

CHAPTER 656

(House Bill 278)

AN ACT concerning

Department of Health and Mental Hygiene – Powers of the Secretary

FOR the purpose of clarifying that the Secretary of Health and Mental Hygiene may conduct a survey to identify any ~~areas~~ area in this State that ~~have~~ has a substantial deficiency in ~~specific~~ certain medical or health care facilities ~~or~~, staff, or services; clarifying that the Secretary may provide counsel and other help to establish medical or health care services in a certain underserved area; clarifying that if the proposals considered or adopted by the Secretary are not feasible or successful to assure the public health of an identified underserved area of the State, the Secretary may provide the authorizing the Secretary to provide needed health care facilities, staff, or services by entering into certain contracts or approving, to facilitate the provision of State health care services to the underserved area, approve contracts with certain public or private health care entities ~~that facilitate the provision of State health care services to the underserved area~~; requiring the Secretary to consider market factors that may be contributing to a deficiency in general or specific medical or health care facilities, staff, or services in certain areas of the State; requiring the Secretary to maximize, to the extent feasible, the State's recovery of health care costs and expenses when seeking to ameliorate an identified deficiency in health care facilities, staff, or services; requiring the Secretary to consult with certain commissions and groups under certain circumstances; providing that this Act may not be construed to have any impact on certain requirements for health care providers and health care facilities; and generally relating to the powers of the Secretary of Health and Mental Hygiene with respect to health care facilities, staff, and services in underserved areas of the State.

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

Preamble

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

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

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

Article - Health - General

2-108.

[The Secretary:]

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

[(2)](B) In cooperation with appropriate county and State groups, **THE SECRETARY** may provide the community or organization with counsel and other help to establish medical or health care facilities **OR SERVICES** and to recruit medical or health care staff in [that] ~~THE AN UNDERSERVED~~ **area IDENTIFIED AS A RESULT OF THE SURVEY CONDUCTED IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION**[; and].

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

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

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

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

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

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

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

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

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

SECTION 2. AND BE IT FURTHER ENACTED, That:

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

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

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

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

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

Approved by the Governor, May 22, 2008.