



General Assembly

February Session, 2006

Raised Bill No. 621

LCO No. 2991

02991_____PH_

Referred to Committee on Public Health

Introduced by:
(PH)

AN ACT CONCERNING OUTPATIENT SURGICAL FACILITIES.

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

1 Section 1. Section 19a-493b of the 2006 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective from passage*):

4 (a) As used in this section and subsection (a) of section 19a-490, as
5 amended, "outpatient surgical facility" means any entity, individual,
6 firm, partnership, corporation, limited liability company or association,
7 other than a hospital, engaged in providing surgical services or
8 diagnostic procedures for human health conditions that include the
9 use of moderate or deep sedation, moderate or deep analgesia or
10 general anesthesia, as such levels of anesthesia are defined from time
11 to time by the American Society of Anesthesiologists, or by such other
12 professional or accrediting entity recognized by the Department of
13 Public Health. An outpatient surgical facility shall not include a
14 medical office owned and operated exclusively by a person or persons
15 licensed pursuant to section 20-13, provided such medical office: (1)
16 Has no operating room or designated surgical area; (2) bills no facility
17 fees to third party payers; (3) administers no deep sedation or general

18 anesthesia; (4) performs only minor surgical procedures incidental to
19 the work performed in said medical office of the physician or
20 physicians that own and operate such medical office; and (5) uses only
21 light or moderate sedation or analgesia in connection with such
22 incidental minor surgical procedures. Nothing in this subsection shall
23 be construed to affect any obligation to comply with the provisions of
24 section 19a-691.

25 (b) No entity, individual, firm, partnership, corporation, limited
26 liability company or association, other than a hospital, shall
27 individually or jointly establish or operate an outpatient surgical
28 facility in this state without complying with chapter 368z, except as
29 otherwise provided by this section, and obtaining a license within the
30 time specified in this subsection from the Department of Public Health
31 for such facility pursuant to the provisions of this chapter, unless such
32 entity, individual, firm, partnership, corporation, limited liability
33 company or association: (1) Provides to the Office of Health Care
34 Access satisfactory evidence that it was in operation on or before July
35 1, 2003, or (2) obtained, on or before July 1, 2003, from the Office of
36 Health Care Access, a determination that a certificate of need is not
37 required. An entity, individual, firm, partnership, corporation, limited
38 liability company or association otherwise in compliance with this
39 section may operate an outpatient surgical facility without a license
40 through March 30, 2007, and shall have until March 30, 2007, to obtain
41 a license from the Department of Public Health.

42 (c) Notwithstanding the provisions of this section, no outpatient
43 surgical facility shall be required to comply with section 19a-631, 19a-
44 632, 19a-637a, 19a-644, 19a-645, as amended, 19a-646, 19a-648, 19a-649,
45 19a-650, 19a-652, or 19a-654 to 19a-683, inclusive. Each outpatient
46 surgical facility shall continue to be subject to the obligations and
47 requirements applicable to such facility, including, but not limited to,
48 any applicable provision of this chapter and those provisions of
49 chapter 368z not specified in this subsection or in regulations adopted
50 pursuant to this subsection, except that a request for permission to

51 undertake a transfer or change of ownership or control shall not be
52 required pursuant to subsection (a) of section 19a-638, as amended, if
53 the Office of Health Care Access determines that the following
54 conditions are satisfied: (1) Prior to any such transfer or change of
55 ownership or control, the outpatient surgical facility shall be owned
56 and controlled exclusively by persons licensed pursuant to section 20-
57 13, either directly or through a limited liability company, formed
58 pursuant to chapter 613, a corporation, formed pursuant to chapters
59 601 and 602, or a limited liability partnership, formed pursuant to
60 chapter 614, that is exclusively owned by persons licensed pursuant to
61 section 20-13, or is under the interim control of an estate executor or
62 conservator pending transfer of an ownership interest or control to a
63 person licensed under section 20-13, and (2) after any such transfer or
64 change of ownership or control, persons licensed pursuant to section
65 20-13, a limited liability company, formed pursuant to chapter 613, a
66 corporation, formed pursuant to chapters 601 and 602, or a limited
67 liability partnership, formed pursuant to chapter 614, that is
68 exclusively owned by persons licensed pursuant to section 20-13, shall
69 own and control no less than a sixty per cent interest in the outpatient
70 surgical facility. On or before October 1, 2006, the Department of
71 Public Health shall adopt regulations, in accordance with chapter 54,
72 establishing for single specialty outpatient surgical facilities a standard
73 set of exemptions from the licensure and certificate of need
74 requirements specified in this chapter and chapter 368z.

75 (d) The provisions of this section [shall] do not apply to persons
76 licensed to practice dentistry or dental medicine pursuant to chapter
77 379 or to outpatient clinics licensed pursuant to this chapter.

78 (e) Any outpatient surgical facility that is accredited as provided in
79 section 19a-691 shall continue to be subject to the requirements of
80 section 19a-691.

81 (f) The Commissioner of Public Health may provide a waiver for
82 outpatient surgical facilities from the physical plant and staffing

83 requirements of the licensing regulations adopted pursuant to this
84 chapter, provided no waiver may be granted unless the health, safety
85 and welfare of patients is ensured.

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

Statement of Purpose:

To require the Department of Health to establish a standard set of exemptions for single specialty outpatient surgical facilities from licensure and certificate of need requirements.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]