



National Organization of
State Offices of Rural Health

Regulatory Requirements for Closure of a Hospital

Compiled: September 2016



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REGULATORY REQUIREMENTS FOR CLOSURE OF A HOSPITAL

Compiled: September 2016

Please note SORHs should understand that regulatory environment is constantly changing, this resource should be verified with experts in individual states as needed.

FEDERAL REQUIREMENTS

Centers for Medicare & Medicaid Services

Voluntary Terminations

- Under the provisions of §1866(b)(1) of the Act, a provider of services may terminate its agreement by filing a written notice of its intention.
- Source: State Operations Manual Chapter 3 - 3046
 - <https://www.cms.gov/Regulations-and-Guidance/Guidance/Manuals/Internet-Only-Manuals-IOMs-Items/CMS1201984.html>

U.S. Department of Health and Human Services

Organ Procurement and Transplantation Network

Notification Details At-a-Glance

Who must be notified?	How must they be notified?	What is the timeframe for notification?	What must the notification include?
OPTN/UNOS Member Quality Department	In writing	<ul style="list-style-type: none"> ■ 30 days prior to closing if closing permanently ■ When known if closing temporarily 	<ol style="list-style-type: none"> 1. Reason for closure 2. Effective date of closure 3. Sample patient notices 4. Closure plan with timeline
Patients currently receiving care: <ul style="list-style-type: none"> ■ Potential candidates ■ Candidates ■ Recipients ■ Living Donors <ul style="list-style-type: none"> ○ Actual ○ Potential 	In writing by a method that can be tracked and provides proof of receipt	At least 30 days prior to closing up to 7 days post closure	<ol style="list-style-type: none"> 1. Reason for closure 2. Will not receive organ offers while the program is closed 3. Options for transfer 4. Contact name and number for help 5. Proof of receipt by patient

Source: <https://optn.transplant.hrsa.gov/news/your-transplant-program-is-closing/>

Pension Benefit Guaranty Corporation (PBGC)

Pension Benefit Guaranty Corporation

- Requirement
 - The administrator of a single-employer plan must notify PBGC if an employer who is a contributing sponsor ceases operations at a facility with a resulting separation from employment of more than 20% of the participants in the plan.
- Format for Notice
 - PBGC expects to make a form available for this purpose at a future date. For now no special format is required, but the notice should identify the affected plan and employer, and include a statement that there has been a cessation of operations under ERISA section 4062(e) or a withdrawal by a substantial employer from a multiple employer plan, and a request that PBGC determine the resulting liability.
- Recipient of Notice
 - PBGC's Corporate Finance & Restructuring Department (CFRD)
- Notice Deadline
 - Within 60 days of the cessation or withdrawal
- Notice Address

It may be mailed to CFRD at 1200 K Street, NW, Washington, DC 20005-4026, faxed to 202-842-2643, or emailed to 4063.report@pbgc.gov.

- Source: ERISA, Section 4062(e)
 - <http://www.pbgc.gov/prac/reporting-and-disclosure/section-4063-notices.html>

U.S. Nuclear Regulatory Commission

Nuclear Materials License

- Requirement
 - Notify the NRC in writing;
 - Submit a decommissioning plan, if required by 10 CFR 30.36(g);
 - Conduct decommissioning, as required by 10 CFR 30.36(h) and (i); and
 - Submit, to the appropriate NRC Regional Office, a completed NRC Form 314, "Certificate of Disposition of Materials," (or equivalent information) and demonstrate that the premises are suitable for release for unrestricted use (e.g., results of final survey).
- Notice Deadline
 - Within 60 days of:
 - a decision to permanently cease licensed activities at the entire site (regardless of contamination levels);

- a decision to permanently cease licensed activities in any separate building or outdoor area if it contains residual radioactivity making it unsuitable for release according to NRC requirements (see below);
 - no principal activities having been conducted at the entire site under the license for a period of 24 months; and
 - no principal activities having been conducted for a period of 24 months in any separate building or outdoor area if it contains residual radioactivity making it unsuitable for release according to NRC requirements.
- Notice Address

U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
- Consolidated Guidance About Materials Licenses, Chapter 11, Termination of Activities,
 - http://www.deq.utah.gov/ProgramsServices/programs/radiation/radioactivematerials/docs/2014/08Aug/NUREG1556_Vol_09_Rev_2.pdf
- Source: 10 CFR 20.1401, 10 CFR 20.1402, 10 CFR 20.1403, 10 CFR 20.1404, 10 CFR 20.1405, 10 CFR 20.1406, 10 CFR 30.34(b), 10 CFR 30.35(g), 10 CFR 30.36, 10 CFR 30.51(f)

STATE REQUIREMENTS:

ALABAMA

Certificate of Need

- Requirement
 - Notice to be sent to State Department of Health, Certificate of Need Authority
- Format for Notice
 - Letter in writing with date of termination
- Notice Deadline
 - Prior to closure

Licensure Office

- Requirement
 - Notice of withdrawal of license is required
- Formal for Notice
 - Letter in writing with the date of termination
- Recipient of Notice
 - Division of Provider Services
- Notice Address

Attn: Division of Provider Services
201 Monroe Street, Ste. 700
Montgomery, AL 36104

Medical Records Service

- Requirement
 - Notice to be sent to State Department of Health, Division of Licensure and Certification
- Format for Approval/Notice
 - Must submit a plan for the disposition of medical records
- Notice Deadline
 - Prior to voluntary termination

WARN Act Notice

- Requirement

- Employers with more than 100 employees must provide advance written notice of a closing that will last longer than 6 months to the following recipients:
 - Affected workers or their representatives (e.g. a labor union);
 - The State Dislocated Worker Unit; and
 - The appropriate unit of local government.
- Notice deadline
 - 60 days in advance of closing
- Notice address:

State Dislocated Worker Unit
 Alabama Department of Commerce
 Workforce Development Division
 Steve Walkley, Division Director
 401 Adams Avenue, Suite 380
 P.O. Box 304103
 Montgomery, AL 36130-4103
 1-800-562-4916 Toll-Free or (334) 242-5415
 Fax: 334-242-5855
 DWU@commerce.alabama.gov
- Source: 29 U.S.C. § 2102
 - <http://www.madeinalabama.com/divisions/workforce-development/alabama-warn-list/>
 - <https://www.doleta.gov/layoff/warn.cfm>

ALASKA

Assisted Living Home

- Requirement
 - An assisted living home shall provide, on a form supplied by the department, written notice to the department, to each affected resident or that resident's representative, and to any service coordinator
- Notice Deadline
 - No later than 60 days before termination
- Source: 7 AAC 75.340
 - <http://dhss.alaska.gov/dhcs/Documents/cl/all/assets/ALHStatutesRegulationsGuide.pdf>

Medical Record Service

- Requirement
 - If a facility ceases operation, the facility must inform the department within 48 hours before ceasing operations of the arrangements made for safe preservation of patient records as required in this section. The facility must have a policy for the preservation of patients' medical records in the event of the closure of the facility.
- Recipient of Notice
 - Department of Health and Social Services
- Source: 7 AAC 12.770(j)
 - http://www.hpm.umn.edu/nhregsplus/NHRegs_by_State/Alaska/AAC_Title%207_Chapter12_Article12.pdf

Provider Termination of Services to a Recipient

- Requirement
 - Home and community-based waiver service providers must provide notice of closure
- Format of Notice
 - Written notice
- Recipient of Notice
 - Department of Health and Social Services;
 - Recipient; and
 - Recipient's care coordinator.
- Notice Deadline
 - No later than 60 days before termination.

- Source: 7 AAC 130.233
 - <http://dhss.alaska.gov/dsds/Documents/regspackage/130HCBwaiverRegsFinalDraft.pdf>

Transfer of Records

- Requirement
 - An organization who has received grants must provide notice
- Format for Notice
 - Notice in writing, signed by grantee's board of directors or CEO, indicate what is to be done with the records, and a formal plan
- Receptient of Notice
 - Department of Health and Social Services
- Notice Deadline
 - Within 48 hours of the decision to close the organization
- Source: 7 AAC 78.255
 - <http://dhss.alaska.gov/dbh/Documents/Retention%20and%20Transfer%20of%20Grantee%20Records%20Regulations.pdf>

WARN Act Notice

- Requirement
 - Employers with more than 100 employees must provide advance written notice of a closing that will last longer than 6 months to the following recipients:
 - Affected workers or their representatives (e.g. a labor union);
 - The State Dislocated Worker Unit; and
 - The appropriate unit of local government.

- Notice deadline
 - 60 days in advance of closing

- Notice address:

Alaska Dislocated Worker Unit
 Rapid Response Coordinator- Lisa Mielke
 PO Box 115509
 Juneau, AK 99811-5509
 Phone: (907) 465-6275
 Fax: (907) 465-8753

- Source: 29 U.S.C. § 2102
 - http://jobs.alaska.gov/RR/WARN_info.htm
 - <https://www.doleta.gov/layoff/warn.cfm>

ARIZONA

Changes Affecting a License

- Requirement
 - If a licensee intends to terminate the operation of a health care institution either during or at the expiration of the health care institution's license
- Format of Notice
 - The licensee shall ensure that the Department is notified in writing of:
 - The termination of the health care institution's operations, as required in A.R.S. § 36-422(D); and
 - The address and contact information for the location where the health care institution's medical records will be retained as required in A.R.S. § 12-2297.
- Notice Deadline
 - At least 30 calendar days before the termination
- Source: A.A.C. R9-10-109
 - http://apps.azsos.gov/public_services/Title_09/9-10.pdf

WARN Act Notice

- Requirement
 - Employers with more than 100 employees must provide advance written notice of a closing that will last longer than 6 months to the following recipients:
 - Affected workers or their representatives (e.g. a labor union);
 - The State Dislocated Worker Unit; and
 - The appropriate unit of local government.
- Notice deadline
 - 60 days in advance of closing
- Notice address:

State Rapid Response Coordinator
Employment Administration
Arizona Department of Economic Security
P.O. Box 6123, Site Code 920Z
Phoenix, Arizona 85005
Phone: (602) 542-3957
Fax: (602) 542-2491
wioa@azdes.gov

- Source: 29 U.S.C. § 2102
 - <https://des.az.gov/services/employment/job-seekers/workforce-professionals-landing-page/worker-adjustment-retraining>
 - <https://www.doleta.gov/layoff/warn.cfm>

ARKANSAS

WARN Act Notice

- Requirement
 - Employers with more than 100 employees must provide advance written notice of a closing that will last longer than 6 months to the following recipients:
 - Affected workers or their representatives (e.g. a labor union);
 - The State Dislocated Worker Unit; and
 - The appropriate unit of local government.
- Notice deadline
 - 60 days in advance of closing
- Notice address:

Daryl Bassett, Director
Department of Workforce Services
P.O. Box 2981
Little Rock, AR 72203
- Source: 29 U.S.C. § 2102
 - <http://www.arkansas.gov/esd/Employers/WARN.htm>
 - <https://www.doleta.gov/layoff/warn.cfm>

CALIFORNIA

Acute Care Hospital & Acute Psychiatric Hospitals License

- Requirement
 - General acute care hospitals & Acute Psychiatric Hospitals must file notice of facility closure
- Format for Notice
 - A description of the proposed closure, elimination, or relocation.
 - The description shall be limited to publicly available data, including the number of beds eliminated, if any, the probable decrease in the number of personnel, and a summary of any service that is being eliminated, if applicable.
 - A description of the three nearest available comparable services in the community.
 - If the facility serves Medi-Cal or Medicare patients, it shall specify if the providers of the nearest available comparable services serve Medi-Cal or Medicare patients.
 - A telephone number and address for each of the following, where interested parties may offer comments:
 - The health facility.
 - The parent entity, if any, or contracted company, if any, that acts as the corporate administrator of the health facility.
 - The chief executive officer
- Recipient of Notice
 - Facilities are to comply with the law by
 - Posting a notice at the facility entrance;
 - Notifying the California Department of Public Health (CDPH); and
 - Notifying the Board of Supervisors of the county in which the health facility is located.
- Notice Deadline
 - 30 days advance notice before closing the facility or eliminating or relocating supplemental services to a different campus.
- Notice Address

Licensing and Certification Program, MS 0512,
P.O. Box 997377, Sacramento, CA 95899-7377
(Internet Address: www.cdph.ca.gov)
- Source: Cal. Health & Safety Code § 1255.1, 1255.2, 1255.25
 - <https://www.cdph.ca.gov/certlic/facilities/Documents/LNC-AFL-11-24.pdf>

