

HB 274 Analysis. This legislation has been introduced by Representative Tony DeLuca, D – Allegheny County. It has been referred to the House Health Committee. The legislation does several things that, on the face of it, our ASC’s would oppose. It specifically prohibits any healthcare provider, who has a financial interest in any healthcare facility, from referring a patient to that facility for care. That concept is blatantly unfair to our patients and is an infringement on a physician’s ability to refer a patient to the best facility and physician possible.

However, the Federal law on physician/healthcare providers, when they refer patients to facilities where they have a financial interest, currently has several exceptions. They are commonly referred to as the “Stark Amendments”. HB 274 includes all of the Stark exceptions to the financial interests’ rule that apply to Medicare, and adds them to all sections of this legislation.

As a result, PASA does not oppose HB 274 in its current form, but objects to the very basis of the legislation that there is an inherent conflict of interest when any physician refers his or her patient to a facility where the physician has a financial interest. Plus, there always is the possibility that the Stark Amendments could be removed from the bill as it moves through the legislative process. As a result, PASA prefers that HB 274 remain in the House health Committee.

<http://www.legis.state.pa.us/cfdocs/billInfo/billInfo.cfm?sYear=2015&sInd=0&body=H&type=B&bn=0274>