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5 On page 12, after line 29, insert the following:

6 "NEW SECTION. **Sec. 12.** The legislature finds that ambulatory
7 surgical centers have provided the citizens of Washington state access
8 to various routine surgical and similar invasive medical procedures not
9 requiring hospitalization, resulting in reduced health care costs
10 consistent with the intent of health care reform. However, the
11 delivery of these services may put patients at risk due to the invasive
12 nature of the procedures performed or the use of general anesthesia and
13 the short patient recovery time prior to discharge.

14 It is the intent of the legislature to protect the citizens of
15 Washington state by licensing ambulatory surgical centers and by
16 adopting and enforcing minimum standards for ambulatory surgical
17 centers. Standards established are intended to be the minimum
18 necessary to ensure a safe environment for the performance of surgical
19 procedures and to ensure safe and competent care of patients.

20 NEW SECTION. **Sec. 13.** Unless the context clearly requires
21 otherwise, the definitions in this section apply throughout this
22 chapter.

23 (1) "Ambulatory surgical center" means any freestanding distinct
24 entity that operates primarily for the purpose of performing surgical
25 procedures to treat patients not requiring in-patient hospital care
26 under normal circumstances, except:

27 (a) A health care facility otherwise licensed and regulated by the
28 department to provide surgical services, including an ambulatory
29 surgical facility operated by a hospital and regulated by the
30 department according to chapter 70.41 RCW;

31 (b) A facility in the offices of either an individual or group
32 practice of physicians licensed under chapter 18.71 RCW, osteopathic
33 physicians or surgeons licensed under chapter 18.57 RCW, or podiatric
34 physicians or surgeons licensed under chapter 18.22 RCW, including
35 where the facility is physically separate from such a practice, if the

1 privilege of using such a facility is not extended to such licensed
2 practitioners outside the individual or group practice. However, such
3 a facility may request licensure as an ambulatory surgical center if
4 the facility meets the requirements of this chapter and rules adopted
5 under this chapter; and

6 (c) A facility in which the services are provided solely by
7 dentists licensed under chapter 18.32 RCW and persons assisting or
8 under the supervision of dentists. However, such a facility may
9 request licensure as an ambulatory surgical center if the facility
10 meets the requirements of this chapter and rules adopted under this
11 chapter.

12 (2) "Department" means the department of health.

13 (3) "Person" means an individual, firm, partnership, corporation,
14 company, association, joint stock association, and the legal successor
15 thereof.

16 (4) "Surgical procedure" means an invasive medical procedure that:

17 (a) Utilizes a knife, laser, cautery, cryogenics, or chemicals; and

18 (b) Removes, corrects, or facilitates the diagnosis or cure of a
19 disease, process, or injury through that branch of medicine that treats
20 diseases, injuries, and deformities by manual or operative methods.

21 NEW SECTION. **Sec. 14.** (1) Nothing in this chapter shall be
22 construed in any manner to change or expand the scope of practice of a
23 health care practitioner.

24 (2) Nothing in this chapter shall be construed to limit an
25 ambulatory surgical center to performing only surgical procedures.

26 NEW SECTION. **Sec. 15.** After June 30, 1996, no person shall
27 operate or maintain an ambulatory surgical center or advertise by using
28 the term "licensed ambulatory surgery center," "licensed day surgery
29 center," "licensed surgical center," "licensed surgery center," or
30 other words conveying similar meaning without first obtaining an
31 ambulatory surgical center license from the department.

32 NEW SECTION. **Sec. 16.** An applicant for an ambulatory surgical
33 center license shall:

34 (1) Submit to the department a written application on a form
35 provided by the department, including a list of surgical specialties
36 offered;

1 (2) Submit to the department for review and approval building plans
2 for new construction, alterations other than minor alterations, and
3 additions to existing facilities prior to licensure and occupancy as
4 prescribed by the department;

5 (3) Demonstrate ability to comply with this chapter and rules
6 adopted under this chapter;

7 (4) Cooperate with the department during on-site surveys prior to
8 licensure or renewal of licensure;

9 (5) Provide such proof as the department may require concerning
10 organizational and governance structure, and the identity of the
11 applicant, officers, directors, partners, managing employees, or owners
12 of ten percent or more of the applicant's assets;

13 (6) Pay to the department a license fee and building plan review
14 fee as prescribed by the department under the authority of RCW
15 43.70.110 and 43.70.250; and

16 (7) Provide any other information the department may reasonably
17 require.

18 NEW SECTION. **Sec. 17.** If the department determines that an
19 applicant complies with the provisions of this chapter and rules
20 adopted under this chapter, the department shall issue a license to the
21 applicant. A license, unless suspended or revoked, is effective for a
22 period of two years, however an initial license is only effective for
23 twelve months. The department shall conduct at least one on-site
24 survey within each licensure period, except as provided for in section
25 21 of this act.

26 NEW SECTION. **Sec. 18.** The department shall establish and adopt
27 such minimum standards and rules pertaining to the construction,
28 maintenance, and operation of ambulatory surgical centers as are
29 necessary for the safe and adequate care and treatment of patients:
30 PROVIDED, That such minimum standards are no greater than federal
31 medicare program standards as they existed on January 1, 1995, unless
32 authorized by other state statute. The department shall adopt
33 standards that are at least equal to recognized applicable national
34 standards pertaining to medical gas piping systems. The department
35 shall rescind, amend, or modify the rules as necessary.

