

# HOUSE BILL 926

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HB 1540/18 – HGO

0lr1195

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By: **Delegates Lisanti and Johnson**

Introduced and read first time: February 5, 2020

Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Hospitals and Freestanding Medical Facilities – Closing or Partial Closing –**  
3 **Public Notice**

4 FOR the purpose of requiring the Maryland Health Care Commission to publish a certain  
5 notice of the closing or partial closing of a certain hospital or freestanding medical  
6 facility within a certain time period; requiring the Commission to ensure that a  
7 certain notice is available to the public for certain purposes and provided to a certain  
8 local governing body and certain members of the General Assembly; requiring the  
9 Commission to publish a notice of certain informational meetings; specifying certain  
10 procedures for the publication of certain notices by the Commission; requiring the  
11 Commission to electronically post a certain notice and to provide a certain method  
12 for certain persons to electronically request certain additional notices; requiring that  
13 a certain electronic notice include certain information; authorizing the Commission  
14 to require a certain person to publish and send certain notices under certain  
15 circumstances; making conforming changes; and generally relating to public  
16 notification of the closing or partial closing of a hospital or freestanding medical  
17 facility.

18 BY repealing and reenacting, with amendments,  
19 Article – Health – General  
20 Section 19–120(l)  
21 Annotated Code of Maryland  
22 (2019 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.

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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 90 days before the closing or if at least 45 days before  
3 the partial closing of the health care facility, including a State hospital, a person proposing  
4 to close all or part of the health care facility files notice of the proposed closing or partial  
5 closing with the Commission.

6                   (2)    (1)    **SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE**  
7 **COMMISSION SHALL PUBLISH NOTICE OF THE PROPOSED CLOSING OR PARTIAL**  
8 **CLOSING OF A HOSPITAL OR FREESTANDING MEDICAL FACILITY WITHIN 15 DAYS**  
9 **AFTER RECEIVING THE NOTICE REQUIRED UNDER PARAGRAPH (1) OF THIS**  
10 **SUBSECTION.**

11                           (II)    **THE COMMISSION SHALL ENSURE THAT THE NOTICE OF**  
12 **THE PROPOSED CLOSING OR PARTIAL CLOSING OF A HOSPITAL OR FREESTANDING**  
13 **MEDICAL FACILITY IS:**

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

16                                   2.    **PROVIDED TO THE LOCAL GOVERNING BODY AND THE**  
17 **MEMBERS OF THE GENERAL ASSEMBLY WHO REPRESENT THE DISTRICT IN WHICH**  
18 **THE HOSPITAL OR FREESTANDING MEDICAL FACILITY IS LOCATED.**

19                           (III)    **THE COMMISSION SHALL PUBLISH NOTICE OF AN**  
20 **INFORMATIONAL MEETING HELD UNDER PARAGRAPH (5) OR (6) OF THIS**  
21 **SUBSECTION.**

22                   (3)    (1)    **A NOTICE REQUIRED TO BE PUBLISHED UNDER THIS**  
23 **SUBSECTION SHALL BE PUBLISHED AT LEAST ONCE A WEEK FOR 2 CONSECUTIVE**  
24 **WEEKS IN A DAILY OR WEEKLY NEWSPAPER OF GENERAL CIRCULATION IN THE**  
25 **GEOGRAPHICAL AREA IN WHICH THE HOSPITAL OR FREESTANDING MEDICAL**  
26 **FACILITY IS LOCATED.**

27                           (II)    **THE COMMISSION SHALL REQUIRE THAT NOTICE OF AN**  
28 **INFORMATIONAL MEETING OR A PUBLIC HEARING BE GIVEN BY MAIL TO EACH**  
29 **PERSON REQUESTING THE MEETING OR HEARING OR TO THE PERSON'S**  
30 **AUTHORIZED REPRESENTATIVES AND ELECTED OFFICIALS OF THE DISTRICT IN**  
31 **WHICH THE HOSPITAL OR FREESTANDING MEDICAL FACILITY IS LOCATED.**

32                           (III)    **THE COMMISSION SHALL PROVIDE ADDITIONAL NOTICE BY**  
33 **REQUIRING THAT THE NOTICE BE POSTED AT THE HOSPITAL OR FREESTANDING**  
34 **MEDICAL FACILITY.**

35                   (4)    (1)    **IN ADDITION TO THE REQUIREMENTS UNDER PARAGRAPH**

1 **(3) OF THIS SUBSECTION, WHEN THE COMMISSION IS REQUIRED TO PUBLISH NOTICE**  
2 **OF THE CLOSURE OR PARTIAL CLOSURE OF A HOSPITAL OR FREESTANDING**  
3 **MEDICAL FACILITY, THE COMMISSION SHALL:**

