

SB0940/447474/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 940
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike “altering” and substitute “repealing”; in line 6, strike the second “a”; in the same line, strike “hospital” and substitute “health care facilities”; strike beginning with “authorizing” in line 9 down through “need;” in line 10 and substitute “repealing a provision of law authorizing a hospital to acquire a freestanding ambulatory surgical facility or a certain office or group practice under certain circumstances;”; in line 12, after “circumstances;” insert “repealing a provision of law providing for the construction of certain provisions of law governing certificates of need; providing for the application of certain provisions of this Act;”; after line 13, insert:

“BY repealing and reenacting, without amendments,

Article - Health - General

Section 19-114(a)

Annotated Code of Maryland

(2015 Replacement Volume and 2018 Supplement)”;

and after line 18, insert:

“BY repealing

Article - Health - General

Section 19-120(k)(8) and (9)

Annotated Code of Maryland

(2015 Replacement Volume and 2018 Supplement)”.

AMENDMENT NO. 2

On page 1, after line 22, insert:

(Over)

“(a) In this Part II of this subtitle the following words have the meanings indicated.”;

and strike beginning with the comma in line 24 down through the comma in line 25.

On page 2, strike in their entirety lines 6 through 14, inclusive; in line 24, strike “GENERAL”; and in the same line, after “HOSPITAL” insert “, A FREESTANDING MEDICAL FACILITY, OR AN AMBULATORY SURGICAL FACILITY”.

On page 3, after line 27, insert:

“(8) Subject to the notice requirements of paragraph (6)(ii) of this subsection, a hospital may acquire a freestanding ambulatory surgical facility or office of one or more health care practitioners or a group practice with one or more operating rooms used primarily for the purpose of providing ambulatory surgical services if the facility, office, or group practice:

(i) Has obtained a certificate of need;

(ii) Has obtained an exemption from certificate of need requirements; or

(iii) Did not require a certificate of need in order to provide ambulatory surgical services after June 1, 1995.

(9) Nothing in this subsection may be construed to permit a hospital to build or expand its ambulatory surgical capacity in any setting owned or controlled by the hospital without obtaining a certificate of need from the Commission if the building or expansion would increase the surgical capacity of the State’s health care system.]”.

On page 4, in line 25, strike “(I)”.

On pages 4 and 5, strike in their entirety the lines beginning with line 27 on page 4 through line 1 on page 5, inclusive.

On page 7, strike in their entirety lines 25 through 29, inclusive, and substitute:

“(2) (I) THIS PARAGRAPH DOES NOT APPLY TO AN APPLICATION FOR A CERTIFICATE OF NEED INVOLVING:

1. THE ESTABLISHMENT OF A HEALTH CARE FACILITY;

2. THE RELOCATION OF A HEALTH CARE FACILITY;
OR

3. THE INTRODUCTION BY A HOSPITAL OF CARDIAC SURGERY OR ORGAN TRANSPLANTATION.

(II) A CERTIFICATE OF NEED FILED AFTER OCTOBER 1, 2019, SHALL BE DEEMED APPROVED IF:

1. THE CERTIFICATE OF NEED IS UNCONTESTED; AND

2. FINAL ACTION BY THE COMMISSION DOES NOT OCCUR WITHIN 120 DAYS AFTER THE APPLICATION FOR THE CERTIFICATE OF NEED WAS DOCKETED.”.