

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1324 Session of
2022

INTRODUCED BY COMITTA, KANE, SAVAL, FONTANA, SCHWANK, KEARNEY,
MUTH AND COSTA, SEPTEMBER 13, 2022

REFERRED TO HEALTH AND HUMAN SERVICES, SEPTEMBER 13, 2022

AN ACT

1 Providing for hospital closure procedure requirements, for
2 notice of proposed general hospital closure or significant
3 impact closure, for health equity impact assessments, for
4 closure plans and for enforcement actions.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Short title.

8 This act shall be known and may be cited as the Hospital
9 Closure Procedure and Notification Act.

10 Section 2. Definitions.

11 The following words and phrases when used in this act shall
12 have the meanings given to them in this section unless the
13 context clearly indicates otherwise:

14 "Closure plan." A detailed plan for a general hospital
15 closure or a significant impact unit closure as required under
16 this act.

17 "Department." The Department of Health of the Commonwealth.

18 "General hospital closure." The closure of all or a majority
19 of the units or departments of a hospital.

1 "Health equity impact assessment." A report that provides
2 data metrics on a hospital as required under section 7.

3 "Hospital." As defined in 28 Pa. Code § 101.4 (relating to
4 definitions).

5 "Hospital authority." A hospital's parent company or
6 governing body or a similar authority that oversees the
7 hospital's operations and a closure plan.

8 "Significant impact closure." The closure of an emergency
9 treatment unit or department of a hospital, a labor and delivery
10 unit or department of a hospital or any other type of unit or
11 department of a hospital, which the department determines, by
12 regulation under section 10, significantly impacts the health
13 and welfare of an affected community.

14 Section 3. Hospital closure procedure requirements.

15 (a) Prohibition.--A hospital authority may not engage in a
16 general hospital closure or significant impact closure unless
17 the hospital has adopted a closure plan that has been approved
18 by the Office of Attorney General and either the department or
19 the county or municipal health department.

20 (b) Approval process.--The Office of Attorney General and
21 either the department or the county or municipal health
22 department may not approve a closure plan unless the Office of
23 Attorney General and either the department or the county or
24 municipal health department determine that continuity of patient
25 care and the health and safety needs of the affected community
26 have been adequately addressed in the closure plan. The Office
27 of Attorney General and either the department or the county or
28 municipal health department may provide a conditional approval
29 of the closure plan based on the hospital authority entering
30 into an agreement with the Office of Attorney General and either

1 the department or the county or municipal health department to
2 meet the requirements under this act.

3 Section 4. Notice of proposed general hospital closure or
4 significant impact closure.

5 No later than 180 days before engaging in a general hospital
6 closure or significant impact closure, a hospital authority
7 shall submit a notice of the closure plan to the Office of
8 Attorney General and either the department or the county or
9 municipal health department.

10 Section 5. Public hearings.

11 (a) Hearings.--Before engaging in a general hospital closure
12 or significant impact closure, a hospital authority shall hold a
13 minimum of two public hearings in the affected community. The
14 hospital authority shall hold one public hearing no later than
15 60 days after submitting the notice under section 4. The
16 hospital authority shall hold a second public hearing no later
17 than 120 days after submitting the notice under section 4.

18 (b) Advertisements.--A hospital authority shall provide a
19 notice of each public hearing under subsection (a) by
20 advertising each public hearing in a newspaper of general
21 circulation within the impacted county, including the time and
22 place of each public hearing and other relevant information. The
23 hospital authority shall advertise each public hearing no
24 earlier than 60 days before the date of the public hearing and
25 no later than 10 days before the date of the public hearing.

26 (c) Hearing information.--No later than 10 days before the
27 date of each public hearing under subsection (a), a hospital
28 authority shall make any relevant information, including
29 handouts, about each public hearing available via a publicly
30 accessible Internet website.

1 (d) Attendance.--The Office of Attorney General and either
2 the department or the county or municipal health department may
3 require hospital executive staff and administrators to attend a
4 public hearing under subsection (a) and engage in discussions at
5 the public hearing, including discussions regarding relevant
6 information and documents, the closure plan and compliance with
7 the closure plan.

8 Section 6. Public comment period.

9 (a) Comments.--In each advertisement under section 5(b), a
10 hospital authority shall include contact information for the
11 solicitation of public comments on the closure plan, including
12 all of the following:

13 (1) A toll-free telephone number for sharing public
14 comments.

15 (2) A publicly accessible Internet website for sharing
16 public comments.

17 (b) Review.--A hospital authority shall collect and
18 transcribe the public comments received under subsection (a),
19 make the public comments available on the publicly accessible
20 Internet website under subsection (a)(2) and provide a
21 transcript of the public comments to the Office of Attorney
22 General and either the department or the county or municipal
23 health department no later than 30 days before engaging a
24 general hospital closure or significant impact closure.

25 (c) Comment period.--A hospital authority shall provide a
26 public comment period on the closure plan of no less than 60
27 days before engaging in a general hospital closure or
28 significant impact closure.