36 NEW SECTION. **Sec. 19.** The department may, at any time, conduct an

1 on-site survey of a licensee in order to determine compliance with this
2 chapter and rules adopted under this chapter.

3 NEW SECTION. **Sec. 20.** The department may deny, suspend, or revoke
4 a license under this chapter or, in lieu thereof or in addition
5 thereto, assess civil monetary penalties in any case in which it finds
6 the applicant or licensee:

7 (1) Failed or refused to comply with the requirements of this
8 chapter or rules adopted under this chapter;

9 (2) Was the holder of a license issued according to this chapter
10 that was revoked for cause and never reissued by the department, or
11 that was suspended for cause and the terms of the suspension were not
12 fulfilled, and the licensee has continued to operate;

13 (3) Has knowingly or with reason to know made a false statement of
14 material fact in the application for the license or any data attached
15 thereto or in any record required by this chapter or matter under
16 investigation by the department;

17 (4) Refused to allow representatives of the department to inspect
18 any portion of the licensee's premises, or any book, record, or file
19 required by this chapter to be maintained;

20 (5) Willfully prevented, interfered with, or attempted to impede in
21 any way the work of any representative of the department and the lawful
22 enforcement of any provision of this chapter;

23 (6) Willfully prevented, interfered with, or attempted to impede in
24 any way any representative of the department in the preservation of
25 evidence of any violation of this chapter or rules adopted under this
26 chapter;

27 (7) Failed to pay any civil monetary penalty assessed by the
28 department according to this chapter within ten days after the
29 assessment becomes final;

30 (8) Used advertising that is false, fraudulent, or misleading;

31 (9) Has repeated incidents of personnel performing services beyond
32 their scope of practice; or

33 (10) Misrepresented or was fraudulent in any aspect of the conduct
34 of the licensee's business.

35 NEW SECTION. **Sec. 21.** (1) An ambulatory surgical center that is
36 certified or accredited as an ambulatory surgical center by the federal
37 medicare program or any private accrediting organization shall be

1 granted the applicable renewal license without the necessity of an on-
2 site state licensure survey if:

3 (a) The department determines that the applicable survey standards
4 of the certification or accreditation program are substantially
5 equivalent to those required by this chapter;

6 (b) An on-site survey has been conducted for the purposes of
7 certification or accreditation during the previous twenty-four months;
8 and

9 (c) The department receives directly from the certifying or
10 accrediting entity or from the licensee or applicant copies of the
11 initial and subsequent survey reports and other relevant reports or
12 findings that indicate compliance with licensure requirements.

13 (2) In reviewing whether the federal medicare program or any
14 private accrediting organization has survey standards that are of
15 substantial equivalency to those set forth in this chapter, the
16 department is directed to provide the most liberal interpretation
17 consistent with the intent of this chapter. In the event the
18 department determines at any time that the survey standards are not
19 substantially equivalent to those required by this chapter, the
20 department is directed to notify the affected licensees. The
21 notification shall contain a detailed description of the deficiencies
22 in the alternative survey process, as well as an explanation concerning
23 the risk to the consumer. The determination of substantial equivalency
24 for an alternative survey process and lack of substantial equivalency
25 are agency actions and subject to the provisions of chapter 34.05 RCW.

26 (3) Ambulatory surgical centers receiving a license without an on-
27 site survey by the department under this chapter shall pay the same
28 licensure fee as other ambulatory surgical centers.

29 (4) This section does not affect the department's enforcement
30 authority for licensed ambulatory surgical centers.

31 **Sec. 22.** RCW 18.106.010 and 1983 c 124 s 1 are each amended to
32 read as follows:

33 Unless a different meaning is plainly required by the context, the
34 following words and phrases as hereinafter used in this chapter shall
35 have the following meaning:

36 (1) "Advisory board" means the state advisory board of plumbers;

37 (2) "Department" means the department of labor and industries;

38 (3) "Director" means the director of department of labor and

1 industries;

2 (4) "Journeyman plumber" means any person who has been issued a
3 certificate of competency by the department of labor and industries as
4 provided in this chapter;

5 (5) "Medical gas piping" means oxygen, nitrous oxide, high pressure
6 nitrogen, medical compressed air, and medical vacuum systems;

7 (6) "Specialty plumber" means anyone who has been issued a
8 specialty certificate of competency limited to installation,
9 maintenance, and repair of the plumbing of single family dwellings,
10 duplexes, and apartment buildings which do not exceed three stories;

11 (~~(6)~~) (7) "Plumbing" means that craft involved in installing,
12 altering, repairing and renovating potable water systems (~~and~~),
13 liquid waste systems, and medical gas piping systems within a building:
14 PROVIDED, That installation in a water system of water softening or
15 water treatment equipment shall not be within the meaning of plumbing
16 as used in this chapter.

17 NEW SECTION. Sec. 23. Sections 12 through 22 of this act are
18 necessary for the immediate preservation of the public peace, health,
19 or safety, or support of the state government and its existing public
20 institutions, and shall take effect July 1, 1995.

21 NEW SECTION. Sec. 24. Sections 12 through 21 of this act shall
22 constitute a new chapter in Title 70 RCW."

23 Correct internal references and correct the title.

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