

SENATE No. 894

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act relative to specialty health care providers..

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. Chapter 111, section 25B shall be amended as follows:

2 Insert within the definition of “health care facility” the following: “specialty health care
3 providers as defined herein.”;

4 Section 2. Insert the following new definition:

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

14 Section 3. Insert within the definition of “expenditure minimum with respect to
15 substantial capital expenditures,” after the clause “other than ambulatory surgery”, the following:

16 “or other than expenditures with respect to a specialty health care provider.”; and

17 Section 4. Chapter 111 of the general Laws is hereby amended by inserting after section
18 53G, as added by section 11 of chapter 305 of the acts of 2008, the following:

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