

# HOUSE BILL 1059

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By: **Delegate Lisanti**

Introduced and read first time: February 8, 2019

Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Health Care Facilities – Closing or Partial Closing – Public Notice**

3 FOR the purpose of requiring the Maryland Health Care Commission to publish a certain  
4 notice of the closing or partial closing of a certain health care facility within a certain  
5 time period; requiring the Commission to ensure that a certain notice is available to  
6 the public for certain purposes and a certain local governing body and certain  
7 members of the General Assembly; requiring the Commission to publish a notice of  
8 certain informational meetings; requiring the Commission to post a certain written  
9 summary on its website within a certain time period; specifying certain procedures  
10 for the publication of certain notices by the Commission; requiring a certain person  
11 to bear certain costs incurred by the Commission; requiring the Commission to  
12 electronically post a certain notice and to provide a certain method for certain  
13 persons to electronically request certain additional notices; requiring that a certain  
14 electronic notice include certain information; authorizing the Commission to require  
15 a certain person to publish and send certain notices under certain circumstances;  
16 requiring that certain regulations include a requirement that certain hospitals  
17 address a certain economic impact under certain circumstances; making conforming  
18 changes; and generally relating to public notification of the closing or partial closing  
19 of a health care facility.

20 BY repealing and reenacting, with amendments,

21 Article – Health – General

22 Section 19–120(l)

23 Annotated Code of Maryland

24 (2015 Replacement Volume and 2018 Supplement)

25 (As enacted by Chapter 420 of the Acts of the General Assembly of 2016)

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

28 **Article – Health – General**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 19–120.

2 (l) (1) A certificate of need is not required to close any health care facility or  
3 part of a health care facility if at least 90 days before the closing or if at least 45 days before  
4 the partial closing of the health care facility, including a State hospital, a person proposing  
5 to close all or part of the health care facility files notice of the proposed closing or partial  
6 closing with the Commission.

7 (2) (i) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE  
8 COMMISSION SHALL PUBLISH NOTICE OF THE PROPOSED CLOSING OR PARTIAL  
9 CLOSING OF A HEALTH CARE FACILITY WITHIN 10 DAYS AFTER RECEIVING THE  
10 NOTICE REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

11 (ii) THE COMMISSION SHALL ENSURE THAT THE NOTICE OF  
12 THE PROPOSED CLOSING OR PARTIAL CLOSING OF A HEALTH CARE FACILITY IS:

13 1. AVAILABLE TO THE PUBLIC FOR INSPECTION AND  
14 COPYING; AND

15 2. PROVIDED TO THE LOCAL GOVERNING BODY AND THE  
16 MEMBERS OF THE GENERAL ASSEMBLY WHO REPRESENT THE DISTRICT IN WHICH  
17 THE HEALTH CARE FACILITY IS LOCATED.

18 (iii) THE COMMISSION SHALL:

19 1. PUBLISH NOTICE OF AN INFORMATIONAL MEETING  
20 HELD UNDER PARAGRAPH (5) OR (6) OF THIS SUBSECTION; AND

21 2. WITHIN 10 DAYS AFTER RECEIVING THE WRITTEN  
22 SUMMARY FROM THE HOSPITAL UNDER PARAGRAPH (9) OF THIS SUBSECTION, POST  
23 THE WRITTEN SUMMARY ON ITS WEBSITE.

24 (3) (i) 1. A NOTICE REQUIRED TO BE PUBLISHED UNDER THIS  
25 SUBSECTION SHALL BE PUBLISHED AT LEAST ONCE A WEEK FOR 2 CONSECUTIVE  
26 WEEKS IN A DAILY OR WEEKLY NEWSPAPER OF GENERAL CIRCULATION IN THE  
27 GEOGRAPHICAL AREA IN WHICH THE HEALTH CARE FACILITY IS LOCATED.

28 2. THE COMMISSION MAY REQUIRE THAT NOTICE OF AN  
29 INFORMATIONAL MEETING OR A PUBLIC HEARING BE GIVEN BY MAIL TO EACH  
30 PERSON REQUESTING THE MEETING OR HEARING OR TO THE PERSON'S  
31 AUTHORIZED REPRESENTATIVES.

32 3. THE COMMISSION MAY PROVIDE ADDITIONAL NOTICE

1 BY REQUIRING THAT THE NOTICE BE POSTED AT THE HEALTH CARE FACILITY OR AT  
2 PUBLIC FACILITIES IN THE GEOGRAPHICAL AREA OF THE HEALTH CARE FACILITY.

3 (II) A PERSON PROPOSING TO CLOSE OR PARTIALLY CLOSE A  
4 HEALTH CARE FACILITY SHALL BEAR ALL COSTS INCURRED BY THE COMMISSION IN  
5 PROVIDING NOTICE.

6 (4) (I) IN ADDITION TO THE REQUIREMENTS UNDER PARAGRAPH  
7 (3) OF THIS SUBSECTION, WHEN THE COMMISSION IS REQUIRED TO PUBLISH NOTICE  
8 OF THE CLOSURE OR PARTIAL CLOSURE OF A HEALTH CARE FACILITY, THE  
9 COMMISSION SHALL:

10 1. ELECTRONICALLY POST THE NOTICE ON THE  
11 COMMISSION'S WEBSITE; AND

12 2. PROVIDE A METHOD FOR INTERESTED PERSONS TO  
13 ELECTRONICALLY REQUEST ANY ADDITIONAL NOTICES RELATED TO THE CLOSURE  
14 OR PARTIAL CLOSURE OF A HEALTH CARE FACILITY.

