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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 158 Session of  
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MARCH 8, 2023

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REFERRED TO COMMITTEE ON HEALTH, MARCH 8, 2023

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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 health department of the county or municipality where the  
21 hospital is located.

22 (b) Approval process.--The Office of Attorney General and  
23 either the department or the health department of the county or  
24 municipality where the hospital is located may not approve a  
25 closure plan unless the Office of Attorney General and either  
26 the department or the health department of the county or  
27 municipality where the hospital is located determine that  
28 continuity of patient care and the health and safety needs of  
29 the affected community have been adequately addressed in the  
30 closure plan. The Office of Attorney General and either the

1 department or the health department of the county or  
2 municipality where the hospital is located may provide a  
3 conditional approval of the closure plan based on the hospital  
4 authority entering into an agreement with the Office of Attorney  
5 General and either the department or the health department of  
6 the county or municipality where the hospital is located to meet  
7 the requirements under this act.

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

10 No later than 180 days before engaging in a general hospital  
11 closure or significant impact closure, a hospital authority  
12 shall submit a notice of the closure plan to the Office of  
13 Attorney General and either the department or the health  
14 department of the county or municipality where the hospital is  
15 located.

16 Section 5. Public hearings.

17 (a) Hearings.--Before engaging in a general hospital closure  
18 or significant impact closure, a hospital authority shall hold a  
19 minimum of two public hearings in the affected community. The  
20 hospital authority shall hold one public hearing no later than  
21 60 days after submitting the notice under section 4. The  
22 hospital authority shall hold a second public hearing no later  
23 than 120 days after submitting the notice under section 4.

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

1 no later than 10 days before the date of the public hearing.

2 (c) Hearing information.--No later than 10 days before the  
3 date of each public hearing under subsection (a), a hospital  
4 authority shall make any relevant information, including  
5 handouts, about each public hearing available via a publicly  
6 accessible Internet website.

7 (d) Attendance.--The Office of Attorney General and either  
8 the department or the health department of the county or  
9 municipality where the hospital is located may require hospital  
10 executive staff and administrators to attend a public hearing  
11 under subsection (a) and engage in discussions at the public  
12 hearing, including discussions regarding relevant information  
13 and documents, the closure plan and compliance with the closure  
14 plan.

15 Section 6. Public comment period.

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

20 (1) A toll-free telephone number for sharing public  
21 comments.

22 (2) A publicly accessible Internet website for sharing  
23 public comments.

24 (b) Review.--A hospital authority shall collect and  
25 transcribe the public comments received under subsection (a),  
26 make the public comments available on the publicly accessible  
27 Internet website under subsection (a)(2) and provide a  
28 transcript of the public comments to the Office of Attorney  
29 General and either the department or the health department of  
30 the county or municipality where the hospital is located no

1 later than 30 days before engaging a general hospital closure or  
2 significant impact closure.

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

7 Section 7. Health equity impact assessments.

8 (a) Submission.--No later than 80 days before engaging in a  
9 general hospital closure or significant impact closure, a  
10 hospital authority shall submit a health equity impact  
11 assessment to the Office of Attorney General and either the  
12 department or the health department of the county or  
13 municipality where the hospital is located. The hospital  
14 authority shall include all of the following information in the  
15 health equity impact assessment:

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

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

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

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

29 (5) The number of hospital beds gained or eliminated due  
30 to the general hospital closure or significant impact

1 closure.

2 (6) A summary of the gained or eliminated health care  
3 services due to the general hospital closure or significant  
4 impact closure.

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

8 (8) The estimated fiscal impact on the affected  
9 community due to the general hospital closure or significant  
10 impact closure.

11 (9) The estimated fiscal impact on the hospital  
12 authority due to the general hospital closure or significant  
13 impact closure.

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

18 Section 8. Closure plans.

19 (a) Initial plan.--No later than 120 days before engaging in  
20 a general hospital closure or significant impact closure, a  
21 hospital authority shall submit an initial closure plan to the  
22 Office of Attorney General and either the department or the  
23 health department of the county or municipality where the  
24 hospital is located.

25 (b) Updates.--After submitting the initial closure plan  
26 under subsection (a), a hospital authority shall provide updates  
27 on the implementation of the closure plan to the Office of  
28 Attorney General and either the department or the health  
29 department of the county or municipality where the hospital is  
30 located every 14 days until the date when the general hospital

1 closure or significant impact closure is completed.

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

4 (1) The reason for the general hospital closure or  
5 significant impact closure.

6 (2) Strategies regarding the continuity of patient care  
7 in each department and unit of the hospital and the transfer  
8 of patients to other health care facilities.

9 (3) Strategies regarding specialized programs or groups  
10 of patients particularly vulnerable to interruptions in  
11 medical care, including cancer chemotherapy or prenatal care.

12 (4) Strategies for the closure of the emergency  
13 department of the hospital, including diversion to other  
14 hospital emergency departments and the interface with  
15 emergency medical services.

16 (5) Written agreements with other health care providers  
17 to accept responsibility for continuing the care of patients  
18 receiving ongoing care at the hospital.

19 (6) Strategies for how all medical records, including  
20 paper and electronic records, will be maintained throughout  
21 and after the general hospital closure or significant impact  
22 closure, and how the medical records will be made available  
23 to former patients and the physicians who provide care for  
24 the patients.

25 (7) Strategies for the maintenance, transfer and  
26 disposal of pharmaceuticals, chemicals, hazardous substances  
27 and other similar materials located at the hospital.

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

30 (9) A communications and engagement plan regarding the

1 affected community, including holding public meetings in the  
2 affected community.

3 (10) Any changes to the administration and medical staff  
4 of the hospital authority during the implementation of the  
5 closure plan.

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

9 (12) Strategies regarding the hospital authority's  
10 efforts to assist affected employees with maintaining health  
11 insurance and to address the impact of collective bargaining  
12 for represented employees.

13 (13) Strategies for maintaining hospital security.

14 (14) Strategies for supervising compliance with the  
15 closure plan, including updates to the closure plan under  
16 subsection (b).

17 Section 9. Enforcement actions.

18 (a) Actions.--If the Office of Attorney General or either  
19 the department or the health department of the county or  
20 municipality where the hospital is located determines that a  
21 hospital has violated the provisions of this act, the Attorney  
22 General or a district attorney may initiate a civil action to  
23 enforce the provisions of this act.

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

27 (1) enjoin the hospital authority from taking any  
28 measure to engage a general hospital closure or significant  
29 impact closure until the hospital authority complies with the  
30 provisions of this act;

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

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

6 Section 10. Regulations.

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

9 Section 11. Construction.

10          Nothing in this act shall be construed to require the  
11 Commonwealth or a municipality, including an official or  
12 employee of the Commonwealth or municipality, to relieve,  
13 discharge, perform, indemnify or assume liability for any  
14 obligation or duty belonging to a hospital or the hospital's  
15 officers, directors or affiliates.

16 Section 12. Effective date.

17          This act shall take effect in 30 days.