

HOUSE No. 2063

The Commonwealth of Massachusetts

PETITION OF:

Paul C. Casey
Bradley H. Jones, Jr.
Michael E. Festa

Richard T. Moore

In the Year Two Thousand and Seven.

AN ACT RELATIVE TO DETERMINATIONS OF NEED.

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

SECTION 1. Notwithstanding any general or special law or regulation to the contrary, a determination of need shall be required in accordance with the applicable determination of need requirements of section 25C of chapter 111 of the General Laws and the rules and regulations promulgated thereunder for the acquisition, establishment, implementation, operation and/or transfer of site of any freestanding ambulatory surgery center that operates either (a) as a licensed clinic as defined in section 51 of said chapter 111, *or* (b) is owned and operated by a physician or physicians licensed pursuant to chapter 112 of the General Laws and that offers or proposes to offer either multiple specialty or single specialty surgical services that require general, spinal or major regional anesthesia and (c) was not in actual operation or actually under construction as of January 1, 2007. Notwithstanding the provisions of any general or special law to the contrary, any health care entity providing single or multiple specialty surgical services requiring general, spinal or major regional anesthesia, regardless of how long it has been in actual operation, (a) shall be subject to licensure and inspection by the department to the same extent that hospitals providing such services are subject to such licensure and inspection and (b) shall be subject to the surcharges and assessments provided for in section 55 of chapter 118E (as amended from time to time). . "Freestanding" setting is defined as any setting that is not operated as a part of a hospital otherwise licensed pursuant to section 51 of chapter 111 of the General Laws.