15 (II) A NOTICE REQUIRED TO BE ELECTRONICALLY POSTED  
16 UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL INCLUDE:

17 1. THE NAME AND ADDRESS OF THE PERSON PROPOSING  
18 THE CLOSURE OR PARTIAL CLOSURE OF A HEALTH CARE FACILITY;

19 2. A DESCRIPTION OF THE LOCATION AND THE NATURE  
20 OF THE ACTIVITY FOR WHICH THE PROPOSED CLOSURE OR PARTIAL CLOSURE OF A  
21 HEALTH CARE FACILITY HAS BEEN SOUGHT;

22 3. A REFERENCE TO THE APPLICABLE STATUTES OR  
23 REGULATIONS GOVERNING THE PROCESS FOR THE CLOSURE OR PARTIAL CLOSURE  
24 OF A HEALTH CARE FACILITY;

25 4. THE TIME AND PLACE OF ANY SCHEDULED  
26 INFORMATIONAL MEETING OR PUBLIC HEARING, OR A DESCRIPTION OF WHERE THIS  
27 INFORMATION CAN BE FOUND;

28 5. A DESCRIPTION OF WHERE FURTHER INFORMATION  
29 ABOUT THE PROPOSED CLOSURE OR PARTIAL CLOSURE OF A HEALTH CARE  
30 FACILITY CAN BE FOUND; AND

31 6. ANY OTHER INFORMATION THAT THE COMMISSION  
32 DETERMINES IS NECESSARY.

1                   **(III) THE COMMISSION MAY REQUIRE THE PERSON PROPOSING**  
2 **THE CLOSURE OR PARTIAL CLOSURE OF A HEALTH CARE FACILITY TO PUBLISH AND**  
3 **SEND THE NOTICES REQUIRED TO BE ELECTRONICALLY POSTED UNDER**  
4 **SUBPARAGRAPH (I) OF THIS PARAGRAPH.**

5                   **[(2)] (5)**     A hospital shall hold a public informational hearing in the county  
6 where the hospital is located if the hospital:

7                   (i)     Files a notice of the proposed closing of the hospital with the  
8 Commission;

9                   (ii)    Requests an exemption from the Commission under subsection  
10 (o)(3) of this section to convert to a freestanding medical facility; or

11                  (iii)   Is located in a county with fewer than three hospitals and files a  
12 notice of the partial closing of the hospital with the Commission.

13                  **[(3)] (6)**     The Commission may require a health care facility other than a  
14 hospital described in paragraph **[(2)] (5)** of this subsection that files notice of its proposed  
15 closing or partial closing to hold a public informational hearing in the county where the  
16 health care facility is located.

17                  **[(4)] (7)**     A public informational hearing required under paragraph **[(2)]**  
18 **(5)** or **[(3)] (6)** of this subsection shall be held by the health care facility, in consultation  
19 with the Commission, within 30 days after:

20                  (i)     The health care facility files with the Commission a notice of its  
21 proposed closing or partial closing; or

22                  (ii)    The hospital files with the Commission a notice of intent to  
23 convert to a freestanding medical facility.

24                  **[(5)] (8)**    (i)     **[The] SUBJECT TO PARAGRAPH (2) OF THIS**  
25 **SUBSECTION, THE** Commission shall establish by regulation requirements for a public  
26 informational hearing required under paragraph **[(2)] (5)** or **[(3)] (6)** of this subsection.

27                  (ii)    For a hospital proposing to close, partially close, or convert to a  
28 freestanding medical facility, the regulations shall require the hospital to address:

29                           1.     The reasons for the closure, partial closure, or conversion;

30                           2.     The plan for transitioning acute care services previously  
31 provided by the hospital to residents of the hospital service area;

32                           3.     The plan for addressing the health care needs of the

1 residents of the hospital service area;

2                   4.     The plan for retraining and placing displaced employees;

3                   5.     The plan for the hospital's physical plant and site; [and]

4                   **6.     THE ECONOMIC IMPACT ON THE COMMUNITY; AND**

5                   **[6.] 7.**    The proposed timeline for the closure, partial closure, or  
6 conversion to a freestanding medical facility.

7                   **[(6)] (9)**    Within 10 working days after a public informational hearing held  
8 by a hospital under this subsection, the hospital shall provide a written summary of the  
9 hearing to:

10                   (i)    The Governor;

11                   (ii)   The Secretary;

12                   (iii)  The governing body of the county in which the hospital is located;

13                   (iv)   The local health department and the local board of health or  
14 similar body for the county in which the hospital is located;

15                   (v)    The Commission; and

16                   (vi)   Subject to § 2-1246 of the State Government Article, the Senate  
17 Finance Committee, the House Health and Government Operations Committee, and the  
18 members of the General Assembly who represent the district in which the hospital is  
19 located.

20                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
21 October 1, 2019.