



Maryland  
Hospital Association

March 2, 2020

To: The Honorable Shane Pendergrass, Chairman  
House Health & Government Operations Committee

From: Brett McCone, Senior Vice President, Health Care Payment  
Maryland Hospital Association

Re: Letter of Concern– House Bill 926–Hospitals and Freestanding Medical Facilities– Closing  
or Partial Closing–Public Notice

Dear Chairman Pendergrass:

On behalf of the Maryland Hospital Association's (MHA) 61 member hospitals and health systems, we appreciate the opportunity to comment on House Bill 926. Current law requires anyone proposing to close a health care facility to notify the Maryland Health Care Commission (MHCC) at least 90 days prior to closing, or to notify the MHCC at least 45 days prior to a partial closure.<sup>i</sup> MHCC deems temporary de-licensure of a facility, whole unit, number of beds, or service within a facility to be a partial closure. Notification and informational hearings were not intended to be required for a temporary change in status, particularly for nursing homes and non-hospital facilities that are covered under this statute.

There are several concerns with HB 926 as proposed. Subparagraph (3)(I)2 requires notice of an informational meeting or public hearing be given by mail to each person requesting the public hearing. Any hospital that closes is required by MHCC to hold a public hearing, and, in a county with three or fewer hospitals, any hospital that partially closes is required to hold a public hearing. This provision is unfeasible. The hearing is not requested by an individual; rather, it is required by the commission. Mailing notice to any individual or group of individuals should not be required because MHCC already requires the hearing, and the bill intends notice to be broadly published.

HB 926 also requires electronic notification on the MHCC website, and the ability to request additional notices related to the closure or partial closure. Subparagraph (4)(III) requires "the person proposing the closure or partial closure to publish and send the notices required to be electronically posted under subparagraph (I) of this paragraph." It is not clear if this means that a hospital must create the notices and send them to the commission or create the notices and publish them on its own website, or something entirely different. For these reasons, we urge the committee to give HB 926 an *unfavorable* report.

For more information, please contact: Brett McCone  
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<sup>i</sup> Health General 19-120