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**SUBSTITUTE HOUSE BILL 1575**

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**State of Washington                      62nd Legislature                      2011 Regular Session**

**By** House Health Care & Wellness (originally sponsored by Representatives Cody, Green, Van De Wege, Moeller, and Jenkins)

READ FIRST TIME 02/17/11.

1            AN ACT Relating to clarifying which surgical facilities the  
2 Washington state department of health is mandated to license pursuant  
3 to chapter 70.230 RCW; amending RCW 70.230.010 and 70.230.040; adding  
4 a new section to chapter 70.230 RCW; and providing an effective date.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6            **Sec. 1.** RCW 70.230.010 and 2007 c 273 s 1 are each amended to read  
7 as follows:

8            The definitions in this section apply throughout this chapter  
9 unless the context clearly requires otherwise.

10            (1) "Ambulatory surgical facility" means any distinct entity that  
11 operates for the primary purpose of providing specialty or  
12 multispecialty outpatient surgical services in which patients are  
13 admitted to and discharged from the facility within twenty-four hours  
14 and do not require inpatient hospitalization, whether or not the  
15 facility is certified under Title XVIII of the federal social security  
16 act. An ambulatory surgical facility includes one or more surgical  
17 suites that are adjacent to and within the same building as, but not  
18 in, the office of a practitioner in an individual or group practice, if  
19 the primary purpose of the one or more surgical suites is to provide

1 specialty or multispecialty outpatient surgical services, irrespective  
2 of the type of anesthesia administered in the one or more surgical  
3 suites. An ambulatory surgical facility that is adjacent to and within  
4 the same building as the office of a practitioner in an individual or  
5 group practice may include a surgical suite that shares a reception  
6 area, restroom, waiting room, or wall with the office of the  
7 practitioner in an individual or group practice.

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

9 (3) "General anesthesia" means a state of unconsciousness  
10 intentionally produced by anesthetic agents, with absence of pain  
11 sensation over the entire body, in which the patient is without  
12 protective reflexes and is unable to maintain an airway.

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

16 (5) "Practitioner" means any physician or surgeon licensed under  
17 chapter 18.71 RCW, an osteopathic physician or surgeon licensed under  
18 chapter 18.57 RCW, or a podiatric physician or surgeon licensed under  
19 chapter 18.22 RCW.

20 (6) "Secretary" means the secretary of health.

21 (7) "Surgical services" means invasive medical procedures that:

22 (a) Utilize a knife, laser, cautery, cryogenics, or chemicals; and

23 (b) Remove, correct, or facilitate the diagnosis or cure of a  
24 disease, process, or injury through that branch of medicine that treats  
25 diseases, injuries, and deformities by manual or operative methods by  
26 a practitioner.

27 **Sec. 2.** RCW 70.230.040 and 2007 c 273 s 4 are each amended to read  
28 as follows:

29 Nothing in this chapter:

30 (1) Applies to an ambulatory surgical facility that is maintained  
31 and operated by a hospital licensed under chapter 70.41 RCW;

32 (2) Applies to an office maintained for the practice of dentistry;

33 (3) Applies to outpatient specialty or multispecialty surgical  
34 services routinely and customarily performed in the office of a  
35 practitioner in an individual or group practice (~~that do not require~~  
36 general anesthesia), where the primary purpose of the office is not as  
37 set forth in RCW 70.230.010(1), provided that any surgical services in

1 which general anesthesia is a planned event must be performed only in  
2 an ambulatory surgical facility as defined in this chapter or in a  
3 hospital or hospital-associated surgical center licensed under chapter  
4 70.41 RCW; or

5 (4) Limits an ambulatory surgical facility to performing only  
6 surgical services.

7 NEW SECTION. Sec. 3. A new section is added to chapter 70.230 RCW  
8 to read as follows:

9 Any entity that meets the definition of an ambulatory surgical  
10 facility in RCW 70.230.010 that had been issued a license on or after  
11 July 1, 2009, that was later declared void by a department  
12 determination that the entity did not meet the definition of an  
13 ambulatory surgical facility shall be deemed to have complied with the  
14 survey requirements of RCW 70.230.100 for its initial license  
15 application.

16 NEW SECTION. Sec. 4. This act takes effect January 1, 2012.

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