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**SENATE BILL 5593**

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**State of Washington 65th Legislature 2017 Regular Session**

**By** Senators Frockt, Becker, Rivers, and O'Ban

AN ACT Relating to postsurgical care; amending RCW 70.230.010 and 70.230.050; and adding a new section to chapter 70.230 RCW.

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

**Sec.**  RCW 70.230.010 and 2011 c 76 s 1 are each amended to read as follows:

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

(1) "Ambulatory surgical facility" means any distinct entity that operates for the primary purpose of providing specialty or multispecialty outpatient surgical services in which patients are admitted to and discharged from the facility within twenty-four hours and do not require inpatient hospitalization, whether or not the facility is certified under Title XVIII of the federal social security act. An ambulatory surgical facility includes one or more surgical suites that are adjacent to and within the same building as, but not in, the office of a practitioner in an individual or group practice, if the primary purpose of the one or more surgical suites is to provide specialty or multispecialty outpatient surgical services, irrespective of the type of anesthesia administered in the one or more surgical suites. An ambulatory surgical facility that is adjacent to and within the same building as the office of a practitioner in an individual or group practice may include a surgical suite that shares a reception area, restroom, waiting room, or wall with the office of the practitioner in an individual or group practice.

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

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

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

(5) "Postsurgical care center" means a designated site that is either freestanding or a defined unit of an ambulatory surgical facility which provides medical and nursing services limited to postsurgical care services and which may provide related physical therapy and occupational therapy. A postsurgical care center is not a hospital as defined by RCW 70.41.020(7).

(6) "Postsurgical care services" means postsurgical and postdiagnostic medical and nursing services, physical therapy, and occupational therapy provided to patients for whom, in the opinion of the attending physician, it is reasonable to expect an uncomplicated recovery. Such patients are not expected to require intensive care services, cardiac care services, or critical care services. Postsurgical care services do not include surgical services, radiological services, or obstetrical services.

(7) "Practitioner" means any physician or surgeon licensed under chapter 18.71 RCW, an osteopathic physician or surgeon licensed under chapter 18.57 RCW, or a podiatric physician or surgeon licensed under chapter 18.22 RCW.

((~~(6)~~)) (8) "Secretary" means the secretary of health.

((~~(7)~~)) (9) "Surgical services" means invasive medical procedures that:

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

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

**Sec.**  RCW 70.230.050 and 2016 c 146 s 3 are each amended to read as follows:

(1) An applicant for a license to operate an ambulatory surgical facility must demonstrate the ability to comply with the standards established for operating and maintaining an ambulatory surgical facility in statute and rule, including:

(a) Submitting a written application to the department providing all necessary information on a form provided by the department, including a list of surgical specialties offered;

(b) Submitting building plans for review and approval by the department for new construction, alterations other than minor alterations, and additions to existing facilities, prior to obtaining a license and occupying the building;

(c) Demonstrating the ability to comply with this chapter and any rules adopted under this chapter;

(d) Cooperating with the department during on-site surveys prior to obtaining an initial license or renewing an existing license;

(e) Providing such proof as the department may require concerning the ownership and management of the ambulatory surgical facility, including information about the organization and governance of the facility and the identity of the applicant, officers, directors, partners, managing employees, or owners of ten percent or more of the applicant's assets;

(f) Submitting proof of operation of a coordinated quality improvement program in accordance with RCW 70.230.080;

(g) Submitting a copy of the facility safety and emergency training program established under RCW 70.230.060;

(h) Identifying any postsurgical care center operated by the ambulatory surgical facility;

(i) Paying any fees established by the secretary under RCW 43.70.110 and 43.70.250; and

((~~(i)~~)) (j) Providing any other information that the department may reasonably require.

(2) A license is valid for three years, after which an ambulatory surgical facility must submit an application for renewal of license upon forms provided by the department and the renewal fee as established in RCW 43.70.110 and 43.70.250. The applicant must demonstrate the ability to comply with the standards established for operating and maintaining an ambulatory surgical facility in statutes, standards, and rules. The applicant must submit the license renewal document no later than thirty days prior to the date of expiration of the license.

(3) The applicant may demonstrate compliance with any of the requirements of subsection (1) of this section by providing satisfactory documentation to the secretary that it has met the standards of an accreditation organization or federal agency that the secretary has determined to have substantially equivalent standards as the statutes and rules of this state.

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

(1) An ambulatory surgical facility may offer postsurgical care services in a postsurgical care center. The maximum length of stay for patients in a postsurgical care center is not to exceed seventy-two hours. If a patient requires an additional care period after the expiration of the seventy-two hour limit, the patient must be transferred to an appropriate facility.

(2) A postsurgical care center must be no larger than four beds per operating room.

(3) An ambulatory surgical facility that provides postsurgical care services shall include those services and any postsurgical care center where those services are provided in its facility safety and emergency training plan maintained in accordance with RCW 70.230.060 and its coordinated quality improvement program maintained in accordance with RCW 70.230.080.

(4) An ambulatory surgical facility that provides postsurgical care services shall ensure any postsurgical care center where those services are provided meets the applicable chapters of the 2006 guidelines for the design and construction of health care facilities.

(5) An ambulatory surgical facility that offers postsurgical care services in a postsurgical care center shall maintain a contractual relationship, including a transfer agreement, with a general acute care hospital.

(6) The department shall make or cause to be made a survey of any postsurgical care center where an ambulatory surgical facility provides postsurgical care services in coordination with any survey conducted of the ambulatory surgical facility pursuant to RCW 70.230.100.

(7) The department shall adopt rules to implement the provisions of this section concerning postsurgical care centers by July 1, 2018.

(8) Notwithstanding any other law to the contrary, a postsurgical care center is not subject to certificate of need review, nor is any ambulatory surgical facility, by virtue of adding a postsurgical care center, subject to certificate of need review.

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