

SENATE BILL 870

L2

5lr2566
CF HB 1261

By: **Senator Edwards**

Introduced and read first time: February 27, 2015

Assigned to: Rules

Re-referred to: Finance, March 6, 2015

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 24, 2015

CHAPTER _____

1 AN ACT concerning

2 **Garrett County – Memorial Hospital – Board of Governors**

3 FOR the purpose of ~~imposing term limits on~~ removing the ex officio status of certain
4 members of the Board of Governors of the Garrett County Memorial Hospital;
5 imposing limits on the number of consecutive terms certain members of the Board of
6 Governors may serve; altering the notice required before removing a member of the
7 Board of Governors; repealing the authority of the Board of Governors to fill a
8 vacancy on the Board caused by a member no longer residing within the county
9 under certain circumstances; authorizing the Board of Governors to implement the
10 rates for hospitalization as prescribed by the Health Services Cost Review
11 Commission; making certain stylistic changes; and generally relating to the Garrett
12 County Memorial Hospital.

13 BY repealing and reenacting, with amendments,
14 The Public Local Laws of Garrett County
15 Section 36.03 and 36.04
16 Article 12 – Public Local Laws of Maryland
17 (2005 Edition and August 2014 Supplement, as amended)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
19 That the Laws of Maryland read as follows:

20 **Article 12 – Garrett County**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 36.03.

2 (A) For the purpose of operating the Garrett County Memorial Hospital, there is
3 a Board of Governors, which shall consist of 15 members as follows:

4 (1) The 3 County Commissioners of Garrett County or their designees. If a
5 County Commissioner appoints a designee to the Board of Governors, the designee is not
6 subject to approval by the remaining Board members, but is subject to removal under
7 division (E) of this section.

8 (2) Three persons residing in Garrett County, 1 to be appointed by each of
9 the County Commissioners. Each appointment under this division is subject to approval by
10 majority vote of the Board of Governors at a meeting consisting of a quorum.

11 (3) The President of the Town Council of the Town of Oakland or the
12 President's designee. If the President appoints a designee to the Board of Governors, the
13 designee is not subject to approval by the remaining Board members, but is subject to
14 removal under division (E) of this section.

15 (4) One person who is on the medical staff of the Garrett County Memorial
16 Hospital and who is elected by the medical staff. The selection under this division is subject
17 to approval by majority vote of the Board of Governors at a meeting consisting of a quorum.

18 (5) Seven at-large members who are selected for their talents, abilities and
19 interest in the affairs of the hospital in accordance with the bylaws of the Board of
20 Governors. The selection of an at-large member requires a majority of the qualified votes
21 of the Board of Governors at a meeting consisting of a quorum. An at-large member may
22 not vote for oneself, for a person who would replace the at-large member or for a person
23 who would replace another at-large member whose term expires at the same time as the
24 at-large member. The election of an at-large member requires at least 5 affirmative votes.

25 (B) The terms of members of the Board of Governors shall be as follows:

26 (1) The terms of the County Commissioners and the term of the President
27 of the Town Council of Oakland, ~~as ex officio members,~~ shall be coextensive with their
28 respective terms of office.

29 (2) The term of a designee of a County Commissioner or of the President of
30 the Town Council and the terms of members appointed by the County Commissioners is 2
31 years or until the current term of the elected official or officials who selected the member
32 ends, whichever occurs first.

33 (3) **(A)** The term of the medical staff member is 2 years **WITH A LIMIT**
34 **OF TWO CONSECUTIVE TERMS.**

35 **(B) A MEDICAL STAFF MEMBER WHO HAS SERVED TWO**
36 **CONSECUTIVE 2-YEAR TERMS MAY NOT BE ELECTED TO THE BOARD UNTIL AT LEAST**

1 2 YEARS HAVE ELAPSED SINCE THE END OF THE MEMBER'S LAST TERM ON THE
2 BOARD.

3 (4) (A) The term of an at-large member is 2 years WITH A LIMIT OF
4 FOUR CONSECUTIVE TERMS. The terms of at-large members shall be staggered so that 3
5 at-large members are elected 1 year and 4 at-large members are elected the following year.

6 (B) AN AT-LARGE MEMBER WHO HAS SERVED FOUR
7 CONSECUTIVE TERMS MAY NOT BE ELECTED TO THE BOARD UNTIL AT LEAST 2
8 YEARS HAVE ELAPSED SINCE THE END OF THE MEMBER'S LAST TERM ON THE
9 BOARD.

10 (C) Terms extended:

11 (1) This division only applies if the term of a member appointed by the
12 County Commissioners or of a designee of a County Commissioner or of the President of
13 the Town Council or the term of the medical staff member ends and a replacement member
14 is not selected.

15 (2) By majority vote of the Board of Governors at a meeting consisting of a
16 quorum, a member's term may be extended until a replacement member is selected in
17 accordance with division (A) of this section or the Board of Governors selects a replacement
18 member under division (F) of this section.

19 (D) The Board of Governors shall be and is made and constituted a body politic
20 and corporate by the name and style of the Board of Governors of the Garrett County
21 Memorial Hospital and by that name shall have perpetual succession. Subject to § 36.08,
22 the Board of Governors may sue and be sued. The Board of Governors may have a common
23 seal, and alter the same, at its pleasure. The Board of Governors shall have all the powers
24 herein granted it and all such other powers as shall be proper and necessary to operate and
25 manage the hospital and/or a public general hospital, or other health and
26 health-care-related entities and health-care-related functions, as fully as if incorporated
27 for such purposes under the provisions of the Public General Laws of Maryland.

28 (E) Removal of members:

29 (1) This division does not authorize the removal of a County Commissioner
30 or of the President of the Town Council, ~~serving as ex-officio members of the Board of~~
31 ~~Governors.~~

32 (2) The Board of Governors shall have the power, by majority vote of all the
33 members of the Board, to remove a member from the Board for cause, including the failure
34 to satisfy any attendance requirement established in the bylaws. Removal of a member may
35 only occur at a regular meeting, after not less than [1 week's] **2 WEEKS'** notice to the
36 member.

1 (F) The Board of Governors may fill a vacancy on the Board caused by expiration
 2 of a term, death, resignation, **OR** expulsion [or, for a member whose residence in Garrett
 3 County is a membership qualification for the Board, removal from the county] if the proper
 4 selecting body fails to fill the vacancy within 30 days. A vacancy may be filled for the
 5 remainder of the term by a majority vote of the Board of Governors at a meeting consisting
 6 of a quorum.

7 (G) The Board of Governors shall elect from among its members a Chairperson
 8 and Vice Chairperson. The Board shall also elect a Secretary/Treasurer and such other
 9 officers as it may determine. The Board shall meet at least 10 times a year and such other
 10 times as it shall determine or when called by the Chairperson.

11 36.04.

12 The Board of Governors shall have the power from time to time to [prescribe the
 13 charges for hospitalization] **IMPLEMENT THE RATES FOR HOSPITALIZATION AS**
 14 **PRESCRIBED BY THE HEALTH SERVICES COST REVIEW COMMISSION** and to provide
 15 for the collection of the charges; to employ and fix the compensation of superintendents and
 16 such other persons as may be needed in carrying on the work of the Garrett County
 17 Memorial Hospital as a [general] public hospital; to adopt rules and regulations governing
 18 the conduct of employees, nurses, physicians and surgeons employed or in attendance
 19 therein and the entrance, conduct, course of study and graduation of student nurses
 20 therein; and may adopt such other rules and regulations pertaining to management,
 21 maintenance and operation of said hospitals as it may determine.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 23 October 1, 2015.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.