

HB 1777 - H AMD 209

By Representative Cody

ADOPTED 03/08/2019

1 On page 8, beginning on line 15 after "(12)" strike all material
2 through "rooms" on line 28 and insert "(a) An ambulatory surgical
3 facility is exempt from all certificate of need requirements if the
4 facility:

5 (i) Is an individual or group practice and, if the facility is a
6 group practice, the privilege of using the facility is not extended
7 to physicians outside the group practice;

8 (ii) Operated or received approval to operate, prior to January
9 19, 2018; and

10 (iii) Was exempt from certificate of need requirements prior to
11 January 19, 2018, because the facility either:

12 (A) Was determined to be exempt from certificate of need
13 requirements pursuant to a determination of reviewability issued by
14 the department; or

15 (B) Was a single-specialty endoscopy center in existence prior
16 to January 14, 2003, when the department determined that endoscopy
17 procedures were surgeries for purposes of certificate of need.

18 (b) The exemption under this subsection:

19 (i) Applies regardless of future changes of ownership, corporate
20 structure, or affiliations of the individual or group practice as
21 long as the use of the facility remains limited to physicians in the
22 group practice; and

23 (ii) Does not apply to changes in services, specialties, or
24 number of operating rooms"

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EFFECT: Expands the certificate of need exemption to include facilities approved to operate prior to January 19, 2018, and individual practices. Limits the endoscopy center exemption to only

single-specialty centers. Makes non-substantive structural and grammatical changes.

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