

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2201

Session of
1991

INTRODUCED BY LLOYD, PISTELLA, DeWEESE, BILLOW, TRICH, HALUSKA,
PETRARCA, MELIO, GERLACH, DERMODY, DeLUCA, LAUGHLIN,
BATTISTO, STABACK, JOSEPHS, MAIALE, HARPER, SCRIMENTI, TIGUE,
COLAIZZO, TRELLO, VEON, JAMES, BELARDI, KING, CAPPABIANCA AND
COLAFELLA, NOVEMBER 19, 1991

REFERRED TO COMMITTEE ON HEALTH AND WELFARE, NOVEMBER 19, 1991

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 defining "health care
10 facility"; and adding a definition for cancer treatment
11 center.

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

14 Section 1. The definition of "health care facility" in
15 section 103 of the act of July 19, 1979 (P.L.130, No.48), known
16 as the Health Care Facilities Act, amended July 12, 1980
17 (P.L.655, No.136), is amended to read:

18 Section 103. Definitions.

19 The following words and phrases when used in this act shall
20 have, unless the context clearly indicates otherwise, the
21 meanings given to them in this section:

1 * * *

2 "Health care facility." A general or special hospital
3 including tuberculosis and psychiatric hospitals, rehabilitation
4 facilities, skilled nursing facilities, kidney disease treatment
5 centers including free-standing hemodialysis units, intermediate
6 care facilities [and], ambulatory surgical facilities and cancer
7 treatment centers using radiation therapy, both profit and
8 nonprofit and including those operated by an agency of State or
9 local government, but shall not include an office used
10 exclusively for their private or group practice by physicians or
11 dentists, nor a program which renders treatment or care for drug
12 or alcohol abuse or dependence, unless located within, by or
13 through a health care facility, a facility providing treatment
14 solely on the basis of prayer or spiritual means in accordance
15 with the tenets of any church or religious denomination, nor a
16 facility conducted by a religious organization for the purpose
17 of providing health care services exclusively to clergymen or
18 other persons in a religious profession who are members of the
19 religious denominations conducting the facility.

20 This definition shall exclude all health care facilities as
21 hereinabove defined that do not accept, directly or indirectly,
22 any Federal or State Governmental funds for capitalization,
23 depreciation, interest, research or reimbursement, unless the
24 Secretary of Health, Education and Welfare, pursuant to Federal
25 Public Law 93-641, section 1523(a)(4)(B), concludes that this
26 exclusionary provision is unsatisfactory to the Departments of
27 Health, Education and Welfare.

28 * * *

29 Section 2. Section 802.1 of the act is amended by adding a
30 definition to read:

1 Section 802.1. Definitions.

2 The following words and phrases when used in this chapter
3 shall have, unless the context clearly indicates otherwise, the
4 meanings given them in this section:

5 * * *

6 "Cancer treatment center using radiation therapy." A
7 facility providing diagnosis and treatment of cancer on an
8 ambulatory basis which uses radiation therapy.

9 * * *

10 Section 3. Any cancer treatment center required to be
11 licensed pursuant to the provisions of this amendatory act shall
12 obtain the required license within two years of the effective
13 date of this act.

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