

SENATE BILL 352

J3

(6lr1065)

ENROLLED BILL

— Finance/Health and Government Operations —

Introduced by **Senators Hershey and Rosapepe**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Maryland Health Care Commission – Certificate of Need Review – Interested**
3 **Party**

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

10 BY repealing and reenacting, with amendments,
11 Article – Health – General
12 Section 19–126(d)
13 Annotated Code of Maryland
14 (2015 Replacement Volume)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



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

3 **Article – Health – General**

4 19–126.

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

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

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

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

12 (ii) May request further information from the applicant.

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

15 (i) The holding of an evidentiary hearing if the Commission, in
16 accordance with criteria it has adopted by regulation, considers an evidentiary hearing
17 appropriate due to the magnitude of the impact the proposed project may have on the health
18 care delivery system; and

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

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

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

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

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

31 (i) The staff of the Commission;

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

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

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

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

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

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

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

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

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

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

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