

SENATE BILL 975

J3

3lr2792

By: **Senator Pipkin**

Introduced and read first time: February 15, 2013

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Health Care Commission – Certificate of Need Review – Interested**
3 **Party**

4 FOR the purpose of altering the definition of interested party, for purposes of
5 certificate of need review of certain projects, to include a jurisdiction that does
6 not contain a general hospital; and generally relating to interested parties in
7 certificate of need reviews by the Maryland Health Care Commission.

8 BY repealing and reenacting, with amendments,
9 Article – Health – General
10 Section 19–126(d)
11 Annotated Code of Maryland
12 (2009 Replacement Volume and 2012 Supplement)

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

15 **Article – Health – General**

16 19–126.

17 (d) (1) The Commission alone shall have final nondelegable authority to
18 act upon an application for a certificate of need, except as provided in this subsection.

19 (2) A majority of the full authorized membership of the Commission
20 shall be a quorum to act on an application for a certificate of need.

21 (3) After an application is filed, the staff of the Commission:

22 (i) Shall review the application for completeness within 10
23 working days of the filing of the application; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (ii) May request further information from the applicant.

2 (4) The Commission may delegate to a reviewer the responsibility for
3 review of an application for a certificate of need, including:

4 (i) The holding of an evidentiary hearing if the Commission, in
5 accordance with criteria it has adopted by regulation, considers an evidentiary hearing
6 appropriate due to the magnitude of the impact the proposed project may have on the
7 health care delivery system; and

8 (ii) Preparation of a recommended decision for consideration by
9 the full Commission.

10 (5) The Commission shall designate a single Commissioner to act as a
11 reviewer for the application and any competing applications.

12 (6) The Commission shall delegate to its staff the responsibility for an
13 initial review of an application, including, in the event that no written comments on
14 an application are submitted by any interested party other than the staff of the
15 Commission, the preparation of a recommended decision for consideration by the full
16 Commission.

17 (7) Any “interested party” may submit written comments on the
18 application in accordance with procedural regulations adopted by the Commission.

19 (8) The Commission shall define the term “interested party” to
20 include, at a minimum:

21 (i) The staff of the Commission;

22 (ii) Any applicant who has submitted a competing application;

23 (iii) Any other person who can demonstrate that the person
24 would be adversely affected by the decision of the Commission on the application;
25 [and]

26 (iv) A local health planning agency for a jurisdiction or region in
27 which the proposed facility or service will be located; AND

28 (V) IN THE REVIEW OF PROPOSED REPLACEMENT
29 PROJECTS BY OR ON BEHALF OF GENERAL HOSPITALS LOCATED IN
30 CONTIGUOUS JURISDICTIONS, A JURISDICTION THAT DOES NOT CONTAIN A
31 GENERAL HOSPITAL.

1 (9) The reviewer shall review the application, any written comments
2 on the application, and any other materials permitted by this section or by the
3 Commission's regulations, and present a recommended decision on the application to
4 the full Commission.

5 (10) (i) An applicant and any interested party may request the
6 opportunity to present oral argument to the reviewer, in accordance with regulations
7 adopted by the Commission, before the reviewer prepares a recommended decision on
8 the application for consideration by the full Commission.

9 (ii) The reviewer may grant, deny, or impose limitations on an
10 interested party's request to present oral argument to the reviewer.

11 (11) Any interested party who has submitted written comments under
12 paragraph (7) of this subsection may submit written exceptions to the proposed
13 decision and make oral argument to the Commission, in accordance with regulations
14 adopted by the Commission, before the Commission takes final action on the
15 application.

16 (12) The Commission shall, after determining that the recommended
17 decision is complete, vote to approve, approve with conditions, or deny the application
18 on the basis of the recommended decision, the record before the staff or the reviewer,
19 and exceptions and arguments, if any, before the Commission.

20 (13) The decision of the Commission shall be by a majority of the
21 quorum present and voting.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2013.