

# SENATE . . . . . No. 1103

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## 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 adoption 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>Stephen L. DiNatale</i>	<i>3rd Worcester</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>
<i>Bruce E. Tarr</i>	
<i>Kimberly N. Ferguson</i>	<i>1st Worcester</i>
<i>Sheila C. Harrington</i>	<i>1st Middlesex</i>
<i>James B. Eldridge</i>	
<i>Richard Bastien</i>	<i>2nd Worcester</i>

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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.

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## The Commonwealth of Massachusetts

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In the Year Two Thousand Eleven  
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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.