

SENATE No. 884

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

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
2 2006 official edition, is hereby amended, in line 22, by inserting, after the words “as defined in
3 section 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,
6 within the definition of “expenditure minimum with respect to substantial capital expenditures”
7 after the 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
10 adding, at the end thereof, the following:

11 Specialty health care provider,” any entity including a physician practice providing
12 outpatient services typically provided in a hospital setting, including but not limited to: (1) an
13 entity providing anesthesia, conscious sedation and/or diagnostic injection services (including

endoscopy services and excluding dental facilities); (ii) an entity employing major medical, diagnostic and/or therapeutic equipment, including but not limited to equipment defined as new technology or as providing an innovative service, pursuant to chapter 111, section 25B and excluding x-ray equipment; and (iii) which is not a hospital, ambulatory surgical center or community health center. The department shall promulgate regulations with respect to the classification of specialty health care providers.”

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

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