

SENATE, No. 1398

STATE OF NEW JERSEY

INTRODUCED JULY 25, 1996

By Senator LaROSSA

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 shall,
10 no later than 30 days after the effective date of this act, grant a license
11 to an acute care hospital located in Mercer County for the provision
12 of adult cardiac surgery services, subject to the provisions of this
13 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 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.

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, based upon changes in acute
36 myocardial infarction rates for minority residents of the city of
37 Trenton, but no sooner than six months after the department has

1 notified the hospital in writing of the modified service level
2 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 based upon cardiac catheterization utilization data derived from
6 uniform billing records, but no sooner than six months after the
7 department has notified the hospital in writing of the modified service
8 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, with the
16 required service level for minority patients to be derived by calculating
17 the average annual percentage of minority patients residing in the city
18 of Trenton who were hospitalized for cardiac surgery, except as
19 follows:

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

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

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

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

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

46 (6) The hospital shall not charge an indigent person, either as an

1 inpatient or outpatient, for services associated with invasive cardiac
2 catheterization or adult cardiac surgery, including, but not limited to,
3 physician fees and drug therapies.

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

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8 2. This act shall take effect immediately.

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STATEMENT

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

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

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