

SENATE BILL 111

J3, J1
SB 494/20 – FIN

(PRE-FILED)

11r0840
CF 11r1664

By: **Senator Kramer**

Requested: October 3, 2020

Introduced and read first time: January 13, 2021

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Health Care Facilities – Dialysis Treatment Services – Training**
3 **(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 and 2020 Supplement)

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 and 2020 Supplement)

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

24 **Article – Health – General**

25 19–114.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

7 (iv) An ambulatory surgical facility;

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

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

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

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

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

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

18 **19–150.**

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

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

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

25 **(3) A FACILITY OPERATED BY THE DEPARTMENT OR A HEALTH**
26 **OFFICER; AND**

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

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

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

8 **(D) THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THIS**
9 **SECTION.**

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
11 1, 2022.