO A NEW OWNER OR OWNERS IS REACHED THAT**
8 **RENDERS THE ACTION NO LONGER NECESSARY:**

9 **(1) THE GOVERNOR SHALL INCLUDE IN THE FISCAL YEAR 2010**
10 **BUDGET SUBMITTED TO THE GENERAL ASSEMBLY AN APPROPRIATION OF**
11 **\$12,000,000 FOR THE FINANCIAL SUPPORT OF THE PRINCE GEORGE'S COUNTY**
12 **HEALTH CARE SYSTEM; AND**

13 **(2) FOR FISCAL YEAR 2010, THE COUNTY SHALL APPROPRIATE**
14 **\$12,000,000 FOR THE FINANCIAL SUPPORT OF THE PRINCE GEORGE'S COUNTY**
15 **HEALTH CARE SYSTEM.**

16 **(C) (1) THE STATE AND THE COUNTY SHALL MAKE THEIR**
17 **RESPECTIVE PAYMENTS TO DIMENSIONS IN QUARTERLY INCREMENTS OF**
18 **\$3,000,000 EACH, DUE AT THE BEGINNING OF EVERY QUARTER OF EACH FISCAL**
19 **YEAR.**

20 **(2) (I) IF SCHEDULED PAYMENTS ARE NOT MADE BY THE**
21 **FIFTEENTH DAY AFTER EACH PAYMENT IS DUE, CHARGES SHALL ACCRUE ON**
22 **ANY UNPAID PAYMENTS AT A SIMPLE RATE OF 1% PER MONTH.**

23 **(II) LATE PAYMENT CHARGES SHALL BE ADDED TO THE**
24 **SCHEDULED PAYMENT EVERY THIRTY DAYS THEREAFTER.**

25 **SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the**
26 **members of the Board of the Prince George's County Hospital Authority, established**
27 **under Section 1 of this Act, shall expire within two years of the effective date of this**
28 **Act.**

29 **SECTION 3. AND BE IT FURTHER ENACTED, That the Department of**
30 **Health and Mental Hygiene (DHMH) and the Department of Business and Economic**
31 **Development (DBED) shall provide initial staffing for the Prince George's County**
32 **Hospital Authority, established under Section 1 of this Act, until the Authority hires**
33 **or retains staff of its own. The Authority shall reimburse the DHMH and DBED,**
34 **respectively, for the cost of the initial staffing provided by them.**

1 ~~SECTION 4. AND BE IT FURTHER ENACTED, That it is the intent of the~~
2 ~~General Assembly that:~~

3 ~~(1) notwithstanding § 7-210 or § 7-310 of the State Finance and~~
4 ~~Procurement Article or any other law, the Governor is authorized to transfer by~~
5 ~~approved budget amendment from the Dedicated Purpose Account, as provided in~~
6 ~~Supplemental Budget No. 4 for fiscal year 2008, an operating grant in the amount of~~
7 ~~\$20,000,000 to the Prince George's County Hospital Authority for the purpose of~~
8 ~~operating support for the Prince George's Hospital Center;~~

9 ~~(2) for fiscal year 2009, \$10,000,000 may be appropriated for the purpose of~~
10 ~~providing an operating grant to the Prince George's County Hospital Authority;~~

11 ~~(3) the State shall provide capital support for the Prince George's Hospital~~
12 ~~Center to be available in fiscal year 2008 in the amount of \$13,000,000 as authorized~~
13 ~~in previously appropriated but unexpended capital funding in the 2004, 2005, and~~
14 ~~2006 capital budgets; and~~

15 ~~(4) in the fiscal year 2009 capital budget, the State may provide a grant to~~
16 ~~the Prince George's County Hospital Authority in the amount of \$13,000,000 for~~
17 ~~capital support for the Prince George's Hospital Center.~~

18 SECTION 4. AND BE IT FURTHER ENACTED, That it is the intent of the
19 General Assembly that the State, subject to the conditions set forth in this Act, shall
20 provide support for the Prince George's Hospital Center in the amount of \$12,000,000
21 for each of fiscal years 2009 and 2010.

22 SECTION 5. AND BE IT FURTHER ENACTED, That, notwithstanding any
23 other provision of law, up to \$20,000,000 may be transferred from the Dedicated
24 Purpose Account established under § 7-310 of the State Finance and Procurement
25 Article by approved budget amendment to the Department of Health and Mental
26 Hygiene for the purpose of providing support to Dimensions for the operation of the
27 Prince George's County health care system pending implementation of the
28 requirements of this Act.

29 ~~SECTION 5. 6. AND BE IT FURTHER ENACTED, That it is the intent of the~~
30 ~~General Assembly that State funding for education and public safety purposes will not~~
31 ~~be affected by any State support for the Prince George's County Hospital Authority.~~

32 ~~SECTION 6. 7. AND BE IT FURTHER ENACTED, That this Act is an~~
33 ~~emergency measure, is necessary for the immediate preservation of the public health~~
34 ~~or safety, has been passed by a yea and nay vote supported by three-fifths of all the~~
35 ~~members elected to each of the two Houses of the General Assembly, and shall take~~
36 ~~effect from the date it is enacted.~~

37 SECTION 8. AND BE IT FURTHER ENACTED, That this Act shall remain
38 effective for a period of two years and, at the end of two years, with no further action

1 required by the General Assembly, this Act shall be abrogated and of no further force
2 and effect.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.