
SENATE BILL 6446

State of Washington

64th Legislature

2016 Regular Session

By Senator Braun

Read first time 01/20/16. Referred to Committee on Health Care.

1 AN ACT Relating to survey requirements of ambulatory surgical
2 facilities; amending RCW 70.230.100; and adding a new section to
3 chapter 48.39 RCW.

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

5 **Sec. 1.** RCW 70.230.100 and 2007 c 273 s 11 are each amended to
6 read as follows:

7 (1)(a) The department shall make or cause to be made a survey of
8 all ambulatory surgical facilities every eighteen months. Every
9 survey of an ambulatory surgical facility may include an inspection
10 of every part of the surgical facility. The department may make an
11 examination of all phases of the ambulatory surgical facility
12 operation necessary to determine compliance with all applicable
13 statutes, rules, and regulations. In making a determination of
14 whether the facility is in compliance with statutes, rules, and
15 regulations, specific practice needs and procedures of the ambulatory
16 surgical facility must be considered. In this situation, the
17 department may permit an ambulatory surgical facility to deviate from
18 statute, rule, or regulation if the deviation is deemed a necessary
19 part of the ambulatory surgical facility's practice and the resulting
20 practice or procedure does not compromise patient safety.

1 **(b)** In the event that the department is unable to make a survey
2 or cause a survey to be made during the three years of the term of
3 the license, the license of the ambulatory surgical facility shall
4 remain in effect until the state conducts a survey or a substitute
5 survey is performed if the ambulatory surgical facility is in
6 compliance with all other licensing requirements.

7 **(2)** In adopting rules relating to department surveys of
8 ambulatory surgical facilities, the secretary must ensure compliance
9 with certification and accreditation standards for these facilities
10 adopted by the centers for medicare and medicaid services. If
11 department survey rules vary from standards provided by the center
12 for medicare and medicaid services, the standards of the center for
13 medicare and medicaid services apply.

14 **(3)** An ambulatory surgical facility shall be deemed to have met
15 the survey standards of subsection (1) of this section if it submits
16 proof ~~((of certification as a medicare ambulatory surgical facility~~
17 ~~or accreditation by an organization that the secretary has determined~~
18 ~~to have substantially equivalent survey standards to those of the~~
19 ~~department. A survey performed pursuant to medicare certification or~~
20 ~~by an approved accrediting organization may substitute for a survey~~
21 ~~by the department if:~~

22 ~~(a) The ambulatory surgical facility has satisfactorily completed~~
23 ~~a survey by the department in the previous eighteen months; and~~

24 ~~(b) Within thirty days of learning the result of a survey, the~~
25 ~~ambulatory surgical facility provides the department with documentary~~
26 ~~evidence that the ambulatory surgical facility has been certified or~~
27 ~~accredited as a result of a survey and the date of the survey)) to~~
28 the department that within the last eighteen months, it has
29 successfully completed a survey performed pursuant to medicare
30 certification or by an accrediting organization that has been
31 determined by the secretary to have substantially equivalent survey
32 standards to those of the centers for medicare and medicaid services.

33 ~~((+3))~~ **(4)** Ambulatory surgical facilities shall make the written
34 reports of surveys conducted pursuant to medicare certification
35 procedures or by an approved accrediting organization available to
36 department surveyors during any department surveys, upon request.

37 NEW SECTION. Sec. 2. A new section is added to chapter 48.39
38 RCW to read as follows:

1 If a payor that contracts with an ambulatory surgical facility
2 licensed under chapter 70.230 RCW requires successful completion of a
3 survey as part of the contract, the ambulatory surgical facility is
4 deemed to have met survey requirements if it has successfully
5 completed a survey performed pursuant to medicare certification or by
6 an accrediting organization that has been determined by the secretary
7 of the department of health to have substantially equivalent survey
8 standards to those of the centers for medicare and medicaid services.
9 The payor may not impose additional survey requirements on the
10 ambulatory surgical facility.

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