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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 1350 Session of  
2015

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INTRODUCED BY LEACH, HAYWOOD, FARNESE AND SCHWANK, JULY 28, 2016

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REFERRED TO PUBLIC HEALTH AND WELFARE, JULY 28, 2016

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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," in licensing of health care  
10 facilities, further providing for licensure.

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

13 Section 1. Section 806(h) (1), (2), (3) and (4) of the act of  
14 July 19, 1979 (P.L.130, No.48), known as the Health Care  
15 Facilities Act, added December 22, 2011 (P.L.563, No.122), are  
16 repealed:

17 Section 806. Licensure.

18 \* \* \*

19 (h) Abortion facilities.--

20 [(1) The department shall apply the same regulations  
21 promulgated under subsection (f) to abortion facilities that  
22 are applied to ambulatory surgical facilities. These

1 regulations include classification of the facilities in the  
2 same manner as ambulatory surgical facilities.

3 (2) The department shall apply to abortion facilities  
4 any other provision of this chapter governing health care  
5 facilities insofar as they are applicable to ambulatory  
6 surgical facilities.

7 (3) For the purpose of applying the rules applicable to  
8 ambulatory surgical facilities, all of the following apply:

9 (i) The department shall allow the abortion facility  
10 to request an exception.

11 (ii) The request must identify with specificity the  
12 reasons for which the exception is sought.

13 (iii) In considering a petition under this  
14 paragraph, the department shall apply the same procedures  
15 and criteria that are applicable to other health care  
16 facilities.

17 (iv) The department shall issue a written  
18 determination stating the reasons for a decision under  
19 this paragraph.

20 (4) None of the following shall apply to an abortion  
21 facility:

22 (i) The definition of "ambulatory surgical facility"  
23 in section 802.1.

24 (ii) The definition of "ASF--Ambulatory Surgical  
25 Facility" in 28 Pa. Code § 551.3 (relating to  
26 definitions).]

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28 Section 2. This act shall take effect in 60 days.