Hospital & HHA Medicaid Enrollment

- Requirements
 - Inpatient, Outpatient and Long Term Care providers (institutional providers) must contact the local Licensing and Certification Division of DHCS to change their business addresses or other information.
- Source
 - https://files.medi-cal.ca.gov/pubsdoco/publications/masters-mtp/part1/provguide_z01.doc

Mammography Certificate

- Requirement
 - A mammography facility must do all of the following to close its mammography operations:
 - Inform its accreditation body, American College of Radiology (ACR), that it will no longer be performing mammography;
 - Notify the California Department of Public Health, Radiologic Health Branch (RHB) in writing regarding the item 3 below and submit a completed Radiation Machine Registration form (RH2261);
 - Arrange for transfer of each patient's medical record (original mammography films and reports) to the mammography facility where the patient will be receiving future care, to the referring physician or health care provider, or to the patient. This transfer will address the requirement that the facility maintain the patient's permanent medical record for a period of not less than 7 years, or not less than 10 years if no additional mammograms have been performed at the facility. The facility should make reasonable attempts to inform its patients of how they can obtain their mammography records.
 - When the facility ceases operation, the MQSA, ACR, and California certificates may not be displayed. The facility may file or destroy its FDA MQSA certificate. The State certificate(s) must be returned to the Radiologic Health Branch.
- Notice Address

California Department of Public Health
Radiologic Health Branch, MS 7610
Attn: Registration Unit, Mammography Program
PO Box 997414
Sacramento, CA 95899-7414

FDA/CDRH/OCER/DMQRP
Attention: Closed Facility Notification of Records Retention
1350 Piccard Drive, HFZ-240
Rockville, MD 20850

- Source
 - <https://www.cdph.ca.gov/pubsforms/forms/Documents/RHB-Guide-MammoClosing.doc>

Maintain Medical Records

- Requirement
 - A facility must notify the Department of Health of its plan for the safe preservation of medical records. Should the facility change ownership, written documentation must be provided by both the old and new licensee outlining the arrangements made for transfer of medical record custody, safe preservation of the records, and access to the information by both the new and old licensees and other authorized individuals.
- Notice Recipients
 - California Department of Health
- Notice Deadline
 - Within 48 hours of ceasing to operate.
- Source: 22 CCR § 70751 (d) - (e)

Public notice of proposed closure of health facility

- Requirement
 - The health facility shall provide public notice of the proposed relocation of supplemental services, including a notice posted at the entrance to all affected facilities and notice to the department and the board of supervisors of the county in which the health facility is located.
- Notice Format
 - The notice shall include:
 - A description of the proposed closure, elimination, or relocation. The description shall be limited to publicly available data, including the number of beds eliminated, if any, the probable decrease in the number of personnel, and a summary of any service that is being eliminated, if applicable.
 - A description of the three nearest available comparable services in the community. If the health facility closing these services serves Medi-Cal or Medicare patients, this health facility shall specify if the providers of the nearest available comparable services serve these patients.
 - A telephone number and address for each of the following, where interested parties may offer comments:
 - The health facility.

- The parent entity, if any, or contracted company, if any, that acts as the corporate administrator of the health facility.
 - The chief executive officer.
- Recipient of Notice
 - The department and the board of supervisors of the county in which the health facility is located.
- Notice Deadline
 - Not less than 30 days prior to closing a health facility
- Source: Cal. Health & Safety Code § 1255.25 (2016).

Nursing Home License

- Notice Format
 - A description of the proposed closure, elimination, or relocation.
 - The description shall be limited to publicly available data, including the number of beds eliminated, if any, the probable decrease in the number of personnel, and a summary of any service that is being eliminated, if applicable.
- Notice Recipients
 - CDPHE and Board of Supervisors of the county.
- Notice Deadline
 - 30 days advance notice before closing the facility or eliminating or relocating supplemental services to a different campus
- Source: Cal. Health & Safety Code § 1255.1, 1255.2, 1255.25

Physician Medicaid Enrollment

- Requirement
 - Providers may terminate their participation in the Medi-Cal program at any time upon notice to the Medi-Cal program.
- Notice Format
 - Written notification from the provider of voluntary termination is required to be made to DHCS Provider Master File Unit.
 - Or the provider may choose to submit the Medi-Cal Supplemental Changes form (DHCS 6209) and request deactivation.
- Notice Address

Department of Health Care Services

Provider Enrollment Division
MS 4704
P.O. Box 997412
Sacramento, CA 95899-7412

- Source
 - https://files.medi-cal.ca.gov/pubsdoco/publications/masters-mtp/part1/provguide_z01.doc

SNF Medicaid Enrollment

- Requirement
 - The administrator of a Skilled Nursing Facility (SNF) or Nursing Facility (NF) is required to give notice.
- Notice Deadline
 - 60 days prior to the date of closure.
- Recipient of Notice
 - California Department of Public Health, the State Long-Term Care Ombudsman, residents of the facility, and the legal representatives of the residents or other responsible parties regarding the transfer and adequate relocation of the residents specified in the plan for closure.
- Notice Deadline
 - 60 days prior to the date of closure according to federal guidelines.
- Additional Requirements
 - The facility must also conduct specific assessments of the resident as part of the relocation plan, as specified in HSC Section 1336.2. The facility must also provide those assessments to the resident, the legal representative, or the family member.
- Source: Health and Safety Code (HSC) Section 1336.2
 - <http://www.cdph.ca.gov/certlic/facilities/Documents/LNC-AFL-12-18.pdf>

Certification of Hospital's Trauma Level/Certification

- Requirement
 - Any hospital that provides emergency medical services under Section 1255 shall provide notice of the intended reduction or elimination of the level of emergency medical services
- Recipient of Notice
 - The state department,
 - The local government entity in charge of the provision of health services, and

- All health care service plans or other entities under contract with the hospital to provide services to enrollees of the plan or other entity.
- Notice Deadline
 - Not later than 90 days prior to a planned reduction or elimination of the level of emergency medical services.
- Source: Cal. Health & Safety Code § 1255.1

WARN Act Notice

- Requirement
 - Employers with more than 100 employees must provide advance written notice of a closing that will last longer than 6 months to the following recipients:
 - Affected workers or their representatives (e.g. a labor union);
 - The State Dislocated Worker Unit; and
 - The appropriate unit of local government.
- Notice deadline
 - 60 days in advance of closing
- Notice address:

By E-mail: eddwarnnotice@edd.ca.gov (preferred method)

By Mail:
 WARN Act Coordinator
 Program Support Unit
 Workforce Services Division
 Employment Development Department
 P.O. Box 826880, MIC 50
 Sacramento, CA 94280-0001

- Source: 29 U.S.C. § 2102
 - http://www.edd.ca.gov/jobs_and_training/Layoff_Services_WARN.htm
 - <https://www.doleta.gov/layoff/warn.cfm>

COLORADO

Health Facilities Licensure

- Requirement
 - When a currently licensed health care entity anticipates a change of ownership, the current licensee shall notify the Colorado Department of Public Health and Environment
- Format for Notice
 - The following applies to ALL health care facilities in Colorado:
 - 1. Must contact the Facilities Portal Administrator in order to get access to the portal.
 - <https://www.colorado.gov/pacific/cdphe/health-facilities-licensure-and-certification>
 - 2. Once access is gained on the portal, the facility must file a letter of intent indicating that they are voluntarily ceasing operations.
 - 3. The Facilities will send specific instructions as to what notice requirements the facility will have to fulfill.
 - 4. The facility will have to file a CMS 855A form to terminate the Medicaid contract.
 - <https://www.cms.gov/Medicare/CMS-Forms/CMS-Forms/Downloads/cms855a.pdf>
 - 5. The letter of intent must specify the physical address and method to get into the place to where the medical records are stored.
- Source:
 - Colin Davis-West
Colorado Department of Public Health and Environment
303-692-2928.
- Notice Deadline
 - At least ninety (90) calendar days before a change of ownership involving any health care entity.

Maintain Medical Records

- Requirement
 - Each health care entity that surrenders its license or certificate shall accomplish the following with regard to any individual records that the entity is legally obligated to maintain:
 - Ten (10) calendar days prior to closure, inform the Department in writing of the specific plan for storage and retrieval of individual records,
 - Within ten (10) calendar days of closure, inform all patients, residents, consumers or authorized representatives thereof, in writing how and where to obtain their individual records; and

- Provide secure storage for any remaining patient, resident or consumer records
- Source: 6 Colo. Code Regs. § 1011-1:XX-7; 6 CCR 1011-1 Chap 02, 2.9.7
 - *See also* Guidelines from Colorado Hospital Association, Consent Manual and Guidelines for Release of Health Information, 1996

Medical Waste

- Requirement
 - Facility must give written notice to both the Colorado Department of Public Health and Environment and the local governing authority at least sixty (60) calendar days in advance of its planned closure date. Within thirty (30) calendar days of completing closure activities, the facility must provide written notification to document that all facility closure standards have been achieved.
- Source: 6 CCR 1007-2 Part 1, Chap. 13; 6 CCR 1007-2 Part 1, Chap. 1.8.9 Insurance for Closure and Post-Closure
 - https://www.colorado.gov/pacific/sites/default/files/HM_mw-storage-facilities-guide.pdf

WARN Act Notice

- Requirement
 - Employers with more than 100 employees must provide advance written notice of a closing that will last longer than 6 months to the following recipients:
 - Affected workers or their representatives (e.g. a labor union);
 - The State Dislocated Worker Unit; and
 - The appropriate unit of local government.
- Notice deadline
 - 60 days in advance of closing
- Notice address:

Colorado Department of Labor and Employment
Statewide WARN Act Coordinator,
Attn: Karen Hoopes
633 17 Street, Suite 700
Denver, Colorado 80202

- Source: 29 U.S.C. § 2102
 - <https://www.colorado.gov/pacific/cdle/warn>
 - <https://www.doleta.gov/layoff/warn.cfm>

CONNECTICUT

WARN Act Notice

- Requirement
 - Employers with more than 100 employees must provide advance written notice of a closing that will last longer than 6 months to the following recipients:
 - Affected workers or their representatives (e.g. a labor union);
 - The State Dislocated Worker Unit; and
 - The appropriate unit of local government.
- Notice deadline
 - 60 days in advance of closing
- Format of Notice
 - Notification should include: the name and address of the employment site where the plant closing or mass lay off will occur; the date(s) of proposed closing or mass layoff; the number of affected workers, and address of their collective bargaining representative and chief elected officer if applicable; and, the name, address, and telephone number of the employer representative to contact regarding the closing or mass layoff.
- Notice address:

Rapid Response Unit
Connecticut Department of Labor
200 Folly Brook Boulevard
Wethersfield, CT 06109-1114
- Source: 29 U.S.C. § 2102
 - <https://www.ctdol.state.ct.us/progsupt/bussrvce/rrwarn.htm>
 - <https://www.doleta.gov/layoff/warn.cfm>

DELAWARE

WARN Act Notice

- Requirement
 - Employers with more than 100 employees must provide advance written notice of a closing that will last longer than 6 months to the following recipients:
 - Affected workers or their representatives (e.g. a labor union);
 - The State Dislocated Worker Unit; and
 - The appropriate unit of local government.
- Notice deadline
 - 60 days in advance of closing
- Notice address:

Contact HeleneM.Keeley@state.de.us for more information

- Source: 29 U.S.C. § 2102
 - https://joblink.delaware.gov/ada/mn_warninfo_dsp.cfm?rand=450875
 - <https://www.doleta.gov/layoff/warn.cfm>

FLORIDA

Hospital Licensure

- Requirement
 - A licensee shall notify the Agency for Health Care Administration of impending closure of a hospital.
- Notice Deadline
 - 30 days prior to such closure
- Notice Format
 - The hospital shall be responsible for advising the licensing agency as to the placement of patients and disposition of medical records
- Notice Address

Agency for Health Care Administration
2727 Mahan Drive, MS #32
Tallahassee Florida 32308

- Source: Florida Administrative Code 59A-3.066

Certification of Organ Procurement Organizations, Tissue Banks, and Eye Banks

- Requirement
 - A certificate holder shall notify the Agency for Health Care Administration (AHCA) of impending closure
- Notice Deadline
 - At least 90 days prior to closure
- Notice Format
 - The certificate holder shall be responsible for advising the AHCA as to the placement of inventory and disposition of records
- Notice Address

