



Maryland
Hospital Association

March 9, 2021

To: The Honorable Shane E. Pendergrass, Chair, House Health & Government Operations Committee

Re: Letter of Concern – House Bill 936 –Hospitals and Freestanding Medical Facilities – Closing or Partial Closing – Public Notice

Dear Chair Pendergrass:

On behalf of the Maryland Hospital Association's (MHA) 60 member hospitals and health systems, we appreciate the opportunity to comment on House Bill 936. Current law requires anyone proposing to close a health care facility to notify the Maryland Health Care Commission (MHCC) at least 90 days before closing or to notify MHCC at least 45 days before a partial closure.ⁱ Delicensing a facility, whole unit, number of beds, or service within a facility is considered a partial closure by MHCC. Notification and informational hearings were not intended to be required for a temporary status change, particularly for nursing homes and non-hospital facilities covered under this statute.

There are several concerns with HB 936 as proposed. Subparagraph (3)(I) 2 requires notice of an informational meeting or public hearing to be mailed to each person requesting the public hearing. Any hospital that closes is required by MHCC to hold a public hearing, and, in a county with three or fewer hospitals, any hospital that partially closes must hold a public hearing. This provision is unfeasible. The hearing is not requested by an individual; rather, it is required by the Commission. Mailing notice should not be required because MHCC already requires the hearing, and the bill intends notice to be broadly published.

HB 936 also requires electronic notification on MHCC's website and the ability to request additional notices related to the closure or partial closure. Subparagraph (4)(III) requires "the person proposing the closure or partial closure to publish and send the notices required to be electronically posted under subparagraph (I) of this paragraph." It is not clear if this means a hospital must create the notices and send them to the Commission or create the notices and publish them on its own website, or something entirely different. MHCC never determined current requirements for notification are insufficient, and the Commission has the authority to modify such requirements if warranted.

For these reasons, we urge the committee to **give HB 936 an unfavorable report.**

For more information, please contact:
Jennifer Witten, Vice President, Government Affairs
Jwitten@mhaonline.org

ⁱ Health General 19-120