

SENATE BILL 57

J3

11r0038

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

Introduced and read first time: January 18, 2011

Assigned to: Finance

Committee Report: Favorable

Senate action: Adopted

Read second time: January 28, 2011

CHAPTER _____

1 AN ACT concerning

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

3 FOR the purpose of expanding the application of certain certificate of need
4 requirements relating to the closure or partial closure of a hospital to certain
5 other health care facilities; authorizing the Maryland Health Care Commission
6 to require a certain health care facility to hold a certain hearing in a certain
7 location; requiring the hearing to be held in consultation with the Commission
8 and within a certain time period; and generally relating to certificate of need
9 requirements and the Maryland Health Care Commission.

10 BY repealing and reenacting, with amendments,
11 Article – Health – General
12 Section 19–120(l)
13 Annotated Code of Maryland
14 (2009 Replacement Volume and 2010 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.

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 of this title] if[:

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

8 (2) [For a] **A** hospital located in a county with fewer than three
 9 hospitals **THAT FILES A NOTICE OF ITS PROPOSED CLOSING OR PARTIAL**
 10 **CLOSING WITH THE COMMISSION**[, within 30 days after receipt of the notice of
 11 intent to close, the hospital, in consultation with the Commission, holds] **SHALL HOLD**
 12 a public informational hearing in the county where the hospital is located.

13 **(3) THE COMMISSION MAY REQUIRE A HEALTH CARE FACILITY**
 14 **OTHER THAN A HOSPITAL DESCRIBED IN PARAGRAPH (2) OF THIS SUBSECTION**
 15 **THAT FILES NOTICE OF ITS PROPOSED CLOSING OR PARTIAL CLOSING TO HOLD**
 16 **A PUBLIC INFORMATIONAL HEARING IN THE COUNTY WHERE THE HEALTH CARE**
 17 **FACILITY IS LOCATED.**

18 **(4) A PUBLIC INFORMATIONAL HEARING REQUIRED UNDER**
 19 **PARAGRAPH (2) OR (3) OF THIS SUBSECTION SHALL BE HELD BY THE HEALTH**
 20 **CARE FACILITY, IN CONSULTATION WITH THE COMMISSION, WITHIN 30 DAYS**
 21 **AFTER THE HEALTH CARE FACILITY FILES A NOTICE OF ITS PROPOSED CLOSING**
 22 **OR PARTIAL CLOSING WITH THE COMMISSION.**

23 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
 24 **October 1, 2011.**

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.