

HOUSE No. 01515

The Commonwealth of Massachusetts

PRESENTED BY:

Kathi-Anne Reinstein

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to specialty licensure.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

Kathi-Anne Reinstein

16th Suffolk

Demetrius J. Atsalis

2nd Barnstable

Timothy R. Madden

Barnstable, Dukes and Nantucket

HOUSE No. 01515

By Ms. Kathi-Anne Reinstein of Revere, petition (accompanied by bill, House, No. 01515) of Timothy R. Madden and others relative to the definition and regulation of specialty health care providers. Joint Committee on Public Health.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to specialty licensure.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

- 1 SECTION 1: (A) Section 25B of chapter 111 of the general laws, as appearing in the 2006
2 official edition, is hereby amended, in line 22, by inserting, after the words “as defined in section
3 fifty’two ” the following: -
4 “ speciality health care providers as defined in this section”.
- 5 (B) said section 25B of said chapter 111, as so appearing, is hereby further amended, within the
6 definition of “expenditure minimum with respect to substantial capital expenditures” after the
7 clause “other than ambulatory surgery” the following: -
8 “ or other than expenditures with respect to a speciality health care provider”.
- 9 (C) Said section 25B of said chapter 111, as so appearing, is hereby further amended by adding,
10 at the end thereof, the following:

11 Specialty health care provider,” any entity including a physician practice providing outpatient
12 services typically provided in a hospital setting, including but not limited to: (1) an entity
13 providing anesthesia, conscious sedation and/or diagnostic injection services (including
14 endoscopy services and excluding dental facilities); (ii) an entity employing major medical,
15 diagnostic and/or therapeutic equipment, including but not limited to equipment defined as new
16 technology or as providing an innovative service, pursuant to chapter 111, section 25B and
17 excluding x-ray equipment; and (iii) which is not a hospital, ambulatory surgical center or
18 community health center. The department shall promulgate regulations with respect to the
19 classification of specialty health care providers.”

20 (D) Said chapter 111 of the general laws, is hereby amended by inserting after section 53G, as
21 added by section 11 of chapter 305 of the acts of 2008, the following new section: -

22 Section 53H. “Notwithstanding any general or special law or regulation to the contrary, any
23 specialty health care provider shall be a clinic for the purpose of licensure under section 51 and
24 no original license shall be issued pursuant to said section 51 to establish any such specialty
25 health care provider clinic unless there is a determination by the department that there is a need
26 for such a facility. The department shall promulgate regulations to implement this section,
27 including with respect to the classification and grandfathering of existing specialty health care
28 providers.”