

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 574 Session of 2011

INTRODUCED BY BAKER, STERN, CUTLER, J. TAYLOR, TURZAI, AUMENT, BOYD, CALTAGIRONE, CAUSER, CREIGHTON, GOODMAN, GRELL, GROVE, HARHART, HARPER, HICKERNELL, HORNAMAN, KAUFFMAN, LONGIETTI, MARSHALL, MARSICO, METCALFE, MICOZZIE, MILLARD, OBERLANDER, PERRY, PICKETT, READSHAW, REED, ROAE, SAINATO, SAYLOR, SCHRODER, K. SMITH, TALLMAN, TOEPEL, VULAKOVICH, WATSON, MILLER, KRIEGER AND HUTCHINSON, FEBRUARY 9, 2011

REFERRED TO COMMITTEE ON HEALTH, FEBRUARY 9, 2011

AN ACT

1 Amending the act of July 19, 1979 (P.L.130, No.48), entitled "An
 2 act relating to health care; prescribing the powers and
 3 duties of the Department of Health; establishing and
 4 providing the powers and duties of the State Health
 5 Coordinating Council, health systems agencies and Health Care
 6 Policy Board in the Department of Health, and State Health
 7 Facility Hearing Board in the Department of Justice;
 8 providing for certification of need of health care providers
 9 and prescribing penalties," further providing for
 10 definitions, licensure, fees and issuance of license.

11 The General Assembly of the Commonwealth of Pennsylvania
 12 hereby enacts as follows:

13 Section 1. The definition of "health care facility" in
 14 section 802.1 of the act of July 19, 1979 (P.L.130, No.48),
 15 known as the Health Care Facilities Act, is amended and the
 16 section is amended by adding a definition to read:

17 Section 802.1. Definitions.

18 The following words and phrases when used in this chapter
 19 shall have, unless the context clearly indicates otherwise, the

1 meanings given them in this section:

2 "Abortion facility." Any public or private hospital, clinic,
3 center, medical school, medical training institution,
4 physician's office, infirmary, dispensary or other institution
5 which provides services meant to terminate the clinically
6 diagnosable pregnancy of a woman with knowledge that the
7 termination by those means will, with reasonable likelihood,
8 cause the death of the unborn child.

9 * * *

10 "Health care facility." For purposes of Chapter 8, a health
11 care facility includes, but is not limited to, a general,
12 chronic disease or other type of hospital, a home health care
13 agency, a home care agency, a hospice, a long-term care nursing
14 facility, cancer treatment centers using radiation therapy on an
15 ambulatory basis, an ambulatory surgical facility, an abortion
16 facility, a birth center regardless of whether such health care
17 facility is operated for profit, nonprofit or by an agency of
18 the Commonwealth or local government. The department shall have
19 the authority to license other health care facilities as may be
20 necessary due to emergence of new modes of health care. When the
21 department so finds, it shall publish its intention to license a
22 particular type of health care facility in the Pennsylvania
23 Bulletin in accordance with the act of June 25, 1982 (P.L.633,
24 No.181), known as the "Regulatory Review Act." The term health
25 care facility shall not include an office used primarily for the
26 private practice of a health care practitioner, nor a program
27 which renders treatment or care for drug or alcohol abuse or
28 dependence unless located within a health facility, nor a
29 facility providing treatment solely on the basis of prayer or
30 spiritual means. The term health care facility shall not apply

1 to a facility which is conducted by a religious organization for
2 the purpose of providing health care services exclusively to
3 clergymen or other persons in a religious profession who are
4 members of a religious denomination.

5 * * *

6 Section 2. Section 806 of the act is amended by adding a
7 subsection to read:

8 Section 806. Licensure.

9 * * *

10 (h) Abortion facilities.--The department shall apply the
11 same fire and safety standards; personnel and equipment
12 requirements; and quality assurance procedures to abortion
13 facilities that are presently applied to comprehensive
14 freestanding ambulatory surgical facilities.

15 Section 3. Sections 807(b) and 808(a) of the act are amended
16 to read:

17 Section 807. Application for license.

18 * * *

19 (b) Fees.--Application for a license or for renewal of a
20 license shall be accompanied by the following fees:

21 (1) Regular or special license:

22	Home health agency	\$250.00
23	Home care agency or home care	
24	registry	100.00
25	Ambulatory surgical facility	250.00
26	<u>Abortion facility</u>	<u>250.00</u>
27	Birth center	70.00
28	Long-term care nursing facility	250.00
29	Plus per each long-term care	
30	bed in excess of 75 beds	2.00

1	Hospital	
2	Every two years	500.00
3	Plus per each inpatient bed	
4	every two years	4.00
5	Other health care facility	100.00
6	(2) Provisional license all facilities:	
7	Provisional I	\$400.00
8	Plus per each inpatient bed	4.00
9	Provisional II	600.00
10	Plus per each inpatient bed	6.00
11	Provisional III	800.00
12	Plus per each inpatient bed	8.00
13	Provisional IV	1,000.00
14	Plus per each inpatient bed	10.00

15 * * *

16 Section 808. Issuance of license.

17 (a) Standards.--The department shall issue a license to a
18 health care provider when it is satisfied that the following
19 standards have been met:

20 (1) that the health care provider is a responsible
21 person;

22 (2) that the place to be used as a health care facility
23 is adequately constructed, equipped, maintained and operated
24 to safely and efficiently render the services offered;

25 (3) that the health care facility provides safe and
26 efficient services which are adequate for the care, treatment
27 and comfort of the patients or residents of such facility;

28 (4) that there is substantial compliance with the rules
29 and regulations adopted by the department pursuant to this
30 act; [and]

1 (5) that a certificate of need has been issued if one is
2 necessary[.]; and

3 (6) that, in the case of abortion facilities, such
4 facility is in compliance with the requirements of 18 Pa.C.S.
5 Ch. 32 (relating to abortion) and such regulations
6 promulgated thereunder.

7 * * *

8 Section 4. This act shall take effect in 60 days.