Agency for Health Care Administration
2727 Mahan Drive, MS #32
Tallahassee Florida 32308

- Source: Florida Administrative Code 59A-1.004

WARN Act Notice

- Requirement

- Employers with more than 100 employees must provide advance written notice of a closing that will last longer than 6 months to the following recipients:
 - Affected workers or their representatives (e.g. a labor union);
 - The State Dislocated Worker Unit; and
 - The appropriate unit of local government.
- Notice deadline
 - 60 days in advance of closing
- Notice address:

Attn: Keantha Moore, Administrator
 REACT Program
 MSC 229
 107 E. Madison Street
 Tallahassee, FL 32399-4137
- Source: 29 U.S.C. § 2102
 - <http://www.floridajobs.org/office-directory/division-of-workforce-services/workforce-programs/reemployment-and-emergency-assistance-coordination-team-react/warn-notice/warn-notice-procedure-and-instructions>
 - <https://www.doleta.gov/layoff/warn.cfm>

GEORGIA

Hospital Closure

- Requirement
 - If the hospital anticipates that it will close or cease to operate, the governing body shall notify the Department of Community Health at least thirty (30) days prior to the anticipated closure.
- Format for Notice
 - Prior to the hospital closure, the hospital shall inform the Department of the planned storage location for patients' medical records, medical staff information, and other critical information after closure. The hospital shall publish in a widely circulated newspaper(s) in the hospital's service area a notice indicating where medical records and other critical information can be retrieved and shall notify the Department of Transportation of the anticipated date of closure for removal of the hospital locator signs. Following closure, the Department shall be notified of any change in location of the patients' medical records, medical staff information, and other critical information from the published location. The hospital would be responsible for providing for maintenance of medical records for the required time period: five years after discharge, or five years past the age of majority for minors, as specified in 290-9-7-.18(1)(h).
 - The Division of Health Planning also requires notification of the anticipated closure.
- Source: Rules of Department of Human Services Office of Regulatory Service Chapter 290-9-7.03(g)

WARN Act Notice

- Requirement
 - Employers with more than 100 employees must provide advance written notice of a closing that will last longer than 6 months to the following recipients:
 - Affected workers or their representatives (e.g. a labor union);
 - The State Dislocated Worker Unit; and
 - The appropriate unit of local government.
- Notice deadline
 - 60 days in advance of closing
- Notice address:
 - See <http://www.georgia.org/competitive-advantages/workforce-division/rapid-response/submit-layoffclosing-notification-warn/>
- Source: 29 U.S.C. § 2102
 - <http://www.georgia.org/competitive-advantages/workforce-division/rapid-response/guide-advance-notice-closings-and-layoffs/>
 - <https://www.doleta.gov/layoff/warn.cfm>

HAWAII

Medical Records

- Requirement
 - Before a healthcare provider ceases operations, immediate arrangements approved by the Department of Health shall be made to ensure the retention and preservation of its patient records. In an acquisition or merger, the succeeding providers are liable for preservation of basic information from the medical records in accordance with state law.
- Source: Hawaii Revised Statutes, Title 33, section 622-58 (e)

WARN Act Notice

- Requirement
 - Employers with more than 100 employees must provide advance written notice of a closing that will last longer than 6 months to the following recipients:
 - Affected workers or their representatives (e.g. a labor union);
 - The State Dislocated Worker Unit; and
 - The appropriate unit of local government.
- Notice deadline
 - 60 days in advance of closing
- Notice address:

Employers Must Notify State and Local Officials:

State Department of Labor & Industrial Relations

Director's Office
830 Punchbowl Street, Room 321
Honolulu, HI 96813
Phone: (808) 586-8844
Fax: (808) 586-9099

Honolulu Mayor's Office

Honolulu Hale
530 S. King Street
Honolulu, HI 96813
Phone: (808) 768-4141
Fax: (808) 768-4242

Hawai'i Mayor's Office

25 Aupuni Street
Hilo, HI 96720
Phone: (808) 961-8211
Fax: (808) 961-6553

Maui Mayor's Office

200 S. High Street, 9th Floor

Wailuku, HI 96793

Phone: (808) 270-7855

Fax: (808) 270-7870

Kaua'i Mayor's Office

4444 Rice Street, Suite 235

Līhu'e, HI 96766

Phone: (808) 241-4900

Fax: (808) 241-6877

- Source: 29 U.S.C. § 2102
 - <http://labor.hawaii.gov/wdd/files/2012/12/Plant-Closing-Handbook-Printable-Version-Revised-121912.pdf>
 - <https://www.doleta.gov/layoff/warn.cfm>

IDAHO

Maintain Medical Records

- Requirement
 - Facilities should adhere to Idaho code and Idaho Practice Acts regarding maintenance and retention of patient information when a facility closes.
- Source:
 - Idaho code 39-13941.C
 - IDAPA 16.03.0220304b
 - IDAPA 16.03.14360

WARN Act Notice

- Requirement
 - Employers with more than 100 employees must provide advance written notice of a closing that will last longer than 6 months to the following recipients:
 - Affected workers or their representatives (e.g. a labor union);
 - The State Dislocated Worker Unit; and
 - The appropriate unit of local government.
- Notice deadline
 - 60 days in advance of closing
- Notice address:

Rico Barrera
(208) 332-3570 ext. 3316
Rico.Barrera@labor.idaho.gov
- Source: 29 U.S.C. § 2102
 - <https://labor.idaho.gov/dnn/idl/Businesses/LayoffAssistance.aspx?AspxAutoDetectCookieSupport=1>
 - <https://www.doleta.gov/layoff/warn.cfm>

ILLINOIS

Hospital Reduction Notification

- Requirement
 - Reporting requirements are for a hospital reduction of 50% or more of its services.
- Format of Notice
 - Identification of the service, reasons for closure, and anticipated duration.
- Notice Deadline
 - Within 30 days of reduction; or 90 day prior notice for closure
- Recipient of Notice
 - State Board, Illinois Dept. of Public Health, State Senator, 2 State Representatives representing legislative district where hospital is located.
- Source: 77 Ill. Adm. Code 1130.240

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Maintain Medical Records

- Requirement
 - Licensee shall notify the Department of Public Health of the impending closure of the hospital.
- Notice Deadline
 - 90 days prior to closure.
- Source: 77 Ill. Adm. Code 250.120

WARN Act Notice

- Requirement
 - Employers with more than 100 employees must provide advance written notice of a closing that will last longer than 6 months to the following recipients:
 - Affected workers or their representatives (e.g. a labor union);
 - The State Dislocated Worker Unit; and
 - The appropriate unit of local government.
- Notice deadline
 - 60 days in advance of closing
- Notice address:

For more information on WARN reports and the WARN Act, contact the Department of Commerce Bureau of Workforce Development:

John Ray
(217) 558-2432

- Source: 29 U.S.C. § 2102
 - <https://www.illinois.gov/dceo/workforcedevelopment/warn/Pages/default.aspx>
 - <https://www.doleta.gov/layoff/warn.cfm>

INDIANA

Hospital Licensure

- Requirement
 - Upon closure, the facility must transfer the medical records (preferably in microfilm format) to a local public health department or public hospital in the same geographic area. If the records cannot be transferred to a public health department or public hospital in the same geographic area, the records should be sent to the Board of Health.
- Source: Hospital Licensure Rules of the Indiana State Board of Health 410 IAC 15-1-9 (2).

WARN Act Notice

- Requirement
 - Employers with more than 100 employees must provide advance written notice of a closing that will last longer than 6 months to the following recipients:
 - Affected workers or their representatives (e.g. a labor union);
 - The State Dislocated Worker Unit; and
 - The appropriate unit of local government.
- Notice deadline
 - 60 days in advance of closing
- Notice address:

Indiana Department of Workforce Development
Dislocated Worker Unit
10 North Senate Avenue
Indianapolis, IN 46204-2277

Email: warn-notice@dwd.in.gov

- Source: 29 U.S.C. § 2102
 - <http://www.in.gov/dwd/2563.htm>
 - <https://www.doleta.gov/layoff/warn.cfm>

IOWA

Maintain Medical Records

- Requirement
 - When a facility closes or transfers ownership, all active patients should be notified and given an opportunity to obtain copies of their records. In addition to individual notices to patients, a public notice generally is published in a newspaper of general circulation advising patients and physicians of the location of the facility's medical records and how access to them may be gained. The facility is liable for preserving the confidentiality and security of the records until ownership is assumed by another or the required retention period has expired.
- Source: Guidelines from Iowa Health Information Management Association's Guide to Medical Record Laws, 2001

WARN Act Notice

- Requirement
 - Employers with more than 100 employees must provide advance written notice of a closing that will last longer than 6 months to the following recipients:
 - Affected workers or their representatives (e.g. a labor union);
 - The State Dislocated Worker Unit; and
 - The appropriate unit of local government.
- Notice deadline
 - 60 days in advance of closing
- Notice address:

State Rapid Response Coordinator
Iowa Workforce Development
1000 E Grand Avenue
Des Moines, IA 50319
Phone: 515-725-2007
Fax: 515-281-9641
Email: dislocated.worker@iwd.iowa.gov

- Source: 29 U.S.C. § 2102
 - <https://www.iowaworkforcedevelopment.gov/worker-adjustment-and-retraining-notification-act>
 - <https://www.doleta.gov/layoff/warn.cfm>

KANSAS

Maintain Medical Records

- Requirement
 - If a hospital discontinues operation, the hospital shall inform the licensing agency of the location of its records. A summary shall be maintained of medical records that are destroyed. This summary shall be retained on file for at least 25 years and shall include the following information:
 - the name, age, and date of birth of the patient;
 - the name of the patient's nearest relative;
 - the name of the attending and consulting practitioners;
 - any surgical procedure and date, if applicable; and
 - the final diagnosis.
- Source: Kansas Regulations 28-34-9a (d) (2) (3)

WARN Act Notice

- Requirement
 - Employers with more than 100 employees must provide advance written notice of a closing that will last longer than 6 months to the following recipients:
 - Affected workers or their representatives (e.g. a labor union);
 - The State Dislocated Worker Unit; and
 - The appropriate unit of local government.
- Notice deadline
 - 60 days in advance of closing
- Notice address:

Contact sthompson@kansascommerce.com for more information.

- Source: 29 U.S.C. § 2102
 - https://www.kansasworks.com/ada/mn_warninfo_dsp.cfm
 - <https://www.doleta.gov/layoff/warn.cfm>

KENTUCKY

Maintain Medical Records

- Requirement
 - Provisions shall be made for written designation of the specific location for storage of medical records in the event the hospital ceases to operate because of disaster or for any other reason. It shall be the responsibility of the hospital to safeguard both the record and its informational content against loss, defacement, and tampering. Particular attention shall be given to protection from damage by fire and water.
- Source: Kentucky Administrative Regulations, 902 KAR 20:016 Section 3 (11) 3

WARN Act Notice

- Requirement
 - Employers with more than 100 employees must provide advance written notice of a closing that will last longer than 6 months to the following recipients:
 - Affected workers or their representatives (e.g. a labor union);
 - The State Dislocated Worker Unit; and
 - The appropriate unit of local government.
- Notice deadline
 - 60 days in advance of closing
- Notice address:

Michelle DeJohn, Michelle.DeJohn@ky.gov
Kentucky Office of Employment & Training
Office: (502) 564-7456
Direct Line: (502) 782-3252

- Source: 29 U.S.C. § 2102
 - <http://kcc.kentuckianaworks.org/Employers/FileaWARNNoticeforEmployeeLayoffs.aspx>
 - <https://www.doleta.gov/layoff/warn.cfm>

LOUISIANA

Hospital Closure

- Requirement
 - The hospital shall provide public notice and submit a written plan for the disposition of patient medical records for approval by the department. The plan shall include the following:
 - Provisions that comply with state laws on storage, maintenance, access and confidentiality of the closed hospital's patient medical records;
 - An appointed custodian who shall provide physical and environmental security that protects the records against fire, water, intrusion, unauthorized access, loss and destruction;
 - Public notice on access in the newspaper, with the largest circulation, in close proximity of the closing hospital, at least 15 days before the effective date of closure;
 - The effective date of closure.
- Format for Notice
 - Public notice on access in the newspaper with the largest circulation.
 - Written plan outlined above.
- Notice Deadline
 - 15 days before the effective date of closure for newspaper notice; 30 days prior to the effective date of the closure
- Source: Louisiana Health and Human Resources Administration Acts La, RS 40; 2109 E
 - See also <http://www.dhh.louisiana.gov/index.cfm/page/1805>

WARN Act Notice

- Requirement
 - Employers with more than 100 employees must provide advance written notice of a closing that will last longer than 6 months to the following recipients:
 - Affected workers or their representatives (e.g. a labor union);
 - The State Dislocated Worker Unit; and
 - The appropriate unit of local government.
- Notice deadline
 - 60 days in advance of closing
- Notice address:

Email submission is preferred.

