

**SENATE BILL 12**

J3, L1

EMERGENCY BILL  
(PRE-FILED)

6lr0610  
CF 6lr0592

By: **Senators Rosapepe and Hershey**

Requested: August 18, 2015

Introduced and read first time: January 13, 2016

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Health Care Facilities – Closures or Partial Closures of Hospitals – County**  
3 **Board of Health Approval**

4 FOR the purpose of prohibiting a person proposing to close or partially close a certain  
5 hospital from closing or partially closing the hospital except under certain  
6 circumstances; requiring the county board of health for the county in which the  
7 hospital is located to hold a certain public hearing within a certain period of time  
8 and consider certain factors in deciding whether to approve the closure or partial  
9 closure of a certain hospital; requiring the board of health to provide written notice  
10 of its decision to certain persons within a certain period of time; prohibiting the  
11 failure of the board of health to comply with certain provisions of this Act from being  
12 deemed an approval of the closure or partial closure of a certain hospital; providing  
13 that the requirements under certain provisions of this Act for the closure or partial  
14 closure of a certain hospital are in addition to certain other requirements; providing  
15 for the application of this Act; defining a certain term; making this Act an emergency  
16 measure; and generally relating to closures or partial closures of hospitals in the  
17 State.

18 BY repealing and reenacting, with amendments,  
19 Article – Health – General  
20 Section 19–120(l)  
21 Annotated Code of Maryland  
22 (2015 Replacement Volume)

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

25 **Article – Health – General**

26 19–120.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           (1)    (1)    A certificate of need is not required to close any health care facility or  
2 part of a health care facility if at least 45 days before the closing or partial closing of the  
3 health care facility, including a State hospital, a person proposing to close all or part of the  
4 health care facility files notice of the proposed closing or partial closing with the  
5 Commission.

6           (2)    A hospital located in a county with fewer than three hospitals that files  
7 a notice of its proposed closing or partial closing with the Commission shall hold a public  
8 informational hearing in the county where the hospital is located.

9           (3)    The Commission may require a health care facility other than a hospital  
10 described in paragraph (2) of this subsection that files notice of its proposed closing or  
11 partial closing to hold a public informational hearing in the county where the health care  
12 facility is located.

13           (4)    A public informational hearing required under paragraph (2) or (3) of  
14 this subsection shall be held by the health care facility, in consultation with the  
15 Commission, within 30 days after the health care facility files a notice of its proposed  
16 closing or partial closing with the Commission.

17           **(5)    (I)    IN THIS PARAGRAPH, “BOARD OF HEALTH” MEANS THE**  
18 **COUNTY BOARD OF HEALTH FOR THE COUNTY IN WHICH A HOSPITAL IS LOCATED.**

19                   **(II)   THIS PARAGRAPH APPLIES ONLY TO A HOSPITAL THAT**  
20 **RECEIVES STATE AND COUNTY FUNDING.**

21                   **(III)  A PERSON PROPOSING TO CLOSE OR PARTIALLY CLOSE A**  
22 **HOSPITAL MAY NOT CLOSE OR PARTIALLY CLOSE THE HOSPITAL UNLESS:**

23                           **1.    THE PERSON NOTIFIES THE BOARD OF HEALTH OF**  
24 **THE PROPOSED CLOSURE OR PARTIAL CLOSURE AT LEAST 90 DAYS BEFORE THE**  
25 **PROPOSED DATE OF CLOSURE OR PARTIAL CLOSURE; AND**

26                           **2.    THE BOARD OF HEALTH APPROVES THE CLOSURE OR**  
27 **PARTIAL CLOSURE.**

28                   **(IV)  IN DECIDING WHETHER TO APPROVE THE CLOSURE OR**  
29 **PARTIAL CLOSURE OF A HOSPITAL, THE BOARD OF HEALTH SHALL:**

30                           **1.    WITHIN 30 DAYS AFTER RECEIVING NOTICE OF THE**  
31 **PROPOSED CLOSURE OR PARTIAL CLOSURE, HOLD A PUBLIC HEARING AT A**  
32 **LOCATION WITHIN 5 MILES OF THE HOSPITAL;**

1                                   **2.    CONSIDER THE ORAL AND WRITTEN TESTIMONY**  
2 **SUBMITTED TO THE BOARD OF HEALTH; AND**

3                                   **3.    CONSIDER WHETHER THE SALE OR OTHER TRANSFER**  
4 **OF THE HOSPITAL TO ANOTHER PERSON IS A VIABLE ALTERNATIVE TO THE CLOSURE**  
5 **OR PARTIAL CLOSURE.**

6                                   **(v)    WITHIN 30 DAYS AFTER A PUBLIC HEARING IS HELD UNDER**  
7 **SUBPARAGRAPH (IV)1 OF THIS PARAGRAPH, THE BOARD OF HEALTH SHALL**  
8 **PROVIDE WRITTEN NOTICE OF ITS DECISION TO THE PERSON PROPOSING TO CLOSE**  
9 **OR PARTIALLY CLOSE THE HOSPITAL AND TO THE COMMISSION.**

10                                  **(vi)    FAILURE OF THE BOARD OF HEALTH TO COMPLY WITH**  
11 **SUBPARAGRAPH (IV) OR (V) OF THIS PARAGRAPH MAY NOT BE DEEMED AN**  
12 **APPROVAL OF THE CLOSURE OR PARTIAL CLOSURE OF A HOSPITAL.**

13                                  **(vii) THE REQUIREMENTS UNDER THIS PARAGRAPH FOR THE**  
14 **CLOSURE OR PARTIAL CLOSURE OF A HOSPITAL ARE IN ADDITION TO ANY**  
15 **APPLICABLE REQUIREMENTS UNDER PARAGRAPHS (1), (2), AND (4) OF THIS**  
16 **SUBSECTION.**

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