**5241 AMS MUZZ S4917.1 - NOT FOR FLOOR USE**

**SB 5241** - S AMD TO S AMD (S-4880.1/24) **609**

By Senator Muzzall

**ADOPTED 02/08/2024**

Beginning on page 7, line 3, after "(a)" strike everything through "transaction" on page 11, line 33, and insert "The information and documentation required under subsection (1)(a) through (d) of this section;

(b) A copy of the material change transaction agreements;

(c) A copy of the organizational charts of the parties to the transaction and proposed organizational charts, if any, for after the closing of the transaction;

(d) Financial statements for the prior three fiscal years;

(e) If applicable, a copy of the notification and report form submitted to the federal trade commission and United States department of justice under the Hart-Scott-Rodino Act of 1976, and all rules and regulations promulgated thereunder, and any attachments thereto;

(f) If applicable, a statement from each of the parties' board of directors that explains the anticipated effect the material change transaction will likely have on delivery and cost of health-related services to the communities impacted by the material change transaction, and the basis for this opinion;

(g) If applicable, a copy of the two most recent community health needs assessments or any similar evaluations or assessments prepared by or for any entities that are the subject of the material change transaction;

(h) If applicable, a description of all charity care provided in the last three years, as well as denials, and the projected charity care for three years following the material change transaction by the parties to the material change transaction, or any successor persons. This description must include:

(i) Annual total charity care spending;

(ii) A description of how the amount of charity care spending was calculated;

(iii) The number of charity care denials and reasons for denial; and

(iv) A description of the policies, procedures, and eligibility requirements for the provision of charity care;

(i) If applicable, a description of the health care services currently provided at each hospital, hospital system, or provider organization that is the subject of the material change transaction;

(j) If applicable, a description of all services provided in the past three years by each hospital, hospital system, and provider organization that is the subject of the material change transaction to apple health patients, qualified health plan patients, and indigent patients;

(k) If applicable, all policies, procedures, and other training materials related to registration, admission, and collections, including upfront, point-of-service, and postservice billing and collections;

(l) If applicable, any updates to the following current policies for any hospital and, to the extent they exist, the following current policies for any party to the material change transaction that is the subject of the material change transaction: (i) Admission policies; (ii) nondiscrimination policies; (iii) end-of-life policies; (iv) reproductive health policies; and (v) the reproductive health care services form as required under RCW 70.41.520;

(m) If applicable, the following proposed policies that will apply after the material change transaction for any hospital or provider organization that is the subject of the material change transaction: (i) Admission policies; (ii) nondiscrimination policies; (iii) end-of-life policies; (iv) reproductive health policies; and (v) for hospitals, the reproductive health care services form as required under RCW 70.41.520;

(n) If applicable, and to the extent they exist, any policies concerning the information and referrals medical providers are required to provide or are restricted from providing to patients regarding end-of-life care, including services provided in accordance with chapter 70.245 RCW;

(o) If applicable, if the material change transaction will have any impact on reproductive health care services provided by any hospital, hospital system, or provider organization that is the subject of the material change transaction, or any impact on the availability or accessibility of reproductive health care services in Washington state, a description of the reproductive health care services provided in the last three years by each hospital, hospital system, or provider organization that is the subject of the material change transaction and a description of the effect the material change transaction will have on available reproductive health care services. This description must include the types and aggregate number of reproductive services provided in the last three years and those proposed to be provided after the material change transaction, including, but not limited to, information about contraception provision, pregnancy terminations, tubal ligations, and fertility treatments provided, and a description of how this information was compiled;

