

Chapter 191

(Senate Bill 352)

AN ACT concerning

Maryland Health Care Commission – Certificate of Need Review – Interested Party

FOR the purpose of altering the definition of “interested party”, for the purpose of certificate of need review of certain ~~health care facility~~ *hospital* projects, to include a jurisdiction ~~that does not contain~~ *within the region served by a certain regional health system that does not contain* a certain ~~health care facility~~ *hospital* project; and generally relating to interested parties in certificate of need reviews by the Maryland Health Care Commission.

BY repealing and reenacting, with amendments,

Article – Health – General
 Section 19–126(d)
 Annotated Code of Maryland
 (2015 Replacement Volume)

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

Article – Health – General

19–126.

(d) (1) The Commission alone shall have final nondelegable authority to act upon an application for a certificate of need, except as provided in this subsection.

(2) A majority of the full authorized membership of the Commission shall be a quorum to act on an application for a certificate of need.

(3) After an application is filed, the staff of the Commission:

(i) Shall review the application for completeness within 10 working days of the filing of the application; and

(ii) May request further information from the applicant.

(4) The Commission may delegate to a reviewer the responsibility for review of an application for a certificate of need, including:

(i) The holding of an evidentiary hearing if the Commission, in accordance with criteria it has adopted by regulation, considers an evidentiary hearing

appropriate due to the magnitude of the impact the proposed project may have on the health care delivery system; and

(ii) Preparation of a recommended decision for consideration by the full Commission.

(5) The Commission shall designate a single Commissioner to act as a reviewer for the application and any competing applications.

(6) The Commission shall delegate to its staff the responsibility for an initial review of an application, including, in the event that no written comments on an application are submitted by any interested party other than the staff of the Commission, the preparation of a recommended decision for consideration by the full Commission.

(7) Any “interested party” may submit written comments on the application in accordance with procedural regulations adopted by the Commission.

(8) The Commission shall define the term “interested party” to include, at a minimum:

(i) The staff of the Commission;

(ii) Any applicant who has submitted a competing application;

(iii) Any other person who can demonstrate that the person would be adversely affected by the decision of the Commission on the application; [and]

(iv) A local health planning agency for a jurisdiction or region in which the proposed facility or service will be located; AND

(V) IN THE REVIEW OF A REPLACEMENT ~~HEALTH CARE FACILITY~~ ACUTE GENERAL HOSPITAL PROJECT PROPOSED BY OR ON BEHALF OF A REGIONAL HEALTH SYSTEM THAT SERVES *MULTIPLE* CONTIGUOUS JURISDICTIONS, A JURISDICTION *WITHIN THE REGION SERVED BY THE REGIONAL HEALTH SYSTEM* THAT DOES NOT CONTAIN THE PROPOSED REPLACEMENT ~~HEALTH CARE FACILITY~~ ACUTE GENERAL HOSPITAL PROJECT.

(9) The reviewer shall review the application, any written comments on the application, and any other materials permitted by this section or by the Commission’s regulations, and present a recommended decision on the application to the full Commission.

(10) (i) An applicant and any interested party may request the opportunity to present oral argument to the reviewer, in accordance with regulations adopted by the Commission, before the reviewer prepares a recommended decision on the application for consideration by the full Commission.

(ii) The reviewer may grant, deny, or impose limitations on an interested party's request to present oral argument to the reviewer.

(11) Any interested party who has submitted written comments under paragraph (7) of this subsection may submit written exceptions to the proposed decision and make oral argument to the Commission, in accordance with regulations adopted by the Commission, before the Commission takes final action on the application.

(12) The Commission shall, after determining that the recommended decision is complete, vote to approve, approve with conditions, or deny the application on the basis of the recommended decision, the record before the staff or the reviewer, and exceptions and arguments, if any, before the Commission.

(13) The decision of the Commission shall be by a majority of the quorum present and voting.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Approved by the Governor, April 26, 2016.