Louisiana Workforce Commission
Business Service Unit

Attention: Andre France
State Rapid Response Coordinator
afrance@lwc.la.gov

If email submission is not possible, notices can be submitted via FAX or mail to:

Louisiana Workforce Commission
Business Service Unit
Attention: Andre France
P.O. Box 94094
Baton Rouge, LA 70804-9094

Fax: (225)342-0209

- Source: 29 U.S.C. § 2102
 - http://www.laworks.net/WorkforceDev/WFD_WarnFacts.asp
 - http://www.laworks.net/WorkforceDev/WFD_WARNSampleLetter.asp
 - <https://www.doleta.gov/layoff/warn.cfm>

MAINE

WARN Act Notice

- Requirement
 - Employers with more than 100 employees must provide advance written notice of a closing that will last longer than 6 months to the following recipients:
 - Affected workers or their representatives (e.g. a labor union);
 - The State Dislocated Worker Unit; and
 - The appropriate unit of local government.
- Notice deadline
 - 60 days in advance of closing
- Notice address:

Bureau of Unemployment Compensation
Special Programs Unit
47 State House Station
Augusta ME, 04333-0047

Tel: (207) 621-5103
Fax: (207) 287-3395

- Source: 29 U.S.C. § 2102
 - http://www.maine.gov/labor/labor_laws/publications/employeeerightsguide.html
 - <https://www.doleta.gov/layoff/warn.cfm>

MARYLAND

Personal Medical Records

- Format of Notice
 - Plan for the disposition of medical records submitted
- Recipient of Notice
 - Division of Licensure and Certification
- Notice Deadline
 - Prior to voluntary termination
- Source: *Code of Maryland Regulations Subtitle 4. Personal Medical Records*, 4-403
Destruction of Records

Certificate of Need

- Requirement
 - A hospital shall hold a public informational hearing in the county where the hospital is located if the hospital:
 - Files a notice of the proposed closing of the hospital with the Commission;
 - Requests an exemption from the Commission under subsection (o)(3) of this section to convert to a freestanding medical facility; or
 - Is located in a county with fewer than three hospitals and files a notice of the partial closing of the hospital with the Commission.
 - Within 10 working days after a public informational hearing held by a hospital under this subsection, the hospital shall provide a written summary of the hearing to:
 - The Governor;
 - The Secretary;
 - The governing body of the county in which the hospital is located;
 - The local health department and the local board of health or similar body for the county in which the hospital is located;
 - The Commission; and
 - Subject to § 2-1246 of the State Government Article, the Senate Finance Committee, the House Health and Government Operations Committee, and the members of the General Assembly who represent the district in which the hospital is located
- Notice Deadline
 - At least 90 days before the closing or if at least 45 days before the partial closing of the health care facility, including a State hospital, a person proposing to close all or part of the health care facility files notice of the proposed closing or partial closing with the Commission.

- Source: MD Code, Health - General, § 19-120. Health care facility certificate of need
WARN Act Notice

- Requirement
 - Employers with more than 100 employees must provide advance written notice of a closing that will last longer than 6 months to the following recipients:
 - Affected workers or their representatives (e.g. a labor union);
 - The State Dislocated Worker Unit; and
 - The appropriate unit of local government.
- Notice deadline
 - 60 days in advance of closing
- Notice address:

Contact the Maryland Dislocated Worker Unit at (410) 767-2803

- Source: 29 U.S.C. § 2102
 - <https://www.dllr.state.md.us/labor/wagepay/wpdiswork.shtml>
 - <https://www.doleta.gov/layoff/warn.cfm>

MASSACHUSETTS

Hospital Closure

- Requirement
 - In the event of the permanent closing of a hospital, an institution shall arrange for preservation of all medical records for 20 years after the discharge or the final treatment of the patient to whom it relates.
 - The hospital may destroy records only after the applicable retention period has elapsed and after notifying the department of public health, in accordance with its regulations, that the records will be destroyed.

- Notice Address

Massachusetts Department of Public Health
250 Washington Street
Boston, Massachusetts 02108

- Source: Massachusetts Laws Chapter 111, Section 70

WARN Act Notice

- Requirement
 - Employers with more than 100 employees must provide advance written notice of a closing that will last longer than 6 months to the following recipients:
 - Affected workers or their representatives (e.g. a labor union);
 - The State Dislocated Worker Unit; and
 - The appropriate unit of local government.

- Notice deadline
 - 60 days in advance of closing

- Notice address:

If you are ready to submit your WARN notice email warnnotice@detma.org and attach your notice.

- Source: 29 U.S.C. § 2102
 - <http://www.mass.gov/lwd/employment-services/business-services/rapid-response/worker-adjustment-and-retraining-act-warn.html>
 - <https://www.doleta.gov/layoff/warn.cfm>

MICHIGAN

BCBSM Participation

- Requirement
 - Provider shall notify Blue Cross Blue Shield of Michigan, in writing, immediately of any termination, suspension, or voluntary surrender of Provider's professional license.
- Notice Address
 - Varies by area code.
 - See <http://www.bcbsm.com/providers/help/contact-us/bcbsm-provider-contacts-hospitals.html>
- Source: BCBSM Medicare Advantage Provider Agreement, § 3.16
 - <http://www.bcbsm.com/content/dam/public/Providers/Documents/help/documents-forms/medicare-adv-ppo-agreement-amended.pdf>

Maintain Medical Records

- Requirement
 - The licensee shall send a written notice that specifies who will have custody of the medical records and how a patient may request access to or copies of his or her medical records and shall do either of the following:
 - transfer the records to (i) a successor licensee, (ii) the patient or a specific health facility or agency or other health care provider licensed under article 15, or (iii) a health care provider, a health facility or medical records company with which the licensee had contracted or entered into an agreement to protect, maintain, and provide access to those records; or
 - destroy the records as long as the licensee sends written notice to the last known address of the patient for whom he or she has provided medical services and receives written authorization
- Recipient of Notice
 - Michigan Department of Health and Human Services
- Notice Deadline
 - The notice shall provide the patient with 30 days to request a copy of his or her record or to designate where he or she would like his or her medical records transferred and shall request from the patient within 30 days written authorization for the destruction of his or her medical records. If the patient fails to request a copy or transfer of his or her medical records or to provide the licensee with written authorization for the destruction, then the licensee shall not destroy those records that are less than 7 years old but may destroy, in accordance with subsection (4), those that are 7 years old or older.
- Source: MCL 333.16213(3)

Public Notice

- Requirement
 - If health facility wishes to destroy the medical records rather than transfer the medical records under section 16213(3)(a), the health facility must provide written notice to the last known address of each patient for whom the licensee has provided medical services.
- Recipient of Notice
 - Patients
- Notice Deadline
 - The notice shall provide the patient with 30 days to request a copy of his or her record or to designate where he or she would like his or her medical records transferred and shall request from the patient within 30 days written authorization for the destruction of his or her medical records. If the patient fails to request a copy or transfer of his or her medical records or to provide the licensee with written authorization for the destruction, then the licensee or the personal representative of the licensee shall not destroy those records that are less than 7 years old but may destroy, in accordance with subsection (4), those that are 7 years old or older.
- Source: MCL 333.16213(3)(b)

SNF Medicaid Enrollment

- Requirement
 - Written notice of a voluntary closure must include the plan for closure as approved by the State. The plan must outline the transfer and adequate relocation of residents that assures placement in the most appropriate facility or other setting in terms of quality, services, and location, taking into consideration the needs, choice, and best interests of each resident. The notice must also include contact information for the LTC Ombudsman and the Area Agency on Aging.
- Recipient of Notice
 - State Survey Agency (SSA),
 - State Medicaid Agency (SMA)/ Long Term Care (LTC) Services Section,
 - LTC Ombudsman,
 - Residents of the nursing facility, and
 - Legal representatives of such residents or other responsible parties.
- Format for Approval/Notice
 - Plan for closure must be approved by the SSA and the SMA/LTC Services Section prior to notification of residents of the closure.

- Notice Deadline
 - Written notice must be provided at least 60 days before the date of closure
- Notice Address
 - At the time of closure, the nursing facility will be provided with contact information for the agency representatives who will be involved in the closure.
- Source: Medicaid Provider Manual, General Information for Providers; *See* Section 2.9, Nursing Facility Certification, Survey & Enforcement Appendix, Medicaid Provider Manual
 - <http://www.mdch.state.mi.us/dch-medicaid/manuals/MedicaidProviderManual.pdf>

WARN Act Notice

- Requirement
 - Employers with more than 100 employees must provide advance written notice of a closing that will last longer than 6 months to the following recipients:
 - Affected workers or their representatives (e.g. a labor union);
 - The State Dislocated Worker Unit; and
 - The appropriate unit of local government.
- Notice deadline
 - 60 days in advance of closing
- Notice address:

Maggie Sayles, CBSP
WIOA Title I Specialist
Office of Talent Policy and Planning Workforce Development Agency
201 N. Washington Square
Lansing, MI 48913
517-335-0686
Email: Saylesm1@michigan.gov
- Sources: 29 U.S.C. § 2102
 - <http://www.michigan.gov/wda/0,5303,7-304-64361-298723--,00.html>
 - <https://www.doleta.gov/layoff/warn.cfm>

MINNESOTA

Hospital Closing

- Requirement
 - If a licensed facility licensed voluntarily plans to cease operations or to curtail operations to the extent that patients or residents must be relocated, the controlling persons of the facility must notify the commissioner of health at least 90 days before the scheduled cessation or curtailment.
 - Failure to notify the commissioner under subdivision 1 may result in issuance of a correction order.
- Source: MN ST § 144.555

WARN Act Notice

- Requirement
 - Employers with more than 100 employees must provide advance written notice of a closing that will last longer than 6 months to the following recipients:
 - Affected workers or their representatives (e.g. a labor union);
 - The State Dislocated Worker Unit; and
 - The appropriate unit of local government.
- Notice deadline
 - 60 days in advance of closing
- Notice address:

For more information, email the Minnesota Dislocated Worker Program at DEED.DW@state.mn.us or by phone at 866-213-1422 or 651-259-7537.

