



Senate

General Assembly

File No. 14

January Session, 2005

Senate Bill No. 933

Senate, March 3, 2005

The Committee on Public Health reported through SEN. MURPHY of the 16th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CLARIFYING LICENSING REQUIREMENTS FOR OUTPATIENT SURGICAL FACILITIES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (b) of section 19a-493b of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective from*
3 *passage*):

4 (b) No entity, individual, firm, partnership, corporation, limited
5 liability company or association, other than a hospital, shall
6 individually or jointly establish or operate an outpatient surgical
7 facility in this state without complying with chapter 368z, except as
8 otherwise provided by this section, and obtaining a license within the
9 time specified in this subsection from the Department of Public Health
10 for such facility pursuant to the provisions of this chapter, unless such
11 entity, individual, firm, partnership, corporation, limited liability
12 company or association: (1) Provides to the Office of Health Care
13 Access satisfactory evidence that it was in operation on or before July

14 1, 2003, [and] or (2) obtained, on or before July 1, 2003, from the Office
15 of Health Care Access, a determination that a certificate of need is not
16 required. An entity, individual, firm, partnership, corporation, limited
17 liability company or association otherwise in compliance with this
18 section may operate an outpatient surgical facility without a license
19 through March 30, 2007, and shall have until March 30, 2007, to obtain
20 a license from the Department of Public Health.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>from passage</i>	19a-493b(b)
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PH *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 06 \$
Department of Public Health	GF	See Below
Office of Health Care Access	GF	See Below

Note: GF=General Fund

Municipal Impact: None

Explanation

Passage of this bill will ensure that any outpatient surgical facility that, prior to 7/1/03, (a) provided evidence of operation, or (b) obtained a waiver of a certificate of need (CON) from the Office of Health Care Access (OHCA), can continue to operate without being out of compliance with Section 19a-493b CGS.

This will preclude the need for OHCA and/or the Department of Public Health to find an unknown number of entities in violation of CON or licensure requirements. Should this have occurred, the agencies may have experienced increased demand for CON review and expedited licensure.

OLR BILL ANALYSIS

SB 933

**AN ACT CLARIFYING LICENSING REQUIREMENTS FOR
OUTPATIENT SURGICAL FACILITIES****SUMMARY:**

The law allows an outpatient surgical facility to operate without a Department of Public Health (DPH) license until March 30, 2007 if the facility can show (1) it was operating before July 1, 2003 and (2) received an Office of Health Care Access (OHCA) determination by that date that a certificate of need was not required. The facility must be licensed by March 30, 2007 in order to continue operating after that date.

Under the bill, only one of the conditions specified above must be met in order for the facility to operate without a license until March 30, 2007.

EFFECTIVE DATE: Upon Passage

BACKGROUND***Outpatient Surgical Facilities***

By law, an outpatient surgical facility is one (1) established, operated, or maintained by an entity, individual, firm, partnership, corporation, limited liability company, or association, other than a hospital (hospital-based outpatient surgical facilities are already subject to DPH and OHCA requirements), and (2) providing surgical services that include the use of moderate or deep sedation or analgesia or general anesthesia. It also includes facilities providing diagnostic procedures that use moderate or deep sedation, analgesia, or general anesthesia. An outpatient surgical facility does not include a medical office owned and operated exclusively by a licensed physician or physicians if certain statutory conditions are met.

Certificate of Need (CON)

CON is a regulatory process, administered by OHCA, for reviewing certain proposed capital expenditures by health care facilities, acquisition of major medical equipment, institution of new services or functions, termination of services, transfer of ownership, or decreases in bed capacity. Generally, a CON is a formal OHCA statement that a health care facility, medical equipment purchase, or service change is necessary.

COMMITTEE ACTION

Public Health Committee

Joint Favorable Report
Yea 23 Nay 0