

HOUSE BILL 1261

L2

5lr2567
CF SB 870

By: **Delegate Beitzel**

Introduced and read first time: March 9, 2015

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Garrett County – Memorial Hospital – Board of Governors**

3 FOR the purpose of removing the ex officio status of certain members of the Board of
4 Governors of the Garrett County Memorial Hospital; imposing limits on the number
5 of consecutive terms certain members of the Board of Governors may serve; altering
6 the notice required before removing a member of the Board of Governors; repealing
7 the authority of the Board of Governors to fill a vacancy on the Board caused by a
8 member no longer residing within the county under certain circumstances;
9 authorizing the Board of Governors to implement the rates for hospitalization as
10 prescribed by the Health Services Cost Review Commission; making certain stylistic
11 changes; and generally relating to the Garrett County Memorial Hospital.

12 BY repealing and reenacting, with amendments,
13 The Public Local Laws of Garrett County
14 Section 36.03 and 36.04
15 Article 12 – Public Local Laws of Maryland
16 (2005 Edition and August 2014 Supplement, as amended)

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

19 **Article 12 – Garrett County**

20 36.03.

21 (A) For the purpose of operating the Garrett County Memorial Hospital, there is
22 a Board of Governors, which shall consist of 15 members as follows:

23 (1) The 3 County Commissioners of Garrett County or their designees. If a
24 County Commissioner appoints a designee to the Board of Governors, the designee is not

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 subject to approval by the remaining Board members, but is subject to removal under
2 division (E) of this section.

3 (2) Three persons residing in Garrett County, 1 to be appointed by each of
4 the County Commissioners. Each appointment under this division is subject to approval by
5 majority vote of the Board of Governors at a meeting consisting of a quorum.

6 (3) The President of the Town Council of the Town of Oakland or the
7 President's designee. If the President appoints a designee to the Board of Governors, the
8 designee is not subject to approval by the remaining Board members, but is subject to
9 removal under division (E) of this section.

10 (4) One person who is on the medical staff of the Garrett County Memorial
11 Hospital and who is elected by the medical staff. The selection under this division is subject
12 to approval by majority vote of the Board of Governors at a meeting consisting of a quorum.

13 (5) Seven at-large members who are selected for their talents, abilities and
14 interest in the affairs of the hospital in accordance with the bylaws of the Board of
15 Governors. The selection of an at-large member requires a majority of the qualified votes
16 of the Board of Governors at a meeting consisting of a quorum. An at-large member may
17 not vote for oneself, for a person who would replace the at-large member or for a person
18 who would replace another at-large member whose term expires at the same time as the
19 at-large member. The election of an at-large member requires at least 5 affirmative votes.

20 (B) The terms of members of the Board of Governors shall be as follows:

21 (1) The terms of the County Commissioners and the term of the President
22 of the Town Council of Oakland[, as ex officio members,] shall be coextensive with their
23 respective terms of office.

24 (2) The term of a designee of a County Commissioner or of the President of
25 the Town Council and the terms of members appointed by the County Commissioners is 2
26 years or until the current term of the elected official or officials who selected the member
27 ends, whichever occurs first.

28 (3) (A) The term of the medical staff member is 2 years **WITH A LIMIT**
29 **OF TWO CONSECUTIVE TERMS.**

30 (B) **A MEDICAL STAFF MEMBER WHO HAS SERVED TWO**
31 **CONSECUTIVE 2-YEAR TERMS MAY NOT BE ELECTED TO THE BOARD UNTIL AT LEAST**
32 **2 YEARS HAVE ELAPSED SINCE THE END OF THE MEMBER'S LAST TERM ON THE**
33 **BOARD.**

34 (4) (A) The term of an at-large member is 2 years **WITH A LIMIT OF**
35 **FOUR CONSECUTIVE TERMS.** The terms of at-large members shall be staggered so that 3
36 at-large members are elected 1 year and 4 at-large members are elected the following year.

1 **(B) AN AT-LARGE MEMBER WHO HAS SERVED FOUR**
2 **CONSECUTIVE TERMS MAY NOT BE ELECTED TO THE BOARD UNTIL AT LEAST 2**
3 **YEARS HAVE ELAPSED SINCE THE END OF THE MEMBER'S LAST TERM ON THE**
4 **BOARD.**

5 (C) Terms extended:

6 (1) This division only applies if the term of a member appointed by the
7 County Commissioners or of a designee of a County Commissioner or of the President of
8 the Town Council or the term of the medical staff member ends and a replacement member
9 is not selected.

10 (2) By majority vote of the Board of Governors at a meeting consisting of a
11 quorum, a member's term may be extended until a replacement member is selected in
12 accordance with division (A) of this section or the Board of Governors selects a replacement
13 member under division (F) of this section.

14 (D) The Board of Governors shall be and is made and constituted a body politic
15 and corporate by the name and style of the Board of Governors of the Garrett County
16 Memorial Hospital and by that name shall have perpetual succession. Subject to § 36.08,
17 the Board of Governors may sue and be sued. The Board of Governors may have a common
18 seal, and alter the same, at its pleasure. The Board of Governors shall have all the powers
19 herein granted it and all such other powers as shall be proper and necessary to operate and
20 manage the hospital and/or a public general hospital, or other health and
21 health-care-related entities and health-care-related functions, as fully as if incorporated
22 for such purposes under the provisions of the Public General Laws of Maryland.

23 (E) Removal of members:

24 (1) This division does not authorize the removal of a County Commissioner
25 or of the President of the Town Council[, serving as ex officio members of the Board of
26 Governors].

27 (2) The Board of Governors shall have the power, by majority vote of all the
28 members of the Board, to remove a member from the Board for cause, including the failure
29 to satisfy any attendance requirement established in the bylaws. Removal of a member may
30 only occur at a regular meeting, after not less than [1 week's] **2 WEEKS'** notice to the
31 member.

32 (F) The Board of Governors may fill a vacancy on the Board caused by expiration
33 of a term, death, resignation, **OR** expulsion [or, for a member whose residence in Garrett
34 County is a membership qualification for the Board, removal from the county] if the proper
35 selecting body fails to fill the vacancy within 30 days. A vacancy may be filled for the
36 remainder of the term by a majority vote of the Board of Governors at a meeting consisting
37 of a quorum.

1 (G) The Board of Governors shall elect from among its members a Chairperson
2 and Vice Chairperson. The Board shall also elect a Secretary/Treasurer and such other
3 officers as it may determine. The Board shall meet at least 10 times a year and such other
4 times as it shall determine or when called by the Chairperson.

5 36.04.

6 The Board of Governors shall have the power from time to time to [prescribe the
7 charges for hospitalization] **IMPLEMENT THE RATES FOR HOSPITALIZATION AS**
8 **PRESCRIBED BY THE HEALTH SERVICES COST REVIEW COMMISSION** and to provide
9 for the collection of the charges; to employ and fix the compensation of superintendents and
10 such other persons as may be needed in carrying on the work of the Garrett County
11 Memorial Hospital as a [general] public hospital; to adopt rules and regulations governing
12 the conduct of employees, nurses, physicians and surgeons employed or in attendance
13 therein and the entrance, conduct, course of study and graduation of student nurses
14 therein; and may adopt such other rules and regulations pertaining to management,
15 maintenance and operation of said hospitals as it may determine.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2015.