

HB 2808 -- HEALTH CARE FACILITIES

SPONSOR: Haden

This bill modifies provisions relating to health care facilities.

This bill changes the definition of "ambulatory surgical centers" to be either:

(1) A distinct establishment operating exclusively for the purpose of providing surgical procedures that do not require hospitalization and in which the duration of services provided to the patient does not exceed 24 hours; or

(2) A distinct establishment operating in part for the purposes of providing surgical procedures that do not require hospitalization and in which the duration of services provided to the patient does not exceed 24 hours, and which applies to the Department of Health and Senior Services to be designated and regulated as an ambulatory surgical center.

The bill adds "office-based surgery facility" and "birthing centers", as defined in the bill, to existing licensure requirements set by the Department. Additionally, the bill specifies that for surgical procedures performed in an ambulatory surgical center or office-based surgery facility, such procedures will be performed only by physicians or podiatrists who are authorized to administer such treatment within their respective scope of practice or through a lawful collaborative practice arrangement. The bill creates provisions that indicate a regulated center or facility's "substantial failure to comply" with existing licensing requirements as well as the provisions of this bill.

For any individual aggrieved by an official action of the Department affecting the licensed status of a person, the bill requires any petition for a determination of such to be filed with the administrative hearing commission by the aggrieved party within 60 days from the mailing date of the notice of the Department's official action.

This bill modifies the Department's rulemaking authority relating to certain licensure requirements for office-based surgery facilities, birthing centers, and abortion facilities, and includes a tiered level of regulation of office-based surgery facilities that imposes only those regulations deemed necessary to ensure patient safety at each tier of regulation, and such designation will be based on the surgical procedure with the highest type of designation to be performed at each facility. The provisions of each tier may be found in the bill.

The bill adds office-based surgery facilities and birthing centers to the list of facilities that, if operated without a license required by the Department, would be guilty of a class A misdemeanor.

This bill also adds office-based surgery facilities and birthing centers to facilities in which accident and health insurers are required to cover care provided in such facilities, provided that such service would have been covered under the terms of the carrier's policy or contract as an eligible inpatient service.