

# SENATE BILL 992

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By: **Senator Pipkin**

Introduced and read first time: February 22, 2010

Assigned to: Rules

Re-referred to: Finance, March 12, 2010

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 29, 2010

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Applications for Certificates of Need – Notice to and Involvement of**  
3 **Bordering Counties**

4 FOR the purpose of requiring the Maryland Health Care Commission to give notice of  
5 the filing of certain applications for a certificate of need that relates to a  
6 hospital to members of the governing body of each county that borders on a  
7 certain county; requiring the Commission to ~~define a certain term in a certain~~  
8 ~~manner~~ adopt certain regulations to make participating entity status available  
9 to certain local health departments; providing for the application of this Act;  
10 and generally relating to the application process for certificates of need for  
11 hospitals.

12 BY repealing and reenacting, with amendments,  
13 Article – Health – General  
14 Section 19-126(a) ~~and (d)(8)~~  
15 Annotated Code of Maryland  
16 (2009 Replacement Volume)

17 ~~BY repealing and reenacting, without amendments,~~  
18 ~~Article – Health – General~~  
19 ~~Section 19-126(d)(7)~~  
20 ~~Annotated Code of Maryland~~  
21 ~~(2009 Replacement Volume)~~

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

3 **Article – Health – General**

4 19–126.

5 (a) If the Commission receives an application for a certificate of need for a  
6 change in the bed capacity of a health care facility, as required under § 19–120 of this  
7 subtitle, or for a health care project that would create a new health care service or  
8 abolish an existing health care service, the Commission shall give notice of the filing  
9 by publication in the Maryland Register and give the following notice to:

10 (1) Each member of the General Assembly in whose district the action  
11 is planned;

12 (2) Each member of the governing body for the county where the  
13 action is planned;

14 (3) ~~EACH IF THE APPLICATION RELATES TO A HOSPITAL, EACH~~  
15 ~~MEMBER OF THE GOVERNING BODY FOR EACH COUNTY THAT BORDERS THE~~  
16 ~~COUNTY WHERE THE ACTION IS PLANNED;~~

17 [(3)] (4) The county executive, mayor, or chief executive officer, if  
18 any, in whose county or city the action is planned; and

19 [(4)] (5) Any health care provider, third party payor, local planning  
20 agency, or any other person the Commission knows has an interest in the application.

21 ~~(d) (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~~  
24 ~~include, at 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~~  
28 ~~would be adversely affected by the decision of the Commission on the application;~~  
29 ~~[and]~~

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

1                                    ~~(v) LOCAL HEALTH PLANNING AGENCIES IN EACH COUNTY~~  
 2 ~~THAT BORDERS THE COUNTY WHERE THE PROPOSED FACILITY OR SERVICE~~  
 3 ~~WILL BE LOCATED.~~

4                    SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be  
 5 construed to apply only prospectively and may not be applied or interpreted to have  
 6 any effect on or application to any application for a certificate of need filed before the  
 7 effective date of this Act.

8                    SECTION 3. AND BE IT FURTHER ENACTED, That, for certificate of need  
 9 applications that relate to a hospital, the Maryland Health Care Commission shall  
 10 adopt regulations to make participating entity status available to a local health  
 11 department in a county that borders a county in which a proposed facility or service  
 12 will be located.

13                    SECTION ~~2~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take  
 14 effect ~~October~~ June 1, 2010.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.