

HOUSE BILL 838

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By: **Delegates Hill, Bagnall, Chang, McComas, and Pendergrass**

Introduced and read first time: February 3, 2020

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Unregulated Space in Hospital Operating Suites Pilot Project Study**

3 FOR the purpose of requiring the Health Services Cost Review Commission to conduct a
4 certain study, in conjunction with the Maryland Health Care Commission and
5 certain stakeholders, on the feasibility and desirability of allowing for an
6 unregulated space in a hospital operating room as a pilot project; requiring the
7 Health Services Cost Review Commission to report to certain committees of the
8 General Assembly on or before a certain date; and generally relating to a study of an
9 unregulated space in hospital operating suites pilot project.

10 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
11 That:

12 (a) The Health Services Cost Review Commission, in conjunction with the
13 Maryland Health Care Commission, hospitals, providers, payers, and other relevant
14 stakeholders, shall study the feasibility and desirability of allowing for an unregulated
15 space in a hospital operating room suite as a pilot project.

16 (b) The study required under subsection (a) of this section shall include an
17 examination of:

18 (1) the availability of operating room space for elective, self-paying
19 patients that ensures safe and appropriate care for patients at higher risk or who need a
20 higher level of immediate postsurgical care;

21 (2) the Health Services Cost Review Commission's current authority
22 within the current regulated structure to accomplish differential pricing for services
23 covered by payers and the use of unregulated services;

24 (3) factors related to the mixing of regulated and unregulated space at a
25 hospital, which may include:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (i) implications for all public, commercial, and independent payers
2 of health care services;

3 (ii) transparency for and parity of access by consumers to health care
4 services; and

5 (iii) implications for hospital capital funding and capacity planning
6 needs;

7 (4) appropriate adjustments to a hospital's global budget revenue target for
8 deregulating a hospital operating room suite and opportunities to offer unregulated
9 operating room space for services that are not covered by insurers;

10 (5) the number of hospital participants in the pilot project that would be
11 financially responsible in the context of the all-payer model contract;

12 (6) the implications of the pilot project on quality of care and how the
13 quality of the services provided under the pilot project will be ensured;

14 (7) possible criteria and standards for hospital participation in the pilot
15 project; and

16 (8) any other implications of the pilot project that should be considered
17 before moving forward, including any cost-shifting that could result from the pilot project,
18 the all-payer aspect of the all-payer model, and any impact on the Total Cost of Care
19 Waiver.

20 (c) On or before June 30, 2021, the Health Services Cost Review Commission
21 shall report the findings of the study conducted under this section, in accordance with §
22 2-1257 of the State Government Article, to the Senate Finance Committee and the House
23 Health and Government Operations Committee.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
25 1, 2020.