

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 189 Session of 2019

INTRODUCED BY LEACH, FARNESE, TARTAGLIONE, SCHWANK, SANTARSIERO,
HAYWOOD, KEARNEY AND HUGHES, FEBRUARY 1, 2019

REFERRED TO HEALTH AND HUMAN SERVICES, FEBRUARY 1, 2019

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15 Facilities Act, are repealed:

16 Section 806. Licensure.

17 * * *

18 (h) Abortion facilities.--

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

1 same manner as ambulatory surgical facilities.

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

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

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

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

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

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

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

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

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

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