

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1575

Chapter 76, Laws of 2011

62nd Legislature
2011 Regular Session

AMBULATORY SURGICAL FACILITIES--REGULATION

EFFECTIVE DATE: 01/01/12

Passed by the House March 4, 2011
Yeas 97 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 1, 2011
Yeas 45 Nays 3

BRAD OWEN

President of the Senate

Approved April 14, 2011, 10:52 a.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1575** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

April 14, 2011

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1575

Passed Legislature - 2011 Regular Session

State of Washington 62nd Legislature 2011 Regular Session

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

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.

Passed by the House March 4, 2011.

Passed by the Senate April 1, 2011.

Approved by the Governor April 14, 2011.

Filed in Office of Secretary of State April 14, 2011.