

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

**ADOPTED 02/08/2024**

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

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

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

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

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

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

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

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

29 (i) Annual total charity care spending;

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

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

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

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

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

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

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

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

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

34 (o) If applicable, if the material change transaction will have  
35 any impact on reproductive health care services provided by any  
36 hospital, hospital system, or provider organization that is the  
37 subject of the material change transaction, or any impact on the  
38 availability or accessibility of reproductive health care services in  
39 Washington state, a description of the reproductive health care  
40 services provided in the last three years by each hospital, hospital

1 system, or provider organization that is the subject of the material  
2 change transaction and a description of the effect the material  
3 change transaction will have on available reproductive health care  
4 services. This description must include the types and aggregate  
5 number of reproductive services provided in the last three years and  
6 those proposed to be provided after the material change transaction,  
7 including, but not limited to, information about contraception  
8 provision, pregnancy terminations, tubal ligations, and fertility  
9 treatments provided, and a description of how this information was  
10 compiled;

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

33 (q) If applicable, if the material change transaction will have  
34 any impact on gender-affirming health care services provided by any  
35 hospital, hospital system, or provider organization that is the  
36 subject of the material change transaction, or any impact on the  
37 availability or accessibility of gender-affirming health care  
38 services in Washington state, a description of all gender-affirming  
39 health care services provided in the last three years by each  
40 hospital, hospital system, or provider organization that is the

1 subject of the material change transaction and a description of the  
2 effect the material change transaction will have on available gender-  
3 affirming care. This description must include the types and aggregate  
4 numbers of gender-affirming health care provided in the last three  
5 years and those proposed to be provided after the material change  
6 transaction including, but not limited to, facial gender-affirming  
7 care, body gender-affirming care, and primary sex characteristics  
8 care, and a description of how this information was compiled;

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

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

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

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

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

38 (w) If applicable, all existing documents setting forth any  
39 guarantees made by any entity that would be taking over operation or  
40 control of a party to the material change transaction relating to

1 employee job security and retraining, or the continuation of current  
2 staffing levels and policies, employee wages, salaries, benefits,  
3 working conditions, and employment protections;

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

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

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

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

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

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

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

28 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.

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