

# SENATE NO. 1318

## **AN ACT** PROTECTING PATIENT SAFETY IN THE DELIVERY OF HEALTH CARE 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 SECTION 1. Section 52 of Chapter 111 of the general laws, as appearing in the 2004 official edition,  
2 is hereby amended by inserting after the third sentence in the definition of “Clinic” the following  
3 sentence:-

4 “Provided that a clinic or one or more practitioners engaged in a single or multi-specialty  
5 ambulatory surgical service, shall be subject to licensure under section fifty-one of this chapter and  
6 subject to determination of need review under section twenty-five C of this chapter.

7 SECTION 2: Chapter 111, as so appearing, is hereby amended by inserting after Section 53D the  
8 following section:

9 53E Establishment and Maintenance of an Ambulatory Surgical Center

10 A clinic or one or more practitioners engaged in a single or multi-specialty ambulatory surgical  
11 service, as defined under section fifty-two of this Chapter that provides single or multi-specialty  
12 ambulatory surgical services, shall be deemed to be in compliance with the conditions of licensure  
13 under section fifty-one of this Chapter if it is accredited by the Joint Commission on Accreditation of  
14 Health Care Organizations (JCAHO). Provided that a clinic providing single or multi-specialty

15 ambulatory surgical services must also be in compliance with any applicable hospital licensure and  
16 regulatory requirements related to surgical services so promulgated by the department of public health  
17 that are not specifically contained within the JCAHO accreditation, and shall also meet the following  
18 conditions: (1) shall not change or expand the field of specialization it treats or add inpatient beds  
19 without going through the Determination of Need review established under section 25C of chapter  
20 111; (2) shall not refuse care to a patient based on an inability to pay; (3) shall contract with the federal  
21 Centers for Medicare and Medicaid Services to participate as a Medicare provider, the Massachusetts  
22 Executive Office of Health and Human Services to participate as a Massachusetts MassHealth  
23 provider, and a health insurance plan providing products authorized or sponsored by the  
24 Commonwealth Health Insurance Connector; (4) shall establish relationships with other hospitals to  
25 ensure specialty on-call support for maintaining comprehensive 24 hour/7 days a week emergency  
26 department services in the community, procedures for the appropriate transfer and coordination of care  
27 for patients requiring services not available at the clinic, and procedures to ensure appropriate post-  
28 acute care from other providers; (5) shall develop an internal utilization review and quality assurance  
29 mechanism to ensure that patients receive only needed care and are referred for appropriate post-acute  
30 care, as well as submit similar quality, adverse incident, and utilization reports as a hospital located in  
31 the service area to the appropriate state agencies including but not limited to the department of public  
32 health, division of health care finance and policy, the board of registration in medicine and others; and  
33 (6) shall require that the referring physician disclose to the patient if they have a financial interest in  
34 the clinic providing single or multi-specialty ambulatory surgical services before rendering services to  
35 said patients. The department shall promulgate regulations to enforce this section.