

SENATE BILL 494

J3, J1

0lr1928

By: **Senator Kramer**

Introduced and read first time: January 29, 2020

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 29, 2020

CHAPTER _____

1 AN ACT concerning

2 **Health Care Facilities – Dialysis Treatment Services – Training**
3 ~~(Dialysis~~ **(David Selby Dialysis Parity Act)**

4 FOR the purpose of prohibiting a health care facility from providing peritoneal dialysis or
5 hemodialysis treatment services unless the individual performing the dialysis
6 procedure has received training in a certain technique; establishing certain penalties
7 for certain violations of this Act; requiring the Maryland Department of Health to
8 adopt certain regulations; defining a certain term; providing for a delayed effective
9 date; and generally relating to health care facilities that provide dialysis treatment
10 services.

11 BY repealing and reenacting, without amendments,
12 Article – Health – General
13 Section 19–114(a) and (d)(1)
14 Annotated Code of Maryland
15 (2019 Replacement Volume)

16 BY adding to
17 Article – Health – General
18 Section 19–150 to be under the new part “Part VI. Facilities Providing Dialysis
19 Treatment”
20 Annotated Code of Maryland
21 (2019 Replacement Volume)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
2 That the Laws of Maryland read as follows:

3 **Article – Health – General**

4 19–114.

5 (a) In this Part II of this subtitle the following words have the meanings
6 indicated.

7 (d) (1) “Health care facility” means:

8 (i) A hospital, as defined in § 19–301 of this title;

9 (ii) A limited service hospital, as defined in § 19–301 of this title;

10 (iii) A related institution, as defined in § 19–301 of this title;

11 (iv) An ambulatory surgical facility;

12 (v) An inpatient facility that is organized primarily to help in the
13 rehabilitation of disabled individuals, through an integrated program of medical and other
14 services provided under competent professional supervision;

15 (vi) A home health agency, as defined in § 19–401 of this title;

16 (vii) A hospice, as defined in § 19–901 of this title;

17 (viii) A freestanding medical facility, as defined in § 19–3A–01 of this
18 title; and

19 (ix) Any other health institution, service, or program for which this
20 Part II of this subtitle requires a certificate of need.

21 **PART VI. FACILITIES PROVIDING DIALYSIS TREATMENT.**

22 **19–150.**

23 **(A) IN THIS SECTION, “HEALTH CARE FACILITY” MEANS A FACILITY OR AN**
24 **OFFICE WHERE HEALTH OR MEDICAL CARE IS PROVIDED TO PATIENTS BY A HEALTH**
25 **CARE PROVIDER, INCLUDING:**

26 **(1) A HEALTH CARE FACILITY AS DEFINED IN § 19–114(D)(1) OF THIS**
27 **SUBTITLE;**

28 **(2) A KIDNEY DIALYSIS CENTER;**

1 **(3) A FACILITY OPERATED BY THE DEPARTMENT OR A HEALTH**
2 **OFFICER; AND**

3 **(4) THE OFFICE OF A HEALTH CARE PROVIDER.**

4 **(B) A HEALTH CARE FACILITY MAY NOT PROVIDE PERITONEAL DIALYSIS OR**
5 **HEMODIALYSIS TREATMENT SERVICES UNLESS THE INDIVIDUAL PERFORMING THE**
6 **DIALYSIS PROCEDURE HAS RECEIVED TRAINING IN THE PERITONEAL DIALYSIS OR**
7 **HEMODIALYSIS TECHNIQUE BEING PERFORMED.**

8 **(C) A PERSON WHO VIOLATES SUBSECTION (A) OF THIS SECTION IS SUBJECT**
9 **TO A CIVIL PENALTY IMPOSED BY THE DEPARTMENT NOT EXCEEDING \$5,000 FOR**
10 **EACH VIOLATION.**

11 **(D) THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THIS**
12 **SECTION.**

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
14 1, 2021.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.