

SENATE No. 01103

The Commonwealth of Massachusetts

PRESENTED BY:

Jennifer L. Flanagan

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to the closing of hospital essential services.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Jennifer L. Flanagan</i>	<i>Worcester and Middlesex</i>
<i>Stephen L. DiNatale</i>	<i>3rd Worcester</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>
<i>Kimberly Ferguson</i>	<i>1st Worcester</i>
<i>Sheila Harrington</i>	<i>1st Middlesex</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Richard Bastien</i>	<i>2nd Worcester</i>

SENATE No. 01103

By Ms. Flanagan, petition (accompanied by bill, Senate, No. 1103) of Tarr, Benson, Eldridge and other members of the General Court for legislation to close hospital essential services [Joint Committee on Public Health].

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to the closing of hospital essential services.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 111 of the General Laws, as appearing in the 2004 Official
2 Edition, is hereby amended by striking Section 51G(4) and inserting in place thereof the
3 following section:—

4 (4) Any hospital shall inform the department 180 days prior to the closing of the hospital
5 or the discontinuance of any essential health service provided therein. The department shall by
6 regulation define “essential health service” for the purposes of this section. The department shall,
7 in the event that a hospital proposes to discontinue an essential health service or services,
8 determine whether any such discontinued services are necessary for preserving access and health
9 status in the hospital’s service area, require hospitals to submit a plan for assuring access to such
10 necessary services following the hospital’s closure of the service, and assure continuing access to
11 such services in the event that the department determines that their closure will significantly

12 reduce access to necessary services. The department shall conduct a public hearing prior to a
13 determination on the closure of said essential services or of the hospital. No original license shall
14 be granted to establish or maintain an acute-care hospital, as defined by section 25B, unless the
15 applicant submits a plan, to be approved by the department, for the provision of community
16 benefits, including the identification and provision of essential health services. In approving the
17 plan, the department may take into account the applicant's existing commitment to primary and
18 preventive health care services and community contributions as well as the primary and
19 preventive health care services and community contributions of the predecessor hospital. In
20 approving the plan, the department shall consider the financial health and capacity of the hospital
21 and/or of the network which owns said hospital, and shall deny or delay said plan if the
22 hospital's and/or network's net profit at the time of such application exceeds 5 percent. The
23 department may waive this requirement, in whole or in part, at the request of the applicant which
24 has provided or at the time the application is filed, is providing, substantial primary and
25 preventive health care services and community contributions in its service area.