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**SENATE BILL 6446**

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**State of Washington 64th Legislature 2016 Regular Session**

**By** Senator Braun

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

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

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

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

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

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

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

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

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

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

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

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

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