

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

By Representative Walen

NOT CONSIDERED 03/07/2024

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

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

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

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

25 (c) Requirements for the department of health to provide: (i)
26 Analysis regarding existing access to potentially impacted health care
27 services in the local health jurisdictions in which the material

1 change transaction will take place during the prior three calendar
2 years; (ii) Analysis regarding whether the material change transaction
3 would likely reduce access to health care services in the local health
4 jurisdictions in which the material change transaction will take
5 place; (iii) Analysis regarding whether the material change
6 transaction would consolidate health care services in a manner or to a
7 degree that would impact 20 percent or more of the residents within
8 the relevant local health jurisdiction boundaries by either moving
9 their current site of care to a different location, or reducing the
10 total number of similarly licensed providers within the relevant local
11 health jurisdiction; and (iv) A recommendation regarding specific
12 conditions or modifications that would ameliorate any reduction in
13 access to or consolidation of health care services in the local health
14 jurisdictions in which the material change transaction will take
15 place."

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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