- Source: 29 U.S.C. § 2102; Minn. Stat. § 116L.976
 - https://mn.gov/deed/assets/dwp-annual-report-2015_tcm1045-132779.pdf
 - <https://www.doleta.gov/layoff/warn.cfm>

MISSISSIPPI

Hospital Closure

- If any hospital shall be closed, its hospital records may be delivered and turned over to any other hospital or hospitals in the vicinity willing to accept and retain
- If there is no such other hospital, the closing hospital shall deliver its hospital records, in good order and properly indexed for convenient reference, to the licensing agency, which shall store, retain, retire and provide access to the information therein in the same manner as is provided for by hospitals
- Source: Miss. Code Ann. § 41-9-79

Termination of Operation of Hospice

- Requirement
 - Ensure the safekeeping, confidentiality, and storage of all clinical records for a period of five (5) years, following discharge, and notify Mississippi State Department of Health (DOH) in writing of the location of all records
- Recipient of Notice
 - Attending physician; patient; persons responsible for patients; the community; Mississippi State Department of Health; licensing agency
- Format of Notice
 - "Public announcement" for community
 - Receiving facility or agency complete copy of the clinical record
 - Mississippi State Department of Health in writing
 - Return license to licensing agency
- Notice Deadline
 - For attending physician/patients "in ample time to provide for alternate care methods"
 - No other specifics on timing of notice.
- Notice Address

Mississippi State Department of Health
570 E Woodrow Wilson Ave.
Jackson, MS 39216

- Source: Miss. Admin. Code 15-16-1:1.12.1

Closure of a Pediatric Skilled Nursing Facility or Prescribed Pediatric Extended Care (PPEC) Center

- Requirement

- Notice shall be provided to each child's legal guardian and the Mississippi Department of Health
- Format of Notice
 - Not specified
- Notice Deadline
 - 30 days
- Notice Address

Mississippi State Department of Health
570 E Woodrow Wilson Ave.
Jackson, MS 39216
- Source: Miss. Admin. Code 15-16-1:3.3.25; Miss. Admin. Code 15-16-1:2.3; Miss. Code Ann. § 41-125-17

WARN Act Notice

- Requirement
 - Employers with more than 100 employees must provide advance written notice of a closing that will last longer than 6 months to the following recipients:
 - Affected workers or their representatives (e.g. a labor union);
 - The State Dislocated Worker Unit; and
 - The appropriate unit of local government.
- Notice deadline
 - 60 days in advance of closing
- Source: 29 U.S.C. § 2102
 - [http://mdes.ms.gov/employers/mdes-employer-services/layoff-preparation/worker-adjustment-and-retraining-notification-\(warn\)-act-compliance-assistance-materials/](http://mdes.ms.gov/employers/mdes-employer-services/layoff-preparation/worker-adjustment-and-retraining-notification-(warn)-act-compliance-assistance-materials/)
 - <https://www.doleta.gov/layoff/warn.cfm>

MISSOURI

WARN Act Notice

- Requirement
 - Employers with more than 100 employees must provide advance written notice of a closing that will last longer than 6 months to the following recipients:
 - Affected workers or their representatives (e.g. a labor union);
 - The State Dislocated Worker Unit; and
 - The appropriate unit of local government.
- Notice deadline
 - 60 days in advance of closing
- Notice address:

WARN Coordinator
Department of Economic Development
Division of Workforce Development
PO Box 1087
Jefferson City, MO 65102
1-800-877-8698

- Source: 29 U.S.C. § 2102
 - <https://jobs.mo.gov/employer/warn>
 - <https://www.doleta.gov/layoff/warn.cfm>

MONTANA

Minimum Standards for all Health Care Facilities

- Requirement
 - A health care facility, excluding a hospital, shall retain a patient's, resident's, or client's medical records for no less than six years following the date of the patient's, resident's, or client's discharge or death, or upon the closure of the facility.
- Source: Mont.Admin.R. 37.106.314

Award and Administration of Grant

- In the event of a contract termination or facility closure, the Department of Administration reserves the right to recoup unused capital grants and/or assets purchased with the monies derived from this grant award.
- Source: Mont.Admin.R. 37.109.117

WARN Act Notice

- Requirement
 - Employers with more than 100 employees must provide advance written notice of a closing that will last longer than 6 months to the following recipients:
 - Affected workers or their representatives (e.g. a labor union);
 - The State Dislocated Worker Unit; and
 - The appropriate unit of local government.
- Notice deadline
 - 60 days in advance of closing
- Source: 29 U.S.C. § 2102
 - <https://www.doleta.gov/layoff/warn.cfm>

NEBRASKA

Healthcare Facility Closure

- Statute suggesting notice
 - Healthcare Facility Licensure Act
 - The Department of Health and Human Services may petition the district court for appointment of a receiver for a health care facility when the health care facility is closing, or has informed the department that it intends to close, and adequate arrangements for the relocation of the residents or patients of such health care facility have not been made at least thirty days prior to closure.
- Source: Neb.Rev.St. § 71-2085

WARN Act Notice

- Requirement
 - Employers with more than 100 employees must provide advance written notice of a closing that will last longer than 6 months to the following recipients:
 - Affected workers or their representatives (e.g. a labor union);
 - The State Dislocated Worker Unit; and
 - The appropriate unit of local government.
- Notice deadline
 - 60 days in advance of closing
- Notice address:

Nebraska Department of Labor
Office of Employment and Training
550 South 16th Street
P.O. Box 94600
Lincoln, NE 68509-4600
Phone: (402) 471-9828 (Collect calls cannot be accepted)
Email: NDOL.RapidResponse@nebraska.gov

- Source: 29 U.S.C. § 2102
 - <https://dol.nebraska.gov/EmploymentAndTraining/LayoffServices/WARN>
 - <https://www.doleta.gov/layoff/warn.cfm>

NEVADA

WARN Act Notice

- Requirement
 - Employers with more than 100 employees must provide advance written notice of a closing that will last longer than 6 months to the following recipients:
 - Affected workers or their representatives (e.g. a labor union);
 - The State Dislocated Worker Unit; and
 - The appropriate unit of local government.
- Notice deadline
 - 60 days in advance of closing
- Source: 29 U.S.C. § 2102
 - <http://detr.state.nv.us/esd%20pages/Rapid%20response.htm>
 - <https://www.doleta.gov/layoff/warn.cfm>

NEW HAMPSHIRE

Health Facilities

- Requirement
 - Health facilities must provide written notice to the New Hampshire Health Facilities Administration
- Notice Deadline
 - 30 Days Prior to Closing
- Notice Address

New Hampshire Department of Health and Human Services
129 Pleasant Street Concord, NH 03301-3852

- Source: NH HFA Representative

WARN Act Notice

- Requirement
 - Employers with more than 100 employees must provide advance written notice of a closing that will last longer than 6 months to the following recipients:
 - Affected workers or their representatives (e.g. a labor union);
 - The State Dislocated Worker Unit; and
 - The appropriate unit of local government.
- Notice deadline
 - 60 days in advance of closing
- Source: 29 U.S.C. § 2102
 - <http://www.nhes.nh.gov/services/employers/compliance.htm>
 - <https://www.doleta.gov/layoff/warn.cfm>

NEW JERSEY

Termination/discontinuance of service or facility and/or reduction of licensed bed capacity

- Requirement
 - Where a certificate of need is not required, written notification shall be filed with the Department's Office of Certificate of Need and Healthcare Facility Licensure, 30 days prior to the proposed closure of a facility or discontinuance of all of its services.
 - Discontinuance of a component service of a health care facility or satellite emergency department shall not require a certificate of need where the discontinuance will not result in problems of access to populations historically served and is not a service, which is required to be a component of an inpatient health care facility. In these instances, the licensed entity shall notify the Department's Office of Certificate of Need and Healthcare Facility Licensure in writing 60 days prior to discontinuance of the service.
- Recipient of Notice
 - New Jersey State Department of Health
- Notice Address

Department of Health
P. O. Box 360
Trenton, NJ 08625-0360
- Source: N.J. Admin. Code § 8:33-3.2

Maintain Medical Records

- Requirement
 - Before closing, the hospital's governing authority must submit a plan for record storage and service to the Department of Health.
- Notice Deadline
 - 30 Days Prior to Closing
- Notice Address

Department of Health
P. O. Box 360
Trenton, NJ 08625-0360
- Source: Section 8: Section 10 NJSA 34B-7.4 (b)

See also New Jersey Hospital Association Hospital Closure Guidelines

WARN Act Notice

- Requirement
 - Employers with more than 100 employees must provide advance written notice of a closing that will last longer than 6 months to the following recipients:
 - Affected workers or their representatives (e.g. a labor union);
 - The State Dislocated Worker Unit; and
 - The appropriate unit of local government.
- Notice deadline
 - 60 days in advance of closing
- Source: 29 U.S.C. § 2102
 - <http://lwd.dol.state.nj.us/labor/lwdhome/warn/njwarn.html>
 - <http://lwd.dol.state.nj.us/labor/lwdhome/warn/RapidResponse.html>
 - <https://www.doleta.gov/layoff/warn.cfm>

NEW MEXICO

WARN Act Notice

- Requirement
 - Employers with more than 100 employees must provide advance written notice of a closing that will last longer than 6 months to the following recipients:
 - Affected workers or their representatives (e.g. a labor union);
 - The State Dislocated Worker Unit; and
 - The appropriate unit of local government.
- Notice deadline
 - 60 days in advance of closing
- Notice address:

New Mexico Department of Workforce Solutions
Attn: Waldy C. Salazar
401 Broadway NE Albuquerque, NM 87102
Waldy.Salazar@state.nm.us
Office: (505) 841-9393
Fax: (505) 841-8491

- Sources: 29 U.S.C. § 2102
 - <http://www.dws.state.nm.us/Business/Business-Information/Rapid-Response>
 - <https://www.doleta.gov/layoff/warn.cfm>

NEW YORK

Changes in existing medical facilities

- Requirement
 - Proposed changes in physical plant, bed capacity and the extent and kind of services provided shall be submitted to the department in writing, changes shall not be made until receipt of the appropriate department approval. No medical facility shall discontinue operation or surrender its operating certificate unless 90 days' notice of its intention to do so is given to the commissioner and his written approval obtained.
- Notice Requirement
 - 90 days' notice prior to closure
- Recipient of Notice
 - Department of Health Commissioner
New York State Department of Health
Corning Tower
Empire State Plaza,
Albany, NY 12237
- Source
 - 10 NYCRR § 401.3

Community forum on hospital closure

- Requirement
 - The commissioner shall hold a public community forum for the purpose of obtaining public input concerning the anticipated impact of the general hospital's closure on access to health care services by members of the surrounding community, including but not limited to recipients of medical assistance for needy persons, the uninsured, and underserved populations, and options and proposals to ameliorate such anticipated impact. The commissioner shall afford community members, health care providers, labor unions, payers, businesses and consumers a reasonable opportunity to speak about relevant matters at such community forum.
 - No later than 60 days after holding the community forum, the commissioner shall make available to the public on the department's website information regarding:
 - the anticipated impact of the general hospital's closure on access to health care services by members of the surrounding community, including but not limited to recipients of medical assistance for needy persons, the uninsured, and underserved populations;
 - specific measures the department and other parties have taken or will take to ameliorate such anticipated impact; and

- any further recommendations regarding access to health care services in communities impacted by the general hospital's closure.
- A community forum conducted pursuant to this section shall be held at a location within a reasonable proximity to the general hospital subject to closure, and shall be announced no less than ten days prior to the date of such community forum.
- Notice Requirement
 - The community forum should be held no later than 30 days' notice after the closure of the facility
 - Information should be made available to the community no later than 60 days after the community forum
- Recipient of Notice
 - Department of Health Commissioner
New York State Department of Health
Corning Tower
Empire State Plaza,
Albany, NY 12237
- Source
 - 10 NYCRR § 401.3

Petition for court approval for the disposal of assets of a Not-for-Profit entity

- Requirement
 - To obtain court approval to sell, lease, exchange or otherwise dispose of all or substantially all its assets, a corporation shall present a verified petition to the supreme court of the judicial district, or the county court of the county, wherein the corporation has its office or principal place of carrying out the purposes for which it was formed.
 - The petition shall set forth:
 1. The name of the corporation, the law under or by which it was incorporated.
 2. The names of its directors and principal officers, and their places of residence.
 3. The activities of the corporation.
 4. A description, with reasonable certainty, of the assets to be sold, leased, exchanged, or otherwise disposed of, or a statement that it is proposed to sell, lease, exchange or otherwise dispose of all or substantially all the corporate assets more fully described in a schedule attached to the petition; and a statement of the fair value of such assets, and the amount of the corporation's debts and liabilities and how secured.

5. The consideration to be received by the corporation and the disposition proposed to be made thereof, together with a statement that the dissolution of the corporation is or is not contemplated thereafter.

6. That the consideration and the terms of the sale, lease, exchange or other disposition of the assets of the corporation are fair and reasonable to the corporation, and that the purposes of the corporation, or the interests of its members will be promoted thereby, and a concise statement of the reasons therefor.

7. That such sale, lease, exchange or disposition of corporate assets, has been recommended or authorized by vote of the directors in accordance with law, at a meeting duly called and held, as shown in a schedule annexed to the petition setting forth a copy of the resolution granting such authority with a statement of the vote thereon.

