

SENATE No. 2459

The Commonwealth of Massachusetts

SENATE, July 20, 2004.

The committee on Ways and Means, to whom was committed the Senate Bill to protect patient safety in the delivery of health care services (Senate, No. 2242), report recommending that the same ought to pass, with an amendment, substituting a new draft with the same title (Senate, No. 2459).

For the committee,

THERESE MURRAY.

The Commonwealth of Massachusetts

In the Year Two Thousand and Four.

AN ACT TO PROTECT PATIENT SAFETY IN THE DELIVERY OF HEALTH CARE SERVICES.

1 *Whereas*, The deferred operation of this act would tend to
2 defeat its purpose, which is forthwith to make certain changes in
3 the laws relating to ambulatory surgery centers, therefore it is
4 hereby declared to be an emergency law, necessary for the imme-
5 diate preservation of the public convenience.

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. Section 25B of chapter 111 of the General Laws,
2 as appearing in the 2002 Official Edition, is hereby amended by
3 striking out, in lines 112 and 113, and in line 151, the words
4 “other than ambulatory surgery”.

1 SECTION 2. Section 51 of said chapter 111, as so appearing, is
2 hereby amended by striking out, in lines 15 to 17, inclusive, the
3 words “hospital, an institution for the care of unwed mothers or a
4 clinic providing ambulatory surgery as defined by section twenty-
5 five B,” and inserting in place thereof the following words:— hos-
6 pital or an institution for the care of unwed mothers.

1 SECTION 3. Said section 51 of said chapter 111, as so
2 appearing, is hereby further amended by striking out, in line 20,
3 the words “or clinic.”

1 SECTION 4. The definition of “Clinic” in section 52 of said
2 chapter 111, as so appearing, is hereby amended by inserting after
3 the third sentence the following sentence:— Any distinct free-
4 standing entity that operates exclusively for the purpose of pro-
5 viding ambulatory surgical center services, as defined in section 1
6 of chapter 118G, shall be a clinic for purposes of licensure under

7 section 51, and such an entity shall be deemed to be in compliance
8 with the conditions for licensure as a clinic under said section 51
9 if it is accredited to provide ambulatory surgery services by the
10 Accreditation Association for Ambulatory Health Care, Inc., the
11 Joint Commission on Accreditation of Healthcare Organizations,
12 the American Association for Accreditation of Ambulatory
13 Surgery Facilities or any other national accrediting body that the
14 department of public health determines provides reasonable assur-
15 ances that such conditions are met.

1 SECTION 5. Section 6 of chapter 350 of the acts of 1993 is
2 hereby amended by adding the following sentence:— Notwith-
3 standing the foregoing or any general or special law to the con-
4 trary, this section shall not apply to an entity that provides
5 ambulatory surgical center services, as defined in section 1 of
6 chapter 118G of the General Laws.

1 SECTION 6. The department of public health may make such
2 rules and regulations as may be necessary for the implementation
3 of this act.

