

# SENATE BILL 71

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9lr0010

(PRE-FILED)

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By: **Chair, Finance Committee (By Request - Departmental - Health and Mental Hygiene)**

Requested: October 6, 2008

Introduced and read first time: January 14, 2009

Assigned to: Finance

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 3, 2009

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Maryland Health Care Commission - Certificate of Need Requirements**

3 FOR the purpose of altering certain certificate of need requirements relating to the  
4 closure or partial closure of a hospital so as to include certain other health care  
5 facilities; authorizing the Maryland Health Care Commission to require a  
6 health care facility to hold a certain hearing in a certain location under certain  
7 circumstances; specifying when the hearing must be held; and generally  
8 relating to certificate of need requirements and the Maryland Health Care  
9 Commission.

10 BY repealing and reenacting, with amendments,  
11 Article - Health - General  
12 Section 19-120(l)  
13 Annotated Code of Maryland  
14 (2005 Replacement Volume and 2008 Supplement)

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

17 **Article - Health - General**

18 19-120.

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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.



1 (1) **(1)** A certificate of need is not required to close any [hospital] **HEALTH**  
 2 **CARE FACILITY** or part of a [hospital] **HEALTH CARE FACILITY** as defined in [§  
 3 19-301] **§ 19-114** of this title if:

4 ~~(1)~~ **(I)** At least 45 days before the closing or partial closing of a  
 5 [hospital, including a State hospital] **HEALTH CARE FACILITY**, a person proposing to  
 6 close all or part of the [hospital] **HEALTH CARE FACILITY** files notice of the proposed  
 7 closing or partial closing with the Commission; and

8 ~~(2)~~ **(II)** For a hospital located in a county with fewer than three  
 9 hospitals, within 30 days after receipt of the notice of intent to close, the hospital, in  
 10 consultation with the Commission, holds a public informational hearing in the county  
 11 where the hospital is located.

12 **(2) (I) IF A HEALTH CARE FACILITY INTENDS TO CLOSE OR**  
 13 **PARTIALLY CLOSE, THE COMMISSION MAY REQUIRE THE HEALTH CARE**  
 14 **FACILITY, IN CONSULTATION WITH THE COMMISSION, TO HOLD A PUBLIC**  
 15 **INFORMATIONAL HEARING IN THE COUNTY WHERE THE HEALTH CARE FACILITY**  
 16 **IS LOCATED.**

17 **(II) A HEALTH CARE FACILITY SHALL HOLD A HEARING**  
 18 **REQUIRED UNDER SUBPARAGRAPH (1) OF THIS PARAGRAPH AT LEAST 15 DAYS**  
 19 **BEFORE THE CLOSING OR PARTIAL CLOSING OF THE HEALTH CARE FACILITY.**

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
 21 October 1, 2009.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.