- Notice Requirement
 - Upon presentation of the petition, the court shall direct that a minimum of fifteen days' notice be given by mail or in person to the attorney general.
- Recipient of Notice
 - New York State Attorney General
- Source
 - N.Y. Not-for-Profit Corp. Law § 511

Affiliation changes of a hospital-based residential health care facility

- Requirement
 - A hospital-based residential health care facility whose affiliated hospital closes its acute care beds shall notify the department within 30 days of actual complete closure of such beds. Such residential health care facility shall have its affiliation status changed to free-standing effective as of the date of actual complete closure.
- Notice Requirement
 - The department must be notified within 30 days of actual complete closure of affiliated hospital facility.
- Recipient of Notice
 - Department of Health Commissioner
New York State Department of Health
Corning Tower
Empire State Plaza,
Albany, NY 12237
- Source

- 10 NYCRR § 86-2.34

WARN Act Notice

- Requirement
 - Employers with more than 100 employees must provide advance written notice of a closing that will last longer than 6 months to the following recipients:
 - Affected workers or their representatives (e.g. a labor union);
 - The State Dislocated Worker Unit; and
 - The appropriate unit of local government.
- Notice deadline
 - 60 days in advance of closing
- Notice address:

Richard Grossi
New York State Department of Labor
Building 12, Room 425
State Office Campus
Albany, New York 12240
- Sources: 29 U.S.C. § 2102
 - <https://labor.ny.gov/workforcenypartners/warn/warnportal.shtm>
 - <https://www.doleta.gov/layoff/warn.cfm>

NORTH CAROLINA

Hospital Closure

- Requirement
 - If a hospital discontinues operation, its management shall notify the Division and make known where its records are stored. Records shall be stored in a business offering retrieval services for at least 11 years after the closure date.
- Source: 10A NCAC 13B.3903

WARN Act Notice

- Requirement
 - Employers with more than 100 employees must provide advance written notice of a closing that will last longer than 6 months to the following recipients:
 - Affected workers or their representatives (e.g. a labor union);
 - The State Dislocated Worker Unit; and
 - The appropriate unit of local government.
- Notice deadline
 - 60 days in advance of closing
- Notice address:

N.C. Department of Commerce
Division of Workforce Solutions
ATTN: Rapid Response Team
4316 Mail Service Center
Raleigh, N.C. 27699-4316

Phone: (919) 814-0400 or (800) 562-6333
Fax: (919) 662-4770

- Sources: 29 U.S.C. § 2102
 - <https://www.nccommerce.com/workforce/businesses/warn-information>
 - <https://www.doleta.gov/layoff/warn.cfm>

NORTH DAKOTA

Health Facility Closure

- Requirement
 - Health Facility shall do the following:
 - Provide written notice to the Department of Health, Division of Health Facilities;
 - Make known to the Department of Health where its records are stored. Records are to be stored in a facility offering retrieval services for at least 10 years after the closure date;
 - Provide public notice to permit former patients or their representatives to claim their own records.
- Notice Deadline
 - 30 days prior to closing
- Notice Format
 - Public notice must be in at least two forms: legal notice and display advertisement in a newspaper of general circulation.
- Notice Address

Bruce Pritschet, Director
Division of Health Facilities
600 East Boulevard Ave., Dept. 301
Bismarck, ND 58505-0200

- Source: N.D. Admin. Code 33-07-01.1-20 – Medical Records Services

WARN Act Notice

- Requirement
 - Employers with more than 100 employees must provide advance written notice of a closing that will last longer than 6 months to the following recipients:
 - Affected workers or their representatives (e.g. a labor union);
 - The State Dislocated Worker Unit; and
 - The appropriate unit of local government.
- Notice deadline
 - 60 days in advance of closing
- Sources: 29 U.S.C. § 2102
 - <https://www.doleta.gov/layoff/warn.cfm>

OHIO

Medical Records

- Requirement
 - Upon closure of a nursing home, the operator shall provide for and arrange for the retention of records and reports in a secured manner for not less than seven years. Ohio statutes do not specifically address physicians' and hospitals' responsibilities regarding the retention of medical records or procedures for transfer of such records.
 - For physicians, the American Medical Association's Council of Ethical and Judicial Affairs Current Opinion 7.04 states that the physician must ensure that all medical records are transferred to another physician or entity held to the same standards of confidentiality and lawfully is permitted to act as the custodian of the records.
- Source: Ohio Admin Code 3701-17-19 (C) (1) (c)

WARN Act Notice

- Requirement
 - Employers with more than 100 employees must provide advance written notice of a closing that will last longer than 6 months to the following recipients:
 - Affected workers or their representatives (e.g. a labor union);
 - The State Dislocated Worker Unit; and
 - The appropriate unit of local government.
- Notice deadline
 - 60 days in advance of closing
- Notice address:

Ohio Department of Job & Family Services
Office of Workforce Development
Rapid Response Section
Worker Adjustment Retraining Notification (WARN) Act
P.O. Box 1618
Columbus, Ohio 43216-1618
Telephone: 1-888-296-7541
Email: rapdresp@jfs.ohio.gov

- Sources: 29 U.S.C. § 2102
 - <http://jfs.ohio.gov/warn/index.stm>
 - <https://www.doleta.gov/layoff/warn.cfm>

OKLAHOMA

Medical Records

- Requirement
 - In the event of closure of a hospital, the hospital shall inform the Department of Health of the disposition of the records. Disposition shall be in a manner to protect the integrity of the information contained in the medical record. These records shall be retained and disposed of in a manner consistent with the statute of limitations
- Source: Okla. Admin. Code 310:667-19-14(b)(4). Retention and Preservation of Records
 - *See also* Okla. Admin. Code 310:667-39-11.

WARN Act Notice

- Requirement
 - Employers with more than 100 employees must provide advance written notice of a closing that will last longer than 6 months to the following recipients:
 - Affected workers or their representatives (e.g. a labor union);
 - The State Dislocated Worker Unit; and
 - The appropriate unit of local government.
- Notice deadline
 - 60 days in advance of closing
- Notice address:

Attn: Vikki Dearing, Coordinator
Employer Workforce Services and
State Rapid Response
Office of Workforce Development
900 N. Portland
Oklahoma City, OK 73107

Email: vikki.dearing@osuokc.edu

Phone Number: 405-945-9195

- Sources: 29 U.S.C. § 2102
 - [https://www.ok.gov/oesc_web/Services/Employment & Training/Layoffs Plant Closings.html](https://www.ok.gov/oesc_web/Services/Employment_%20Training/Layoffs_Plant_Closings.html)
 - <https://www.doleta.gov/layoff/warn.cfm>

OREGON

Hospital Closure

- Requirement
 - If a hospital decides to permanently close, the hospital shall issue notice and the license certificate in the licensee's possession shall be returned to the Public Health Division immediately.
- Recipient of Notice
 - The public
 - Oregon Public Health Division
- Format of Notice
 - The hospital shall issue a multimedia press release within 24 hours, notifying public of facility closure. Such notice shall include a procedure by which individuals may obtain their medical records.
 - The hospital shall notify the Public Health Division at least 14 days prior to the closure and submit a plan for the storage and disposal of medical records.
- Notice Address

800 NE Oregon Street
Portland, OR 97232
- Source: OAR 333-500-0060

WARN Act Notice

- Requirement
 - Employers with more than 100 employees must provide advance written notice of a closing that will last longer than 6 months to the following recipients:
 - Affected workers or their representatives (e.g. a labor union);
 - The State Dislocated Worker Unit; and
 - The appropriate unit of local government.
- Notice deadline
 - 60 days in advance of closing
- Sources: 29 U.S.C. § 2102
 - <https://www.oregon.gov/ccwd/Pages/dwu/biz.aspx>
 - <https://www.doleta.gov/layoff/warn.cfm>

PENNSYLVANIA

Ambulatory Surgical Facility

- Requirement
 - If an ASF discontinues operation, it shall make known to the Department where its records are stored. Records are to be stored in a facility offering retrieval services for at least 5 years after the closure date.
- Format of Notice
 - Prior to destruction, public notice shall be made to permit former patients or their representatives to claim their own records. Public notice shall be in at least two forms, legal notice and display advertisement in a local newspaper of general circulation.
- Source: 28 Pa. Code § 563.6

Hospital Closure

- Requirement
 - If a hospital discontinues operation, it shall make known to the Department of Health where its records are stored. Records are to be stored in a facility offering retrieval services for at least 5 years after the closure date. Prior to destruction, public notice shall be made to permit former patients or their representatives to claim their own records.
- Notice Deadline
 - Notice of intent to close to the Department should be no later than 90 days prior to the anticipated date of closing.
- Format for Notice
 - Public notice shall be in at least two forms, legal notice and display advertisement in a newspaper of general circulation.
- Notice address

Health and Welfare Building
8th Floor West
625 Forster Street
Harrisburg, PA 17120

- Source: 28 Pa. Code § 115.23; 28 Pa. Code § 101.196

Long Term Nursing Facility Closure

- Requirement

- The administrator or owner shall notify the appropriate Division of Nursing Care Facilities field office at least 90 days prior to closure.
 - If the facility is to be closed, the licensee shall notify the resident or the resident's responsible person in writing.
 - Sufficient time shall be given to the resident or the resident's responsible person to effect an orderly transfer.
 - No resident in a facility may be required to leave the facility prior to 30 days following receipt of a written notice from the licensee of the intent to close the facility, except when the Department determines that removal of the resident at an earlier time is necessary for health and safety.
 - If an orderly transfer of the residents cannot be safely effected within 30 days, the Department may require the facility to remain open an additional 30 days.
 - The Department is permitted to monitor the transfer of residents.
 - The licensee of a facility shall file proof of financial responsibility with the Department to insure that the facility continues to operate in a satisfactory manner for a period of 30 days following the notice of intent to close.
- Notice address

Health and Welfare Building
8th Floor West
625 Forster Street
Harrisburg, PA 17120
 - Source: 28 Pa. Code § 201.23

WARN Act Notice

- Requirement
 - Employers with more than 100 employees must provide advance written notice of a closing that will last longer than 6 months to the following recipients:
 - Affected workers or their representatives (e.g. a labor union);
 - The State Dislocated Worker Unit; and
 - The appropriate unit of local government.
- Notice deadline
 - 60 days in advance of closing
- Notice address:

Bureau of Workforce Development Partnership
Rapid Response Coordination Services
12th Floor Labor & Industry Building
651 Boas Street
Harrisburg, PA 17121
Phone: 866-858-2753

Fax: 717-783-7115

- Sources: 29 U.S.C. § 2102
 - <http://www.dli.pa.gov/Individuals/Workforce-Development/warn/Pages/default.aspx>
 - <https://www.doleta.gov/layoff/warn.cfm>

RHODE ISLAND

Health Facility-Program/Residence Closure Guidelines

- See <http://www.health.ri.gov/publications/guidelines/ResidenceClosure.pdf>

Preservation of Medical Records

- Requirement
 - A physician shall notify the Rhode Island Medical Society and Rhode Island Board of Medical Licensure and Discipline of the location of the records.
- Notice Deadline
 - 90 days before closure
- Source: R.I. Gen. Laws § 5-37-30

Maintain Medical Records

- Requirements
 - Written notification of facility closure and a plan for disposition of medical records shall be provided to the Department of Health at least thirty (30) days prior to the closure/change of ownership of the hospital.
- Notice Address

Rhode Island Department of Health
3 Capitol Hill, Providence, RI 02908
- Source: Rules and Regulations for Licensing of Hospitals, 27.16

WARN Act Notice

- Requirement
 - Employers with more than 100 employees must provide advance written notice of a closing that will last longer than 6 months to the following recipients:
 - Affected workers or their representatives (e.g. a labor union);
 - The State Dislocated Worker Unit; and
 - The appropriate unit of local government.
- Notice deadline
 - 60 days in advance of closing
- Notice address:

Susan Biagioni
Corrdinator of Labor & Training

Business Service Unit
RI Department of Labor & Training
1511 Pontiac Avenue-Bldg. 73-3, Cranston, RI 02920
Telephone: (401)462-8723 | Fax: (401)462-8722
Email: Susan.Biagioni@dlt.ri.gov

- Sources: 29 U.S.C. § 2102
 - <http://www.dlt.ri.gov/bwc/warn.htm>
 - <https://www.doleta.gov/layoff/warn.cfm>

SOUTH CAROLINA

Hospital Closure

- Requirement
 - Prior to the permanent closure of a facility, the Department of Health and Environmental Control shall be notified in writing of the intent to close and the effective closure date.
 - The facility shall arrange for the preservation of records and shall notify the Department, in writing, describing such arrangements.
 - On the date of closure, the license shall be returned to the Department.
- Notice Deadline
 - Within 10 days of closure
- Notice format
 - The facility shall notify the Department of the provisions for the maintenance of the records, the identification of displaced patients, the relocated site, and the dates and amounts of patient refunds.
- Source: S.C. Code of Regulations R. 61-6 § 703; S.C. Code of Regulations R. 61-16 § 1107

