

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL**No. 1264** Session of
2007

INTRODUCED BY SOLOBAY, BELFANTI, BOYD, CAPPELLI, GEIST,
GINGRICH, GRUCELA, KULA, MAHONEY, MOYER, PAYNE, SONNEY,
STABACK, J. WHITE, WOJNAROSKI, YOUNGBLOOD, MUNDY, JAMES,
PASHINSKI, PETRONE, FABRIZIO AND SIPTROTH, MAY 18, 2007

AS REPORTED FROM COMMITTEE ON HEALTH AND HUMAN SERVICES, HOUSE
OF REPRESENTATIVES, AS AMENDED, JUNE 20, 2007

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.

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 103 of the act of July 19, 1979 (P.L.130, No.48), known
15 as the Health Care Facilities Act, amended October 16, 1998
16 (P.L.777, No.95), is amended and the section is amended by
17 adding a definition 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

1 meanings given to them in this section:

2 * * *

3 "Health care facility." For purposes of Chapter 7, any
4 health care facility providing clinically related health
5 services, including, but not limited to, a general or special
6 hospital, including psychiatric hospitals, rehabilitation
7 hospitals, ambulatory surgical facilities, long-term care
8 nursing facilities, cancer treatment centers using radiation
9 therapy on an ambulatory basis and inpatient drug and alcohol
10 treatment facilities, both profit and nonprofit and including
11 those operated by an agency or State or local government. The
12 term shall also include a hospice and a sleep center, regardless
13 of whether the sleep center is operated for profit. The term
14 shall not include an office used primarily for the private or
15 group practice by health care practitioners where no reviewable
16 clinically related health service is offered, a facility
17 providing treatment solely on the basis of prayer or spiritual
18 means in accordance with the tenets of any church or religious
19 denomination or a facility conducted by a religious organization
20 for the purpose of providing health care services exclusively to
21 clergy or other persons in a religious profession who are
22 members of the religious denominations conducting the facility.

23 * * *

24 "Sleep center." Any sleep disorder center, sleep laboratory
25 or other facility, which provides testing and treatment for
26 sleep disorders or which otherwise focuses on sleep-related
27 breathing disorders.

28 * * *

29 SECTION 2. THE DEFINITION OF "HEALTH CARE FACILITY" IN
30 SECTION 802.1 OF THE ACT, AMENDED JULY 7, 2006 (P.L.334, NO.69),

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1 IS AMENDED AND THE SECTION IS AMENDED BY ADDING A DEFINITION TO
2 READ:

3 SECTION 802.1. DEFINITIONS.

4 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER
5 SHALL HAVE, UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE, THE
6 MEANINGS GIVEN THEM IN THIS SECTION:

7 * * *

8 "HEALTH CARE FACILITY." FOR PURPOSES OF CHAPTER 8, A HEALTH
9 CARE FACILITY INCLUDES, BUT IS NOT LIMITED TO, A GENERAL,
10 CHRONIC DISEASE OR OTHER TYPE OF HOSPITAL, A HOME HEALTH CARE
11 AGENCY, A HOME CARE AGENCY, A HOSPICE, A LONG-TERM CARE NURSING
12 FACILITY, CANCER TREATMENT CENTERS USING RADIATION THERAPY ON AN
13 AMBULATORY BASIS, AN AMBULATORY SURGICAL FACILITY, A BIRTH
14 CENTER OR A SLEEP CENTER REGARDLESS OF WHETHER SUCH HEALTH CARE
15 FACILITY IS OPERATED FOR PROFIT, NONPROFIT OR BY AN AGENCY OF
16 THE COMMONWEALTH OR LOCAL GOVERNMENT. THE DEPARTMENT SHALL HAVE
17 THE AUTHORITY TO LICENSE OTHER HEALTH CARE FACILITIES AS MAY BE
18 NECESSARY DUE TO EMERGENCE OF NEW MODES OF HEALTH CARE. WHEN THE
19 DEPARTMENT SO FINDS, IT SHALL PUBLISH ITS INTENTION TO LICENSE A
20 PARTICULAR TYPE OF HEALTH CARE FACILITY IN THE PENNSYLVANIA
21 BULLETIN IN ACCORDANCE WITH THE ACT OF JUNE 25, 1982 (P.L.633,
22 NO.181), KNOWN AS THE "REGULATORY REVIEW ACT." THE TERM HEALTH
23 CARE FACILITY SHALL NOT INCLUDE AN OFFICE USED PRIMARILY FOR THE
24 PRIVATE PRACTICE OF A HEALTH CARE PRACTITIONER, NOR A PROGRAM
25 WHICH RENDERS TREATMENT OR CARE FOR DRUG OR ALCOHOL ABUSE OR
26 DEPENDENCE UNLESS LOCATED WITHIN A HEALTH FACILITY, NOR A
27 FACILITY PROVIDING TREATMENT SOLELY ON THE BASIS OF PRAYER OR
28 SPIRITUAL MEANS. THE TERM HEALTH CARE FACILITY SHALL NOT APPLY
29 TO A FACILITY WHICH IS CONDUCTED BY A RELIGIOUS ORGANIZATION FOR
30 THE PURPOSE OF PROVIDING HEALTH CARE SERVICES EXCLUSIVELY TO

1 CLERGYMEN OR OTHER PERSONS IN A RELIGIOUS PROFESSION WHO ARE
2 MEMBERS OF A RELIGIOUS DENOMINATION.

3 * * *

4 "SLEEP CENTER." ANY SLEEP DISORDER CENTER, SLEEP LABORATORY
5 OR OTHER FACILITY, WHICH PROVIDES TESTING AND TREATMENT FOR
6 SLEEP DISORDERS OR WHICH FOCUSES ON SLEEP-RELATED BREATHING
7 DISORDERS.

8 Section 2 3. This act shall take effect in 60 days.

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