

HOUSE BILL 871

J3

EMERGENCY BILL

9lr2438
CF SB 799

By: **Delegates Barkley, Barve, Dumais, Feldman, Gilchrist, Montgomery, Reznik, Rice, and Simmons**

Introduced and read first time: February 12, 2009

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Health Care Facilities – Certificates of Need – Hospitals**

3 FOR the purpose of requiring the Maryland Health Care Commission to docket and
4 review a certain application for a certificate of need based on a certain letter of
5 intent notwithstanding the pendency of a certain application; requiring the
6 Commission to review a certain application for a certificate of need in a certain
7 manner; defining certain terms; making this Act an emergency measure; and
8 generally relating to certificates of need for hospitals.

9 BY repealing and reenacting, with amendments,
10 Article – Health – General
11 Section 19–120(f)
12 Annotated Code of Maryland
13 (2005 Replacement Volume and 2008 Supplement)

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

16 **Article – Health – General**

17 19–120.

18 (f) **(1)** Except as provided in subsection (g)(2)(iii) of this section, a
19 certificate of need is required before a new health care facility is built, developed, or
20 established.

21 **(2) (I) 1. IN THIS PARAGRAPH THE FOLLOWING WORDS**
22 **HAVE THE MEANINGS INDICATED.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **2. “ADDITIONAL LETTER OF INTENT” MEANS A**
2 **LETTER OF INTENT TO FILE AN APPLICATION FOR THE BUILDING,**
3 **ESTABLISHMENT, OR DEVELOPMENT OF AN ADDITIONAL NEW GENERAL**
4 **HOSPITAL AS A NEW HEALTH CARE FACILITY IN THE SAME JURISDICTION AS**
5 **THE JURISDICTION PROVIDED FOR IN AN ORIGINAL APPLICATION.**

6 **3. “GENERAL HOSPITAL” MEANS A HOSPITAL THAT**
7 **IS CLASSIFIED AS A GENERAL HOSPITAL UNDER § 19-307(A)(1) OF THIS**
8 **ARTICLE.**

9 **4. “ORIGINAL APPLICATION” MEANS AN**
10 **APPLICATION DOCKETED ON OR AFTER JANUARY 1, 2009, FOR A CERTIFICATE**
11 **OF NEED FOR THE BUILDING, ESTABLISHMENT, OR DEVELOPMENT OF AN**
12 **ADDITIONAL GENERAL HOSPITAL AS A NEW HEALTH CARE FACILITY IN A**
13 **JURISDICTION.**

14 **(II) IF, PRIOR TO THE COMMISSION’S REVIEW AND**
15 **DECISION ON AN ORIGINAL APPLICATION, AN ADDITIONAL LETTER OF INTENT IS**
16 **FILED WITH THE COMMISSION ON THE FIRST AVAILABLE DATE AFTER THE**
17 **FILING OF THE ORIGINAL APPLICATION ACCORDING TO THE SCHEDULE**
18 **PUBLISHED BY THE COMMISSION, THE COMMISSION SHALL DOCKET AND**
19 **REVIEW AN APPLICATION BASED ON THE ADDITIONAL LETTER OF INTENT**
20 **NOTWITHSTANDING THE PENDENCY OF THE ORIGINAL APPLICATION.**

21 **(III) THE COMMISSION SHALL REVIEW AN APPLICATION**
22 **BASED ON AN ADDITIONAL LETTER OF INTENT RECEIVED UNDER**
23 **SUBPARAGRAPH (II) OF THIS PARAGRAPH COMPARATIVELY IN THE SAME**
24 **REVIEW OF THE ORIGINAL APPLICATION.**

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