WARN Act Notice

- Requirement
 - Employers with more than 100 employees must provide advance written notice of a closing that will last longer than 6 months to the following recipients:
 - Affected workers or their representatives (e.g. a labor union);
 - The State Dislocated Worker Unit; and
 - The appropriate unit of local government.
- Notice deadline
 - 60 days in advance of closing
- Notice address:

Contact Ms. Ceola Coles at (202) 693-3519.
- Sources: 29 U.S.C. § 2102
 - <https://www.scworks.org/rapid6.asp>
 - <https://www.doleta.gov/layoff/warn.cfm>

SOUTH DAKOTA

Nursing Facilities

- Requirements
 - If a facility ceases operation, the facility shall provide for safe storage and retrieval of medical records
 - The facility shall notify the Department of Health
- Notice Deadline
 - 60 days before closure
- Format of Notice
 - The facility shall indicate the provisions for the safe preservation of medical records and their location and publish in a local newspaper the location and disposition arrangements of the medical records
- Source: ARSD 44:73:09:09

WARN Act Notice

- Requirement
 - Employers with more than 100 employees must provide advance written notice of a closing that will last longer than 6 months to the following recipients:
 - Affected workers or their representatives (e.g. a labor union);
 - The State Dislocated Worker Unit; and
 - The appropriate unit of local government.
- Notice deadline
 - 60 days in advance of closing
- Sources: 29 U.S.C. § 2102
 - <http://dlr.sd.gov/employerserv/layoffs.aspx#warn>
 - <https://www.doleta.gov/layoff/warn.cfm>

TENNESSEE

Records of Closed Hospitals

- Requirement
 - Should a hospital close, it must surrender the hospital records to the Department of Health and Environment. The facility must deliver the records to the department in good order and properly indexed.
- Source: Tennessee Code Section 68-11-308

WARN Act Notice

- Requirement
 - Employers with more than 100 employees must provide advance written notice of a closing that will last longer than 6 months to the following recipients:
 - Affected workers or their representatives (e.g. a labor union);
 - The State Dislocated Worker Unit; and
 - The appropriate unit of local government.
- Notice deadline
 - 60 days in advance of closing
- Notice address:

Tennessee Department of Labor
Dislocated Worker Unit
220 French Landing Drive Nashville, Tennessee 37245-0658
(615) 741-1031
(800) 255-5872

- Sources: 29 U.S.C. § 2102
 - <https://www.tn.gov/workforce/article/warn-notices>
 - <https://www.doleta.gov/layoff/warn.cfm>

TEXAS

Hospital Closure Instructions

- Notify the Facility Licensing Group (FLG), within the Regulatory Services Division and your local Health Facility Zone Office of the date of closure, including the termination date for the CLIA registration
 - <http://www.dshs.state.tx.us/hfp/PDF/ZoneAddressList.PDF>).
- Notify the Texas Department of State Health Services Facility Licensing Group in writing of the location where the medical records will be stored, and provide the name and contact information of the custodian of these records.

- Notice Address

Texas Department of State Health Services Facility Licensing Group (MC 1979) P.O. Box 149347 Austin, TX 78714-9347

(512) 834-6792

FAX : (512) 834-6653

Contact : Kaimy Chappell Internet: www.dshs.state.tx.us

- Source: Texas Hospital Licensing Standards 1-22.1.6 and 12-8.7.6
 - See also Tex. Health & Safety Code § 241.103. PRESERVATION OF RECORDS
- Notify, if applicable, the Centers for Medicare and Medicaid Services (CMS) and your fiscal intermediary of your planned closure.
 - See August 2016 Texas Medicaid Provider Procedures Manual
 - <http://www.tmhp.com/HTMLmanuals/TMPPM/Current/toc.html>
- Notify the Texas State Board of Pharmacy, Drug Enforcement Agency (DEA) and Department of Public Safety (DPS) for closure rules and considerations for pharmaceuticals.
- Notify DSHS Radiation Safety Branch and DSHS Radiation Licensing of the facility closure.

- Notice Address

Radiation Control Program MC 2835

Texas Department of State Health Services

P. O. Box 149347

Austin, Texas 78714-9347

- Source: Tex. Health & Safety Code CH. 401; starting at 25 Tex. Admin. Code §289.201
- Notify the Texas Department of Licensing and Regulations Boiler Program regarding Boiler Inspections.

- Recipient of Notice
 - Department of Licensing and Regulations Boiler Program.
- Source
 - <https://www.tdlr.texas.gov/boilers/blrrules.htm#6562>
- Notify the Department of Transportation's District Office, in the district in which the hospital is located, for the removal of highway signs directing traffic to the hospital.
 - Notice Address
 - For districts: <http://www.txdot.gov/inside-txdot/district.html>
- Notify the Office of EMS/Trauma Systems and the local Regional Advisory Committee (RAC), including EMS providers of the closure.
 - Notice Address

Texas Department of State Health Services
Office of EMS/Trauma Systems Coordination
Attn: Stroke Designation Program
PO Box 149347 MC 1876
Austin, Texas 78714-9347

 - <http://www.dshs.state.tx.us/emstraumasystems/about.shtm>
- Notify the County Indigent Care Coordinator (for Hospital Districts).
- Return the hospital's license to Facility Licensing Group when the hospital ceases operation. In cases of a Change of Ownership, please refer to those specific instructions.

Mammography Certificates

- Requirement
 - Notify of decision to terminate activities and request termination of the certification.
 - Notify of the film storage location of mammography patients' films and address how the requirements of subsection (t)(4)(D) of this section will be met.
 - Submit a record of the disposition of the mammography machine(s) to the agency certifying body. If the machine(s) was transferred, include to whom it was transferred.
- Recipient of Notice
 - Notify the agency certifying body – Which is either the State of Texas Mammography Accreditation Program or the American College of Radiology (ACR) and the FDA-approved accreditation body
- Notice Deadline

- Immediately upon deciding to terminate all activities involving mammography machines
- Format for Notice
 - Application for termination can be found here:
 - <http://dshs.texas.gov/radiation/mammography/certification.aspx#terminating>
- Notice Address

Texas Department of State Health Services
Radiation Safety Licensing Branch, MC 2835
P.O. Box 149347
Austin, Texas 78714-9347
Phone: (512) 834-6688 ext. 2225
- Source: Tex. Admin. Code § 289.230

WARN Act Notice

- Requirement
 - Employers with more than 100 employees must provide advance written notice of a closing that will last longer than 6 months to the following recipients:
 - Affected workers or their representatives (e.g. a labor union);
 - The State Dislocated Worker Unit; and
 - The appropriate unit of local government.
- Notice deadline
 - 60 days in advance of closing
- Notice address:

Submit WARN notices by mail, fax or e-mail.

Mail:
Texas Workforce Commission
Attn: Layoff/WARN
101 E 15th St, Rm 404T
Austin, TX 78778-0001

Fax: 512-936-0331

Email: warnletter.central@twc.state.tx.us

- Sources: 29 U.S.C. § 2102

- <http://www.twc.state.tx.us/businesses/worker-adjustment-and-retraining-notification-warn-notice>
- <https://www.doleta.gov/layoff/warn.cfm>

UTAH

Health Care Facility License

- Requirement
 - A Health Care Facility shall notify 1) the Utah Department of Health, and 2) Patients, or their next of kin at least 30 days before the effective date of closure.
- Notice Address

Joel Hoffman, Director
Bureau of Health Facility Licensing and Certification
Utah Department of Health
P.O. Box 141010
Salt Lake City, UT 84114-1010

- Source: Utah Administrative Code R432-2-15
 - <http://www.rules.utah.gov/publicat/code/r432/r432-002.htm#T15>

Hospice Medicaid Enrollment

- Requirement
 - Whenever a client is discharged from hospice care, whenever a client moves into a nursing facility, intermediate care facility for people with intellectual disabilities, or free standing inpatient hospice facility, or whenever there has been a change in hospice providers, the hospice provider must submit:
 - A Prior Authorization Request Form, a copy of the signed election statement, and a copy of the physician's certification statement whenever a client is enrolled in hospice care and for each election period thereafter,
 - A Prior Authorization Request Form whenever a client's needs warrant a change to a different hospice service (such as continuous home care or GIP),
 - A Prior Authorization Request Form and a copy of the initial plan of care when a client becomes retroactively eligible for Medicaid and hospice care,
 - A copy of the Prior Authorization Request Form and revocation statement whenever a client chooses to revoke hospice benefits,
 - A copy of the client's written statement at the time of a change to a different hospice provider, and
 - A copy of the Prior Authorization Request Form indicating the effective date of the discharge.
- Notice Deadline
 - Must be received within 10 calendar days after any of the stated events occur
- Recipient of Notice
 - Department of Health, Division of Medicaid and Health Financing (DMHF)
- Notice Address

- The preferred method of receipt of these documents is by fax: (801) 323-1562
- Providers also have the option to mail these documents to DMHF:

Utah Department of Health
 Division of Medicaid and Health Financing
 Bureau of Authorization and Community-Based Services
 Attn: Hospice Prior Authorization
 PO Box 143112
 Salt Lake City, UT 84114-3112

- Source: Section 2, Hospice Care Medicaid Provider Manual, General Policy, 1-3 Access Requirements, Paragraph J
 - <https://medicaid.utah.gov/Documents/manuals/pdfs/Medicaid%20Provider%20Manuals/Hospice/Hospice3-16.pdf>

WARN Act Notice

- Requirement
 - Employers with more than 100 employees must provide advance written notice of a closing that will last longer than 6 months to the following recipients:
 - Affected workers or their representatives (e.g. a labor union);
 - The State Dislocated Worker Unit; and
 - The appropriate unit of local government.
- Notice deadline
 - 60 days in advance of closing
- Notice address:

Dawn Lay
 Dislocated Worker Unit Coordinator
 Utah Department of Workforce Services
 140 East 300 South, Suite 500
 Salt Lake City, UT 84111
 801-526-4312
 Fax: 801-526-9662
 Email: dlay@utah.gov

- Source: 29 U.S.C. § 2102
 - <https://jobs.utah.gov/employer/business/prelayoff.html>
 - <https://www.doleta.gov/layoff/warn.cfm>

VERMONT

Hospital Medicaid Enrollment

- Requirement
 - All individually participating or group identified Primary Care Providers must notify 1) Hewlett Packard Enterprise (HPE), and 2) patients of their intention to withdraw from participation
- Format for Notice
 - In writing
- Notice Deadline
 - Notice to HPE shall be at least 90 days prior to the termination date.
 - Providers are required to give their patients 30 day notice prior to termination .
- Notice Address

Hewlett Packard Enterprise
312 Hurricane Lane, Suite 101
Williston, VT 05495
Telephone: 1.802.878.7871 (Out-of-State) or 1.800.925.1706 (In-State)
Fax: 1.802.878.3440
Website: <http://www.vtmedicaid.com>

- Source: Green Mountain Care Provider Manual, Section 2.5.6: Notice of Termination of Participation in PCP Plus
 - <https://vtmedicaid.com/Downloads/manuals/New%20Consolidated%20Manual/VTMedicaidProviderManual.pdf>

Nursing Home License

- Requirement
 - Whenever a licensee plans to discontinue all or part of its operation or change its ownership or location, and such change in status would necessitate the discharge or transfer of residents, the administrator shall provide notice to the following people:
 - The Licensing Agency; and
 - State Long Term Care Ombudsman.
- Format for Approval/ Notice
 - Prior to the date of the planned change in status, the administrator shall provide the licensing agency and the State Long Term Care Ombudsman with a written transfer plan, subject to the approval by the licensing agency.
 - The transfer plan shall include the following:
 - documentation that adequate staff and resident care will be provided;

- the licensee's arrangements to make an orderly transfer of residents and to minimize the health risks; and
 - the placement action proposed to be taken for each individual resident.
- Notice Deadline
 - Notice should be provided at least 90 days prior to the proposed date of the change.
 - The written transfer plan should be provided at least 60 days prior to the date of the planned change in status.
- Notice Addresses

Agency of Human Services
Department of Aging and Disabilities
Ladd Hall, 103 South Main St.
Waterbury, VT 05671-2306

Vermont Ombudsman Project
Vermont Legal Aid, Inc.
P.O. Box 1367
Burlington, Vermont 05402
V/TTY 1-800-889-2047
www.vtlegalaid.org
www.vtlawhelp.org
- Source: Licensing and Operating Rules for Nursing Homes § 2.8
 - <http://dail.vermont.gov/dail-statutes/statutes-dlp-documents/nursing-home-regulations>

