

HOUSE No. 2006

By Mr. Atsalis of Barnstable, petition of Demetrius J. Atsalis for legislation to require annual licensure, determination of need and parity in uncompensated care pool/safety net trust fund participation for freestanding ambulatory surgery centers providing advanced surgical services. Public Health.

The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

AN ACT REQUIRING ANNUAL LICENSURE, DETERMINATION OF NEED AND PARITY IN UNCOMPENSATED CARE POOL/SAFETY NET TRUST FUND PARTICIPATION FOR FREESTANDING AMBULATORY SURGERY CENTERS PROVIDING ADVANCED SURGICAL SERVICES.

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

1 Notwithstanding any general or special law or regulation to the
2 contrary, a determination of need shall be required in accordance
3 with the applicable determination of need requirements of section
4 25C of chapter 111 of the General Laws, as appearing in the 2004
5 Official Edition, and the rules and regulations promulgated there-
6 under for the acquisition, establishment, implementation, operation
7 and/or transfer of site of any freestanding ambulatory surgery center
8 that operates either (a) as a licensed clinic as defined in section 51 of
9 said chapter 111, as so appearing, or (b) is owned and operated by a
10 physician or physicians licensed pursuant to chapter 112 of the
11 General Laws, as so appearing, and that offers or proposes to offer
12 either multiple specialty or single specialty surgical services that
13 require general, spinal or major regional anesthesia, and (c) was not
14 in actual operation or actually under construction as of January 1,
15 2007.

16 Notwithstanding the provisions of any general or special law to
17 the contrary, any health care entity providing single or multiple spe-
18 cialty surgical services requiring general, spinal or major regional
19 anesthesia, regardless of how long it has been in actual operation, (a)
20 shall be subject to licensure and inspection by the department public
21 health to the same extent that hospitals providing such services are

22 subject to such licensure and inspection and (b) shall be subject to
23 the surcharges and assessments provided for in section 55 of chapter
24 118E, as appearing in the 2004 Official Edition, (as amended from-
25 time to time). “Freestanding” setting is defined as any setting that is
26 not operated as a part of a hospital otherwise licensed pursuant to
27 section 51 of chapter 111 of the General Laws, as so appearing.