(p) If applicable, if the material change transaction will have any impact on end-of-life health care services provided by any hospital, hospital system, or provider organization that is the subject of the material change transaction, including services provided in accordance with chapter 70.245 RCW, or any impact on the availability or accessibility of end-of-life health care services in Washington state, including services provided in accordance with chapter 70.245 RCW, a description of the end-of-life health care services provided in the last three years by each hospital, hospital system, or provider organization that is the subject of the material change transaction and a description of the effect the material change transaction will have on available end-of-life care services. This description must include the types and aggregate number of end-of-life services provided in the last three years and those proposed to be provided after the material change transaction including, but not limited to, information about the number of occasions in which doctors served as consulting or attending physicians at the hospital, hospital system, or provider organization under chapter 70.245 RCW, a description of the end-of-life health care services expected to be available at the hospitals, hospital systems, or provider organizations that are the subject of the material change transaction, and a description of how this information was compiled;

(q) If applicable, if the material change transaction will have any impact on gender-affirming health care services provided by any hospital, hospital system, or provider organization that is the subject of the material change transaction, or any impact on the availability or accessibility of gender-affirming health care services in Washington state, a description of all gender-affirming health care services provided in the last three years by each hospital, hospital system, or provider organization that is the subject of the material change transaction and a description of the effect the material change transaction will have on available gender-affirming care. This description must include the types and aggregate numbers of gender-affirming health care provided in the last three years and those proposed to be provided after the material change transaction including, but not limited to, facial gender-affirming care, body gender-affirming care, and primary sex characteristics care, and a description of how this information was compiled;

(r) A description of any anticipated changes in health care services provided by any party to the material change transaction after the transaction is completed. If anticipated alterations include a reduction, relocation, or elimination of a service, the following information should be included: (i) The need the population presently has for the service; and (ii) how the need will be adequately met by the proposed alteration or alternative arrangements designed to meet the identified need;

(s) A description of each measure proposed by the parties to mitigate or eliminate any potential adverse effect on the availability or accessibility of health care services to the affected communities that may result from the material change transaction;

(t) A description of any changes to sexual assault nurse examiner and forensic nurse examiner programs after the material change transaction at any hospital, hospital system, or provider organization that is the subject of the material change transaction and any measures proposed by the parties to mitigate or eliminate any potential adverse effects to these programs;

(u) A description of any community benefit program provided by any of the parties to the material change transaction during the past three years with an annual cost of at least $10,000 and the annual cost of each program for the past five years;

(v) If applicable, a description of current policies and procedures on staffing for patient care areas; employee input on health quality and staffing issues; and employee wages, salaries, benefits, working conditions, and employment protections. This description must include a list of all existing staffing plans, policy and procedure manuals, employee handbooks, collective bargaining agreements, or similar employment-related documents;

(w) If applicable, all existing documents setting forth any guarantees made by any entity that would be taking over operation or control of a party to the material change transaction relating to employee job security and retraining, or the continuation of current staffing levels and policies, employee wages, salaries, benefits, working conditions, and employment protections;

(x) A statement as to whether, after the material change transaction, neutrality will be maintained through all communications and usage of funds regarding nonunion employees forming a union;

(y) For each hospital, hospital system, or provider organization that is the subject of the material change transaction, a statement as to whether any successor of the employer or union will be bound to any existing union certification and any existing collective bargaining agreement;

(z) A description of current debt collection practices and a description of any anticipated changes to debt collection practices following the material change transaction;

(aa) If applicable, a detailed statement and documents relating to the parties' plans for existing provider privileges after the material change transaction;

(bb) A detailed statement and documents relating to the parties' plans for ensuring safeguards to avoid conflict of interest in patient referral after the material change transaction;

(cc) A detailed statement and documents relating to the parties' commitment and plans to provide health care to the disadvantaged, the uninsured, and the underinsured, and how benefits to promote improved health in the affected community will be provided after the material change transaction; and

(dd) A list of the primary languages spoken by patients in the service area that is the subject of the material change transaction"

Correct any internal references accordingly.

EFFECT: (1) Focus and streamline the documents parties to a material change transaction must provide to the attorney general's office for preliminary and comprehensive review to reflect the additional parties subject to the act.

(2) Broaden the applicability of documents to reflect that there will be additional entities subject to oversight.

(3) Removed references to data that would be difficult or impossible to provide as described in the act.