

# SENATE BILL 494

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0lr1928

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By: **Senator Kramer**

Introduced and read first time: January 29, 2020

Assigned to: Finance

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 29, 2020

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## 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)

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### 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.



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

**Article – Health – General**

19–114.

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

(d) (1) “Health care facility” means:

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

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

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

(iv) An ambulatory surgical facility;

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

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

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

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

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

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

**19–150.**

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

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

**(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:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.