

SECOND REGULAR SESSION

**HOUSE BILL NO. 1080**

**93RD GENERAL ASSEMBLY**

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INTRODUCED BY REPRESENTATIVES SCHAAF (Sponsor), MEADOWS, PAGE, BAKER (25),  
CUNNINGHAM (86) AND THRELKELD (Co-sponsors).

Pre-filed December 7, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

3828L.011

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**AN ACT**

To repeal sections 197.200 and 197.215, RSMo, and to enact in lieu thereof two new sections relating to ambulatory surgical centers.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 197.200 and 197.215, RSMo, are repealed and two new sections  
2 enacted in lieu thereof, to be known as sections 197.200 and 197.215, to read as follows:

197.200. As used in sections 197.200 to 197.240, unless the context clearly indicates  
2 otherwise, the following terms mean:

3 (1) "Ambulatory surgical center", any public or private establishment operated primarily  
4 for the purpose of performing surgical procedures or primarily for the purpose of performing  
5 childbirths, and which does not provide services or other accommodations for patients to stay  
6 more than twenty-three hours within the establishment, provided, however, that nothing in this  
7 definition shall be construed to include the offices of dentists currently licensed pursuant to  
8 chapter 332, RSMo;

9 (2) **"Community hospital", a licensed hospital located within fifty miles of the**  
10 **ambulatory surgical center;**

11 (3) "Dentist", any person currently licensed to practice dentistry pursuant to chapter 332,  
12 RSMo;

13 [(3)] (4) "Department", the department of health and senior services;

14 [(4)] (5) "Governmental unit", any city, county or other political subdivision of this state,  
15 or any department, division, board or other agency of any political subdivision of this state;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16            [(5)](6) "Person", any individual, firm, partnership, corporation, company, or association  
17 and the legal successors thereof;

18            [(6)](7) "Physician", any person currently licensed to practice medicine pursuant to  
19 chapter 334, RSMo;

20            [(7)](8) "Podiatrist", any person currently licensed to practice podiatry pursuant to  
21 chapter 330, RSMo.

          197.215. 1. Upon receipt of an application for a license, the department of health and  
2 senior services shall issue a license if the applicant and ambulatory surgical center facilities meet  
3 the requirements established under sections 197.200 to 197.240, and have provided affirmative  
4 evidence that:

5            (1) Each member of the surgical staff is a physician, dentist or podiatrist currently  
6 licensed to practice in Missouri;

7            (2) Surgical procedures shall be performed only by physicians, dentists or podiatrists,  
8 who at the time are privileged to perform surgical procedures in at least one licensed **community**  
9 hospital [in the community in which the ambulatory surgical center is located], thus providing  
10 assurance to the public that patients treated in the center shall receive continuity of care should  
11 the services of a hospital be required; alternatively, applicant shall submit a copy of a current  
12 working agreement with at least one licensed **community** hospital [in the community in which  
13 the ambulatory surgical center is located], guaranteeing the transfer and admittance of patients  
14 for emergency treatment whenever necessary;

15            (3) Continuous physician services or registered professional nursing services are  
16 provided whenever a patient is in the facility;

17            (4) Adequate medical records for each patient are to be maintained.

18            2. Upon receipt of an application for a license, or the renewal thereof, the department  
19 shall issue or renew the license if the applicant and program meet the requirements established  
20 under sections 197.200 to 197.240. Each license shall be issued only for the persons and  
21 premises named in the application. A license, unless sooner suspended or revoked, shall be  
22 issued for a period of one year.

23            3. Each license shall be issued only for the premises and persons or governmental units  
24 named in the application, and shall not be transferable or assignable except with the written  
25 consent of the department. Licenses shall be posted in a conspicuous place on the licensed  
26 premises.

27            4. If, during the period in which an ambulatory surgical center license is in effect, the  
28 license holder or operator legally transfers operational responsibilities by any process to another  
29 person as defined in section 197.200, an application shall be made for the issuance of a new  
30 license to become effective on the transfer date.

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