

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1009 Session of
2011

INTRODUCED BY SOLOBAY, FONTANA, BREWSTER AND WASHINGTON,
APRIL 28, 2011

REFERRED TO PUBLIC HEALTH AND WELFARE, APRIL 28, 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," in preliminary provisions and in
10 licensing of health care facilities, further providing for
11 definitions.

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 October 16, 1998
17 (P.L.777, No.95), is amended and the section is amended by
18 adding a definition to read:

19 Section 103. Definitions.

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

1 * * *

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

22 * * *

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

27 * * *

28 Section 2. The definition of "health care facility" in
29 section 802.1 of the act, amended July 7, 2006 (P.L.334, No.69),
30 is amended and the section is amended by adding a definition to

1 read:

2 Section 802.1. Definitions.

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

6 * * *

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

1 members of a religious denomination.

2 * * *

3 "Sleep center." Any sleep disorder center, sleep laboratory
4 or other facility, which provides testing and treatment for
5 sleep disorders or which focuses on sleep-related breathing
6 disorders.

7 Section 3. This act shall take effect in 60 days.