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**ESB 5241** - H AMD TO APP COMM AMD (H-3433.2/24) **1231**

By Representative Walen

On page 10, beginning on line 17 of the striking amendment, after "(1)" strike the remainder of the section and insert "Material change transactions under this chapter may only be disapproved, conditioned, or modified by the attorney general if analysis by the department of health under subsection (2) of this section determines that access to health care services will be reduced or consolidated in a manner that would impact a significant portion of the population in the local health jurisdiction, as that term is defined in RCW 43.70.575. Any requirement to condition or modify the transaction must be aligned with the recommendation provided under subsection (2)(c)(iv) of this section.

(2) The attorney general must enter into a memorandum of understanding with the department of health that describes how the expertise and legislative authority of the department of health will be utilized to provide analysis for the purposes of this section. The memorandum of understanding must include:

(a) The number of days the attorney general has to refer a transaction subject to preliminary or comprehensive review to the department of health for analysis, which must not be more than 15 days from receipt of a completed notice;

(b) The number of days from the date of the referral from the attorney general that the department of health has before it must provide its analysis to all parties to the material change transaction and the attorney general, which must not be more than 45 days; and

(c) Requirements for the department of health to provide: (i) Analysis regarding existing access to potentially impacted health care services in the local health jurisdictions in which the material change transaction will take place during the prior three calendar years; (ii) Analysis regarding whether the material change transaction would likely reduce access to health care services in the local health jurisdictions in which the material change transaction will take place; (iii) Analysis regarding whether the material change transaction would consolidate health care services in a manner or to a degree that would impact 20 percent or more of the residents within the relevant local health jurisdiction boundaries by either moving their current site of care to a different location, or reducing the total number of similarly licensed providers within the relevant local health jurisdiction; and (iv) A recommendation regarding specific conditions or modifications that would ameliorate any reduction in access to or consolidation of health care services in the local health jurisdictions in which the material change transaction will take place."

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|  | EFFECT:  Strikes the section of the bill that specifies requirements for material change transactions and governs attorney general consideration of whether transaction requirements are fulfilled. Provides the Attorney General may only disapprove, condition, or modify a transaction if analysis by the Department of Health determines that access to health care services will be reduced or consolidated in a manner that will impact a significant portion of the population in the local health jurisdiction. Requires the Attorney General to enter into a memorandum of understanding with the Department of Health regarding department analysis of transactions, time requirements for referral and analysis, subjects of analysis, and recommendations. |

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