4 **1. ELECTRONICALLY POST THE NOTICE ON THE**  
5 **COMMISSION'S WEBSITE; AND**

6 **2. PROVIDE A METHOD FOR INTERESTED PERSONS TO**  
7 **ELECTRONICALLY REQUEST ANY ADDITIONAL NOTICES RELATED TO THE CLOSURE**  
8 **OR PARTIAL CLOSURE OF A HOSPITAL OR FREESTANDING MEDICAL FACILITY.**

9 **(II) A NOTICE REQUIRED TO BE ELECTRONICALLY POSTED**  
10 **UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL INCLUDE:**

11 **1. THE NAME AND ADDRESS OF THE PERSON PROPOSING**  
12 **THE CLOSURE OR PARTIAL CLOSURE OF A HOSPITAL OR FREESTANDING MEDICAL**  
13 **FACILITY;**

14 **2. A DESCRIPTION OF THE LOCATION AND THE NATURE**  
15 **OF THE ACTIVITY FOR WHICH THE PROPOSED CLOSURE OR PARTIAL CLOSURE OF A**  
16 **HOSPITAL OR FREESTANDING MEDICAL FACILITY HAS BEEN SOUGHT;**

17 **3. A REFERENCE TO THE APPLICABLE STATUTES OR**  
18 **REGULATIONS GOVERNING THE PROCESS FOR THE CLOSURE OR PARTIAL CLOSURE**  
19 **OF A HOSPITAL OR FREESTANDING MEDICAL FACILITY;**

20 **4. THE TIME AND PLACE OF ANY SCHEDULED**  
21 **INFORMATIONAL MEETING OR PUBLIC HEARING, OR A DESCRIPTION OF WHERE THIS**  
22 **INFORMATION CAN BE FOUND;**

23 **5. A DESCRIPTION OF WHERE FURTHER INFORMATION**  
24 **ABOUT THE PROPOSED CLOSURE OR PARTIAL CLOSURE OF A HOSPITAL OR**  
25 **FREESTANDING MEDICAL FACILITY CAN BE FOUND; AND**

26 **6. ANY OTHER INFORMATION THAT THE COMMISSION**  
27 **DETERMINES IS NECESSARY.**

28 **(III) THE COMMISSION MAY REQUIRE THE PERSON PROPOSING**  
29 **THE CLOSURE OR PARTIAL CLOSURE OF A HOSPITAL OR FREESTANDING MEDICAL**  
30 **FACILITY TO PUBLISH AND SEND THE NOTICES REQUIRED TO BE ELECTRONICALLY**  
31 **POSTED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.**

32 **[(2)] (5) A hospital shall hold a public informational hearing in the county**

1 where the hospital is located if the hospital:

2 (i) Files a notice of the proposed closing of the hospital with the  
3 Commission;

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

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

8 **[(3)] (6)** The Commission may require a health care facility other than a  
9 hospital described in paragraph **[(2)] (5)** of this subsection that files notice of its proposed  
10 closing or partial closing to hold a public informational hearing in the county where the  
11 health care facility is located.

12 **[(4)] (7)** A public informational hearing required under paragraph **[(2)]**  
13 **(5)** or **[(3)] (6)** of this subsection shall be held by the health care facility, in consultation  
14 with the Commission, within 30 days after:

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

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

19 **[(5)] (8)** (i) **[The] SUBJECT TO PARAGRAPH (2) OF THIS**  
20 **SUBSECTION, THE** Commission shall establish by regulation requirements for a public  
21 informational hearing required under paragraph **[(2)] (5)** or **[(3)] (6)** of this subsection.

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

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

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

27 3. The plan for addressing the health care needs of the  
28 residents of the hospital service area;

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

30 5. The plan for the hospital's physical plant and site; and

31 6. The proposed timeline for the closure, partial closure, or

1 conversion to a freestanding medical facility.

2                   **[(6)] (9)**       Within 10 working days after a public informational hearing held  
3 by a hospital under this subsection, the hospital shall provide a written summary of the  
4 hearing to:

5                   (i)       The Governor;

6                   (ii)       The Secretary;

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

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

10                  (v)       The Commission; and

11                  (vi)      Subject to § 2–1257 of the State Government Article, the Senate  
12 Finance Committee, the House Health and Government Operations Committee, and the  
13 members of the General Assembly who represent the district in which the hospital is  
14 located.

15                  SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
16 October 1, 2020.