WARN Act Notice

- Requirement
 - Employers with more than 100 employees must provide advance written notice of a closing that will last longer than 6 months to the following recipients:
 - Affected workers or their representatives (e.g. a labor union);
 - The State Dislocated Worker Unit; and
 - The appropriate unit of local government.
- Notice deadline
 - 60 days in advance of closing
- Notice address:

Andrea M. Hussey
State Dislocated Worker Unit
5 Green Mountain Drive

P. O. Box 488
Montpelier, VT 05601
(802) 828-4177 Telephone
(802) 828-4374 Fax
andrea.hussey@vermont.gov

- Sources: 29 U.S.C. § 2102
 - <http://labor.vermont.gov/workforce-development/rapid-response/>
 - <https://www.doleta.gov/layoff/warn.cfm>

VIRGINIA

Nursing Facility License

- Requirement
 - When a nursing facility closes, the owners shall make provisions for the safekeeping and confidentiality of all clinical records.
- Source: 12 VAC 5-371-360
 - <http://law.lis.virginia.gov/admincodeexpand/title12/agency5/chapter371>
 -

Transfer of Patient Records

- Requirement
 - No person licensed, registered, or certified by one of the health regulatory boards under the Department shall transfer records pertaining to a current patient in conjunction with the closure, sale or relocation of a professional practice until such person has first attempted to notify the patient of the pending transfer, by mail, at the patient's last known address, and by publishing prior notice in a newspaper of general circulation within the provider's practice area, as specified in § 8.01-324.
- Notice Deadline
 - Prior to Closure
- Format for Notice
 - The notice shall specify that, at the written request of the patient or an authorized representative, the records or copies will be sent, within a reasonable time, to any other like-regulated provider of the patient's choice or provided to the patient pursuant to § 32.1-127.1:03.
 - The notice shall also disclose whether any charges will be billed by the provider for supplying the patient or the provider chosen by the patient with the originals or copies of the patient's records. Such charges shall not exceed the actual costs of copying and mailing or delivering the records.
- Source: Code of Virginia § 54.1-2405
 - <http://law.lis.virginia.gov/vacodefull/title54.1/subtitleIII/>

WARN Act Notice

- Requirement
 - Employers with more than 100 employees must provide advance written notice of a closing that will last longer than 6 months to the following recipients:
 - Affected workers or their representatives (e.g. a labor union);
 - The State Dislocated Worker Unit; and
 - The appropriate unit of local government.

- Notice deadline
 - 60 days in advance of closing

- Notice address:

Felecia McClenny
State Rapid Response Coordinator
Virginia's Dislocated Worker Unit
Virginia's Community Colleges
300 Arboretum Place, Suite 200, Richmond, VA 23236
Office: 804-819-4946
Mobile: 804-888-4103
Fax: 804-819-1699
Email: fmcclenny@vccs.edu

- Sources: 29 U.S.C. § 2102
 - <http://www.elevatevirginia.org/career-seekers/rapid-response/>
 - <https://www.doleta.gov/layoff/warn.cfm>

WASHINGTON

Hospital Licensure

- Requirements
 - If a hospital ceases operations, it shall make immediate arrangements, as approved by the department, for preservation of its records.
- Recipient of Approval/Notice
 - State Department of Health
- Notice Address

Hospital Program Manager
360-236-2937

Mailing Address:
P.O. Box 47852
Olympia, WA 98504-7852

Physical Address:
Town Center Two
111 Israel Road S.E.
Tumwater, WA 98501

- Source: Hospital Licensing and Regulations; RCW 70.41.190
 - <http://app.leg.wa.gov/rcw/default.aspx?cite=70.41&full=true>

Nursing Home License

- Requirement
 - In the event a nursing home ceases operation, the nursing home must make arrangements prior to cessation, as approved by the department, for preservation of the clinical records
 - The nursing home licensee must provide a plan for preservation of clinical records to the department's designated local aging and disability services administration office as required by WAC 388-97-1640 (8) and (9).
- Recipient of Notice
 - Department of Social and Health Services (DSHS)
- Notice Deadline
 - No later than seven days after the date of notice of nursing home closure unless an alternate date has been approved by the department.
- Notice Address

- The department's designated local aging and disability services administration office.
- Source: WAC 388-97-1720(6)(C)
 - <http://apps.leg.wa.gov/wac/default.aspx?cite=388-97-1720>

Nursing Home License (Additional requirements)

- Requirement
 - Ensure that the relocation of residents and any required notice to the Centers for Medicare and Medicaid Services and the public is done in accordance with WAC 388-97-4320.
- Recipients of Notice
 - In the event of a nursing home's voluntary closure, the nursing home must:
 - Notify all residents and resident representatives,
 - the department of Social and Health Services' designated aging and disability services administration office,
 - the state long-term ombuds, and
 - if the facility is medicare-certified, the Centers for Medicare and Medicaid Services
- Notice Deadline
 - Send the written notification at least sixty days before closure.
- Source: WAC 388-97-1640(8)
 - <http://apps.leg.wa.gov/wac/default.aspx?cite=388-97-1640>

Nursing Home License (additional requirements)

- Requirement
 - The nursing home licensee must provide written notice of its intention to voluntarily terminate its medicare or medicaid contract
- Recipients of Notice
 - The department of Social and Health Services' designated aging and disability services administration office;
 - The Washington health care authority;
 - The Centers for Medicare and Medicaid Services;
 - All residents and, when appropriate, resident representatives; and
 - The public.
- Notice Deadline
 - At least sixty days before contract termination, except notice to Centers for Medicare and Medicaid Services and the public must be provided in accordance with the requirements of 42 C.F.R. 489.52.

- Source: WAC 388-97-1640(9)
 - <http://apps.leg.wa.gov/wac/default.aspx?cite=388-97-1640>

WARN Act Notice

- Requirement
 - Employers with more than 100 employees must provide advance written notice of a closing that will last longer than 6 months to the following recipients:
 - Affected workers or their representatives (e.g. a labor union);
 - The State Dislocated Worker Unit; and
 - The appropriate unit of local government.
- Notice deadline
 - 60 days in advance of closing
- Notice address:

Bob Hughes
Washington State Employment Security Department
P.O. Box 9046
Olympia, WA 98507-9046
360-902-9767
Fax: 360-902-9662
Email: bhughes@esd.wa.gov
- Sources: 29 U.S.C. § 2102
 - <https://www.doleta.gov/layoff/warn.cfm>

WEST VIRGINIA

Hospital Facility Closures

- Requirement
 - Any hospital, extended care facility operated in connection with a hospital, ambulatory health care facility, or ambulatory surgical facility freestanding or operated in connection with a hospital, that intends to terminate operations shall provide at least three weeks notice of such intent to the public prior to the actual termination of operations.
- Notice deadline
 - 3 weeks prior to the actual termination
- Recipients of Notice
 - Public
- Notice Requirements
 - Class III legal advertisement to be published in all qualified newspapers of general circulation where the hospital or facility is geographically located. The advertisement shall include, but is not limited to, a statement, along with the specific or proximate date, that the hospital, extended care facility operated in connection with a hospital, ambulatory health care facility, or ambulatory surgical facility freestanding or operated in connection with a hospital, intends to terminate operations.
- Source
 - W. Va. Code Ann. § 16-5B-16 (2016)

Certificate of Need Hospital Closure

- Requirements
 - Certificate of need must be filed with the state for the partial or total closure of a health care facility or health maintenance organization with which a capital expenditure is associated.
- Sources: W. Va. Code Ann. § 16-2D-3
 - <http://www.legis.state.wv.us/wvcode/ChapterEntire.cfm?chap=16&art=2D>

WARN Act Notice

- Requirement
 - Employers with more than 100 employees must provide advance written notice of a closing that will last longer than 6 months to the following recipients:
 - Affected workers or their representatives (e.g. a labor union);
 - The State Dislocated Worker Unit; and

- The appropriate unit of local government.
- Notice deadline
 - 60 days in advance of closing
- Notice address:

West Virginia Dislocated Worker Unit
Attn: Martha Craig-Hinchman
112 California Avenue, Room 409
Charleston, WV 25305
- Sources: 29 U.S.C. § 2102
 - <http://workforcewv.org/public-information/warn-notices.html>
 - <https://www.doleta.gov/layoff/warn.cfm>

WISCONSIN

Skilled Nursing Facilities participating in Medicare

- Requirement
 - Nursing home must provide notice in advance of facility closure
- Recipient of Notice
 - The individual who is the administrator of the facility must provide written notification to:
 - The State Survey Agency;
 - The State LTC Ombudsman;
 - Resident of the facility; and
 - The legal representatives of the residents or other responsible parties
- Format of notice
 - Notification must be in writing and must include the plan for the transfer and adequate relocation of residents, as required by 42 CFR §483.75(r).
- Source: 42 CFR 483.12 (a)(8)

WARN Act Notice

- Requirement
 - Employers with more than 100 employees must provide advance written notice of a closing that will last longer than 6 months to the following recipients:
 - Affected workers or their representatives (e.g. a labor union);
 - The State Dislocated Worker Unit; and
 - The appropriate unit of local government.
- Notice deadline
 - 60 days in advance of closing
- Notice address:

See https://dwd.wisconsin.gov/dislocatedworker/wda/wda_map.htm
- Sources: 29 U.S.C. § 2102
 - https://dwd.wisconsin.gov/dislocatedworker/employer/tools/notice/wbcm1_overview.htm
 - <https://www.doleta.gov/layoff/warn.cfm>

WYOMING

Voluntary Hospital Closures

- Requirement
 - If a hospital voluntarily ceases to operate, it shall notify the State Survey Agency in writing at least sixty (60) working days prior to closure.
- Notice deadline
 - 60 working days prior to closure
 - The first working day after closure, the hospital's license shall be hand carried or sent by certified mail to Healthcare Licensing and Surveys.
- Notice Address
 - State Survey Agency
 - Healthcare Licensing and Surveys,
6101 Yellowstone Rd., Suite 186C
Cheyenne, WY 82002.
- Sources: Wyo. Admin. Code § HLTH HLS Ch. 12 § 5(m)

Voluntary Closure of an Assisted Living Facilities

- Requirement
 - If an Assisted Living Facility voluntarily ceases to operate, it shall notify the Licensing Division in writing.
 - Personnel, financial and client medical records shall be maintained by the licensee for a minimum of six (6) years after the month of closure.
 - The Assisted Living Facility shall take appropriate discharge action to ensure each resident is properly placed in an alternate and proper care setting prior to closure.
- Notice deadline
 - At least thirty (30) working days prior to the closure.
 - The first working day after closure, the Assisted Living Facility's license shall be hand carried to or sent by certified mail to the Office of Health Quality.
- Notice Address
 - Office of Health Quality
2020 Carey Avenue, Eighth Floor
Cheyenne, WY 82002.
- Sources: Health Facilities Act at Wyo. Stat. § 35-2-901 Sect. 5, K.
 - <http://soswy.state.wy.us/Rules/RULES/4451.pdf>

Termination of Medicaid Enrollment

- Requirement
 - The provider Agreement may be terminated, without cause, by either party upon thirty (30) days written notice.
- Notice deadline
 - 30 days written notice
- Recipient of Notice
 - Wyoming Department of Health
401 Hathaway Building
Cheyenne, WY 82002
- Sources: Medicaid Provider Manual, General Information for Providers
 - <http://www.wyomedicaid.org/sites/default/files/ghs-files/miscellaneous/2016-07-12/ghswyomedicaidenrollmentpacket20160525.pdf>

Maintenance of Records

- Requirement
 - When a publicly funded hospital or nursing home ceases operation, the records are to be transferred to the state archives. The state archives will maintain the records and abide by the established record retention schedules adopted for these institutions, destroying or maintaining the records, and providing access to them.
- Sources: Wyo. Stat. Ann. § 9-2-408

WARN Act Notice

- Requirement
 - Employers with more than 100 employees must provide advance written notice of a closing that will last longer than 6 months to the following recipients:
 - Affected workers or their representatives (e.g. a labor union);
 - The State Dislocated Worker Unit; and
 - The appropriate unit of local government.
- Notice deadline
 - 60 days in advance of closing
- Sources: 29 U.S.C. § 2102
 - <http://wyomingworkforce.org/>
 - <https://www.doleta.gov/layoff/warn.cfm>