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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2849 Session of  
2022

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INTRODUCED BY PASHINSKI, O'MARA, BOBACK, MEHAFFIE, SOLOMON,  
MILLARD, D. WILLIAMS, MADDEN, McNEILL, WELBY, SAPPEY,  
SHUSTERMAN, HOHENSTEIN, GUENST, RABB, HERRIN AND DELLOSO,  
SEPTEMBER 26, 2022

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REFERRED TO COMMITTEE ON HEALTH, SEPTEMBER 26, 2022

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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

1 of the units or departments of a hospital.

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

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

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

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

15 Section 3. Hospital closure procedure requirements.

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

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

1 into an agreement with the Office of Attorney General and either  
2 the department or the county or municipal health department to  
3 meet the requirements under this act.

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

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

11 Section 5. Public hearings.

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

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

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

1 accessible Internet website.

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

9 Section 6. Public comment period.

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

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

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

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

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

30 Section 7. Health equity impact assessments.

1 (a) Submission.--No later than 80 days before engaging in a  
2 general hospital closure or significant impact closure, a  
3 hospital authority shall submit a health equity impact  
4 assessment to the Office of Attorney General and either the  
5 department or the county or municipal health department. The  
6 hospital authority shall include all of the following  
7 information in the health equity impact assessment:

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

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

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

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

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

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

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

30 (8) The estimated fiscal impact on the affected

1 community due to the general hospital closure or significant  
2 impact closure.

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

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

10 Section 8. Closure plans.

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

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

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

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

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

30 (3) Strategies regarding specialized programs or groups

1 of patients particularly vulnerable to interruptions in  
2 medical care, including cancer chemotherapy or prenatal care.

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

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

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

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

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

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

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

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

30 (12) Strategies regarding the hospital authority's

1 efforts to assist affected employees with maintaining health  
2 insurance and to address the impact of collective bargaining  
3 for represented employees.

4 (13) Strategies for maintaining hospital security.

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

8 Section 9. Enforcement actions.

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

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

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

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

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

26 Section 10. Regulations.

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

29 Section 11. Construction.

30 Nothing in this act shall be construed to require the



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

6 Section 12. Effective date.

7 This act shall take effect in 30 days.