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S.252

Representative Fisher of Lincoln moves to amend the House Proposal of
Amendment by adding Secs. 15a–15c to read as follows:

* * * Certificates of Need * * *

Sec. 15a. 18 V.S.A. § 9432 is amended to read:

§ 9432. DEFINITIONS

As used in this subchapter:

* * *

(8) "Health care facility" means all persons or institutions, including
mobile facilities, whether public or private, proprietary or not for profit, which
offer diagnosis, treatment, inpatient, or ambulatory care to two or more
unrelated persons, and the buildings in which those services are offered. The
term shall not apply to any institution operated by religious groups relying
solely on spiritual means through prayer for healing, but shall include ~~but is~~
~~not limited to:~~

(A) hospitals, including general hospitals, mental hospitals, chronic
disease facilities, birthing centers, maternity hospitals, and psychiatric facilities
including any hospital conducted, maintained, or operated by the state of
Vermont, or its subdivisions, or a duly authorized agency thereof; and

(B) nursing homes, health maintenance organizations, home health
agencies, outpatient diagnostic or therapy programs, kidney disease treatment

1 centers, mental health agencies or centers, diagnostic imaging facilities,
2 independent diagnostic laboratories, cardiac catheterization laboratories,
3 radiation therapy facilities, ~~or~~ and any inpatient or ambulatory surgical,
4 diagnostic, or treatment center, including non-emergency walk-in centers.

5 * * *

6 (15) “Non-emergency walk-in center” means an outpatient or
7 ambulatory diagnostic or treatment center at which a patient may receive
8 medical care that is not of an emergency, life-threatening nature without
9 making an appointment. The term includes facilities that are self-described as
10 urgent care centers, retail health clinics, and convenient care clinics.

11 Sec. 15b. 18 V.S.A. § 9434(a) is amended to read:

12 § 9434. CERTIFICATE OF NEED; GENERAL RULES

13 (a) A health care facility other than a hospital shall not develop, or have
14 developed on its behalf a new health care project without issuance of a
15 certificate of need by the board. For purposes of this subsection, a "new health
16 care project" includes the following:

17 * * *

18 (6) The construction, development, purchase, lease, or other
19 establishment of an ambulatory surgical center or non-emergency walk-in
20 center.

1 Sec. 15c. 18 V.S.A. § 9435(c) is amended to read:

2 § 9435. EXCLUSIONS

3 (a) Excluded from this subchapter are offices of physicians, dentists, or
4 other practitioners of the healing arts, meaning the physical places which are
5 occupied by such providers on a regular basis in which such providers perform
6 the range of diagnostic and treatment services usually performed by such
7 providers on an outpatient basis unless they are subject to review under
8 subdivision 9434(a)(4) of this title.

9 * * *

10 (c) The provisions of subsection (a) of this section shall not apply to offices
11 owned, operated, or leased by a hospital or its subsidiary, parent, or holding
12 company, outpatient diagnostic or therapy programs, kidney disease treatment
13 centers, independent diagnostic laboratories, cardiac catheterization
14 laboratories, radiation therapy facilities, ambulatory surgical centers, non-
15 emergency walk-in centers, and diagnostic imaging facilities and similar
16 facilities owned or operated by a physician, dentist, or other practitioner of the
17 healing arts.

18 * * *