29 Section 7. Health equity impact assessments.

30 (a) Submission.--No later than 80 days before engaging in a

1 general hospital closure or significant impact closure, a
2 hospital authority shall submit a health equity impact
3 assessment to the Office of Attorney General and either the
4 department or the county or municipal health department. The
5 hospital authority shall include all of the following
6 information in the health equity impact assessment:

7 (1) The estimated number of patients gaining or losing
8 access to health care services at the hospital due to the
9 general hospital closure or significant impact closure.

10 (2) The estimated number of low-income, senior, minority
11 and Medicare and medical assistance eligible patients gaining
12 or losing access to health care services due to the general
13 hospital closure or significant impact closure.

14 (3) The names and addresses of the three nearest
15 hospitals that provide comparable services, including whether
16 or not each hospital is a medical assistance provider.

17 (4) A summary of the public and private transit options
18 to the hospitals specified under paragraph (3), including
19 estimated drive times.

20 (5) The number of hospital beds gained or eliminated due
21 to the general hospital closure or significant impact
22 closure.

23 (6) A summary of the gained or eliminated health care
24 services due to the general hospital closure or significant
25 impact closure.

26 (7) The number of jobs that will be created or lost due
27 to the general hospital closure or significant impact
28 closure.

29 (8) The estimated fiscal impact on the affected
30 community due to the general hospital closure or significant

1 impact closure.

2 (9) The estimated fiscal impact on the hospital
3 authority due to the general hospital closure or significant
4 impact closure.

5 (b) Forms.--The department shall develop a default form for
6 use by a hospital authority to submit on a health equity impact
7 assessment under subsection (a) and make the form available on
8 the department's publicly accessible Internet website.

9 Section 8. Closure plans.

10 (a) Initial plan.--No later than 120 days before engaging in
11 a general hospital closure or significant impact closure, a
12 hospital authority shall submit an initial closure plan to the
13 Office of Attorney General and either the department or the
14 county or municipal health department.

15 (b) Updates.--After submitting the initial closure plan
16 under subsection (a), a hospital authority shall provide updates
17 on the implementation of the closure plan to the Office of
18 Attorney General and either the department or the county or
19 municipal health department every 14 days until the date when
20 the general hospital closure or significant impact closure is
21 completed.

22 (c) Contents.--A hospital authority shall include all of the
23 following information in a closure plan:

24 (1) The reason for the general hospital closure or
25 significant impact closure.

26 (2) Strategies regarding the continuity of patient care
27 in each department and unit of the hospital and the transfer
28 of patients to other health care facilities.

29 (3) Strategies regarding specialized programs or groups
30 of patients particularly vulnerable to interruptions in

1 medical care, including cancer chemotherapy or prenatal care.

2 (4) Strategies for the closure of the emergency
3 department of the hospital, including diversion to other
4 hospital emergency departments and the interface with
5 emergency medical services.

6 (5) Written agreements with other health care providers
7 to accept responsibility for continuing the care of patients
8 receiving ongoing care at the hospital.

9 (6) Strategies for how all medical records, including
10 paper and electronic records, will be maintained throughout
11 and after the general hospital closure or significant impact
12 closure, and how the medical records will be made available
13 to former patients and the physicians who provide care for
14 the patients.

15 (7) Strategies for the maintenance, transfer and
16 disposal of pharmaceuticals, chemicals, hazardous substances
17 and other similar materials located at the hospital.

18 (8) The anticipated timeline for the closing of each
19 department or unit of the hospital.

20 (9) A communications and engagement plan regarding the
21 affected community, including holding public meetings in the
22 affected community.

23 (10) Any changes to the administration and medical staff
24 of the hospital authority during the implementation of the
25 closure plan.

26 (11) Strategies regarding the hospital authority's
27 efforts to assist affected employees and students with
28 finding suitable employment and educational opportunities.

29 (12) Strategies regarding the hospital authority's
30 efforts to assist affected employees with maintaining health

1 insurance and to address the impact of collective bargaining
2 for represented employees.

3 (13) Strategies for maintaining hospital security.

4 (14) Strategies for supervising compliance with the
5 closure plan, including updates to the closure plan under
6 subsection (b).

7 Section 9. Enforcement actions.

8 (a) Actions.--If the Office of Attorney General or either
9 the department or the county or municipal health department
10 determines that a hospital has violated the provisions of this
11 act, the Attorney General or a district attorney may initiate a
12 civil action to enforce the provisions of this act.

13 (b) Remedies.--If a court of competent jurisdiction finds
14 that a hospital has failed to comply with any of the provisions
15 of this act, the court may:

16 (1) enjoin the hospital authority from taking any
17 measure to engage a general hospital closure or significant
18 impact closure until the hospital authority complies with the
19 provisions of this act;

20 (2) appoint a special master or temporary manager to
21 ensure that the hospital authority complies with the
22 provisions of this act; or

23 (3) grant any other remedy as the court deems just,
24 proper and equitable under the circumstances.

25 Section 10. Regulations.

26 The Office of Attorney General and the department shall
27 jointly promulgate regulations necessary to effectuate this act.

28 Section 11. Construction.

29 Nothing in this act shall be construed to require the
30 Commonwealth or a municipality, including an official or

1 employee of the Commonwealth or municipality, to relieve,
2 discharge, perform, indemnify or assume liability for any
3 obligation or duty belonging to a hospital or the hospital's
4 officers, directors or affiliates.

5 Section 12. Effective date.

6 This act shall take effect in 30 days.