

ASSEMBLY, No. 2295

STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 16, 1996

By Assemblymen FELICE and DiGAETANO

1 AN ACT providing for the licensure of adult cardiac surgery services
2 at an acute care hospital in Mercer County and supplementing Title
3 26 of the Revised Statutes.

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5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

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8 1. a. Notwithstanding the provisions of section 7 of P.L.1971,
9 c.136 (C.26:2H-7) to the contrary, the Commissioner of Health and
10 Senior Services shall, no later than 30 days after the effective date of
11 this act, grant a license to an acute care hospital located in Mercer
12 County for the provision of adult cardiac surgery services, subject to
13 the provisions of this section.

14 b. (1) The hospital shall be a provider of cardiac catheterization
15 services on the effective date of this act and shall have met the
16 minimum utilization criteria established by the Department of Health
17 and Senior Services for the continued provision of these services.

18 (2) In 1995, the hospital shall have provided not less than 18.9%
19 of its total medically appropriate invasive cardiac catheterization
20 services to residents of the city of Trenton, to minority patients and
21 not less than 7% of its total medically appropriate invasive cardiac
22 catheterization services to residents of the city of Trenton, to Medicaid
23 or indigent self-pay patients, as determined by the Department of
24 Health and Senior Services.

25 c. The hospital shall provide adult cardiac surgery services in
26 accordance with the following requirements:

27 (1) The hospital shall annually provide medically appropriate
28 invasive cardiac catheterization services at its 1995 service levels as
29 provided in paragraph (2) of subsection b. of this section, or higher,
30 with the required service level for minority patients to be derived by
31 calculating the average annual percentage of minority patients residing
32 in the city of Trenton who were hospitalized for acute myocardial
33 infarction, except as follows:

34 (a) the minority patient service level requirement may be modified
35 annually by the Department of Health and Senior Services, based upon
36 changes in acute myocardial infarction rates for minority residents of
37 the city of Trenton, but no sooner than six months after the

1 department has notified the hospital in writing of the modified service
2 level requirement; and

3 (b) the Medicaid and indigent self-pay patient service level
4 requirement may be modified annually by the Department of Health
5 and Senior Services, based upon cardiac catheterization utilization
6 data derived from uniform billing records, but no sooner than six
7 months after the department has notified the hospital in writing of the
8 modified service level requirement.

9 (2) Upon the receipt of licensure to provide adult cardiac surgery
10 services pursuant to this act, the hospital shall provide not less than
11 12% of its total annual medically appropriate open heart surgery
12 procedures to residents of the city of Trenton, to minority patients and
13 not less than 7% of its total medically appropriate open heart surgery
14 procedures to residents of the city of Trenton, to Medicaid or indigent
15 self-pay patients, as determined by the Department of Health and
16 Senior Services, with the required service level for minority patients
17 to be derived by calculating the average annual percentage of minority
18 patients residing in the city of Trenton who were hospitalized for
19 cardiac surgery, except as follows:

20 (a) the minority patient service level requirement may be modified
21 annually by the Department of Health and Senior Services, based upon
22 changes in cardiac surgery rates for minority residents of the city of
23 Trenton, but no sooner than six months after the department has
24 notified the hospital in writing of the modified service level
25 requirement; and

26 (b) the Medicaid and indigent self-pay patient service level
27 requirement may be modified annually by the Department of Health
28 and Senior Services, based upon open heart surgery procedure
29 utilization data derived from uniform billing records, but no sooner
30 than six months after the department has notified the hospital in
31 writing of the modified service level requirement.

32 (3) The hospital shall report annually to the Department of Health
33 and Senior Services as to its compliance with the provisions of
34 paragraphs (1) and (2) of this subsection. The department shall review
35 any failure by the hospital to meet these service level requirements and
36 may revoke the hospital's adult cardiac surgery license on those
37 grounds.

38 (4) The hospital shall demonstrate to the Department of Health and
39 Senior Services by the end of its third year of operation of its adult
40 cardiac surgery program that it has attained a minimum volume of not
41 less than 350 open heart surgery procedures and that each cardiac
42 surgeon holding privileges at the hospital is performing not less than
43 100 open heart surgery procedures annually.

44 (5) The hospital shall not deny access to invasive cardiac
45 catheterization or adult cardiac surgical services to any clinically
46 suitable person on the basis of that person's diagnosis, race, religion,

1 gender or ability to pay.

2 (6) The hospital shall not charge an indigent person, either as an
3 inpatient or outpatient, for services associated with invasive cardiac
4 catheterization or adult cardiac surgery, including, but not limited to,
5 physician fees and drug therapies.

6 d. The requirements imposed upon a hospital pursuant to this act
7 shall be in addition to, and not in limitation of, any other requirements
8 imposed by law or regulation.

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10 2. This act shall take effect immediately.

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STATEMENT

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15 This bill provides for the licensure of an acute care hospital in
16 Mercer County, which is currently providing invasive cardiac
17 catheterization services, to provide adult cardiac surgery services,
18 under the terms and conditions specified in the bill, in order to
19 alleviate the problems caused by the lack of available cardiac surgery
20 services in the city of Trenton and Mercer County. The required
21 service levels for services provided pursuant to this bill shall apply to
22 patients who are residents of Trenton.

23 Currently, there is no acute care hospital in Trenton or Mercer
24 County to provide adult cardiac surgery services, even though all other
25 New Jersey cities with comparable populations to Trenton have such
26 services. The poor and minority residents of Trenton are in particular
27 need of these services, as evidenced by the fact that: the incidence of
28 disease of the heart and blood vessels in the city is approximately 50%
29 above the State average; and, in the last six years, the number of
30 deaths from cardiovascular disease has increased by 88% among the
31 minority population of Trenton. This increase in mortality can
32 reasonably be associated with the lack of available cardiac surgical
33 services in Trenton. Because of the need for, and lack of access to,
34 cardiac surgical services, the Department of Health and Senior
35 Services has identified the minority and poor population of Trenton as
36 a medically underserved special needs population.

37 In addition, the lack of available cardiac surgical services in Trenton
38 and Mercer County has caused many patients to be referred to an out-
39 of-State facility for cardiac surgical procedures. Over half of the
40 Mercer County residents who receive heart surgery do so in another
41 State, which translates into a loss of commercial revenues and tax
42 dollars for New Jersey. It should be noted that the licensure of adult
43 cardiac surgery services in Mercer County would have virtually no
44 impact on existing cardiac surgery centers in New Jersey.

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3 Establishes adult cardiac surgery program at acute care hospital in

4 Mercer County.