

# SENATE BILL 352

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By: **Senators Hershey and Rosapepe**

Introduced and read first time: January 28, 2016

Assigned to: Finance

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Committee Report: Favorable

Senate action: Adopted

Read second time: March 1, 2016

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## 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 projects, to include a jurisdiction that  
6 does not contain a certain health care facility project; and generally relating to  
7 interested parties in certificate of need reviews by the Maryland Health Care  
8 Commission.

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

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

16 **Article – Health – General**

17 19–126.

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

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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.



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

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

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

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

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

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

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

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

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

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

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

25 (i) The staff of the Commission;

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

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

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

31 (V) IN THE REVIEW OF A REPLACEMENT HEALTH CARE  
32 FACILITY PROJECT PROPOSED BY OR ON BEHALF OF A REGIONAL HEALTH SYSTEM

1 THAT SERVES CONTIGUOUS JURISDICTIONS, A JURISDICTION THAT DOES NOT  
2 CONTAIN THE PROPOSED REPLACEMENT HEALTH CARE FACILITY PROJECT.

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

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

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

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

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

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

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

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.