

**SENATE . . . . . No.**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Robert A. O'Leary**

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act Relative to Specialty Licensure.

PETITION OF:

NAME:

Robert A. O'Leary

DISTRICT/ADDRESS:

Cape and Islands

# The Commonwealth of Massachusetts

\_\_\_\_\_  
In the Year Two Thousand and Nine  
\_\_\_\_\_

## AN ACT RELATIVE TO SPECIALTY LICENSURE.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 1: (A) Section 25B of chapter 111 of the general laws, as appearing in the 2006 official  
2 edition, is hereby amended, in line 22, by inserting, after the words “as defined in section fifty’two” the  
3 following: -

4           “specialty health care providers as defined in this section”.

5

6 (B) said section 25B of said chapter 111, as so appearing, is hereby further amended, within the  
7 definition of “expenditure minimum with respect to substantial capital expenditures” after the clause  
8 “other than ambulatory surgery” the following: -

9

10           “or other than expenditures with respect to a specialty health care provider”.

11

12 (C) Said section 25B of said chapter 111, as so appearing, is hereby further amended by adding, at the  
13 end thereof, the following:

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16 Specialty health care provider,” any entity including a physician practice providing outpatient services  
17 typically provided in a hospital setting, including but not limited to: (1) an entity providing anesthesia,

18 conscious sedation and/or diagnostic injection services (including endoscopy services and excluding  
19 dental facilities); (ii) an entity employing major medical, diagnostic and/or therapeutic equipment,  
20 including but not limited to equipment defined as new technology or as providing an innovative service,  
21 pursuant to chapter 111, section 25B and excluding x-ray equipment; and (iii) which is not a hospital,  
22 ambulatory surgical center or community health center. The department shall promulgate regulations  
23 with respect to the classification of specialty health care providers.”

24

25 (D)Said chapter 111 of the general laws, is hereby amended by inserting after section 53G, as added by  
26 section 11 of chapter 305 of the acts of 2008, the following new section: -

27

28 Section 53H. “Notwithstanding any general or special law or regulation to the contrary, any specialty  
29 health care provider shall be a clinic for the purpose of licensure under section 51 and no original license  
30 shall be issued pursuant to said section 51 to establish any such specialty health care provider clinic  
31 unless there is a determination by the department that there is a need for such a facility. The  
32 department shall promulgate regulations to implement this section, including with respect to the  
33 classification and grandfathering of existing specialty health care providers.”