SENATE DOCKET, NO. 1524 FILED ON: 1/21/2011

SENATE . . . . . No. 1103

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:

An Act relative to the closing of hospital essential services.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Jennifer L. Flanagan	☐ *[District]* ☐
Stephen L. DiNatale	*3rd Worcester*
Jennifer E. Benson	*37th Middlesex*
Bruce E. Tarr	☐ *[District]* ☐
Kimberly N. Ferguson	*1st Worcester*
Sheila C. Harrington	*1st Middlesex*
James B. Eldridge	☐ *[District]* ☐
Richard Bastien	*2nd Worcester*

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By Ms. Flanagan, a petition (accompanied by bill, Senate, No. 1103) of Jennifer L. Flanagan, Stephen L. DiNatale, Jennifer E. Benson, Bruce E. Tarr and other members of the General Court for legislation to close hospital essential services. Public Health.

The Commonwealth of Massachusetts

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:

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

(4) Any hospital shall inform the department 180 days prior to the closing of the hospital or the discontinuance of any essential health service provided therein. The department shall by regulation define "essential health service" for the purposes of this section. The department shall, in the event that a hospital proposes to discontinue an essential health service or services, determine whether any such discontinued services are necessary for preserving access and health status in the hospital's service area, require hospitals to submit a plan for assuring access to such necessary services following the hospital's closure of the service, and assure continuing access to such services in the event that the department determines that their closure will significantly reduce access to necessary services. The department shall conduct a public hearing prior to a determination on the closure of said essential services or of the hospital. No original license shall be granted to establish or maintain an acute-care hospital, as defined by section 25B, unless the applicant submits a plan, to be approved by the department, for the provision of community benefits, including the identification and provision of essential health services. In approving the plan, the department may take into account the applicant's existing commitment to primary and preventive health care services and community contributions as well as the primary and preventive health care services and community contributions of the predecessor hospital. In approving the plan, the department shall consider the financial health and capacity of the hospital and/or of the network which owns said hospital, and shall deny or delay said plan if the hospital's and/or network's net profit at the time of such application exceeds 5 percent. The department may waive this requirement, in whole or in part, at the request of the applicant which has provided or at the time the application is filed, is providing, substantial primary and preventive health care services and community contributions in its service area.