

Senate File 75

S-3024

1 Amend Senate File 75 as follows:

2 1. Page 1, before line 1 by inserting:

3 <DIVISION I

4 RURAL EMERGENCY HOSPITALS>

5 2. Page 10, line 9, after <This> by inserting <division of
6 this>

7 3. Page 10, line 14, after <This> by inserting <division of
8 this>

9 4. Page 10, line 17, after <this> by inserting <division of
10 this>

11 5. Page 10, line 23, after <this> by inserting <division of
12 this>

13 6. Page 10, line 24, after <this> by inserting <division of
14 this>

15 7. Page 10, by striking lines 27 and 28 and inserting:

16 <Sec. ____ . EFFECTIVE DATE. This division of this Act, being
17 deemed of immediate importance, takes effect upon enactment.>

18 8. Page 10, before line 29 by inserting:

19 <DIVISION ____

20 AMBULATORY SURGICAL CENTERS

21 Sec. ____ . NEW SECTION. 135R.1 **Definitions**.

22 As used in this chapter, unless the context otherwise
23 requires:

24 1. "*Ambulatory surgical center*" means a distinct facility
25 that operates exclusively for the purpose of providing surgical
26 services to patients not requiring hospitalization and in which
27 the expected duration of services does not exceed twenty-four
28 hours following an admission. "*Ambulatory surgical center*"
29 includes a facility certified or seeking certification as an
30 ambulatory surgical center under the federal Medicare program
31 or under the medical assistance program established pursuant
32 to chapter 249A. "*Ambulatory surgical center*" does not include
33 the individual or group practice office of a private physician,
34 podiatrist, or dentist who there engages in the lawful practice
35 of surgery, or the portion of a licensed hospital designated

1 for outpatient surgical treatment.

2 2. "*Department*" means the department of inspections and
3 appeals.

4 Sec. _____. NEW SECTION. 135R.2 **Licensure.**

5 A person, acting severally or jointly with any other person,
6 shall not establish, operate, or maintain an ambulatory
7 surgical center in this state without obtaining a license as
8 provided under this chapter.

9 Sec. _____. NEW SECTION. 135R.3 **Application for license —**
10 **fee.**

11 1. An applicant for an ambulatory surgical center license
12 shall submit an application to the department. Applications
13 shall be upon such forms and shall include such information
14 as the department may reasonably require, which may include
15 affirmative evidence of the ability to comply with reasonable
16 rules and standards prescribed under this chapter.

17 2. An application for an initial license for an ambulatory
18 surgical center shall be accompanied by a fee of fifty dollars.

19 3. The fees collected under this section shall be considered
20 repayment receipts as defined in section 8.2 and shall be used
21 by the department to administer this chapter.

22 Sec. _____. NEW SECTION. 135R.4 **Rules.**

23 1. The department, with the advice and approval of the state
24 board of health, shall adopt rules specifying the standards for
25 ambulatory surgical centers to be licensed under this chapter.
26 The rules shall be consistent with and shall not exceed the
27 requirements of this chapter and the conditions for coverage in
28 the federal Medicare program for ambulatory surgical centers
29 under 42 C.F.R. pt. 416.

30 2. The department shall adopt rules as the department deems
31 necessary to implement the provisions of this chapter relating
32 to the issuance, renewal, denial, suspension, and revocation
33 of a license to establish, operate, and maintain an ambulatory
34 surgical center.

35 3. An ambulatory surgical center which is in operation at

1 the time of adoption of any applicable rules or standards under
2 this chapter shall be given a reasonable time, not to exceed
3 one year from the date of adoption, within which to comply with
4 such rules and standards.

5 4. The department shall enforce the rules.

6 Sec. ____ . NEW SECTION. 135R.5 **Inspections or**
7 **investigations.**

8 1. The department shall make or cause to be made inspections
9 or investigations of ambulatory surgical centers to determine
10 compliance with this chapter and applicable rules and
11 standards. The department shall perform inspections on a
12 schedule that is of the same frequency required for inspections
13 of Medicare-certified ambulatory surgical centers.

14 2. The department shall recognize, in lieu of its own
15 licensure inspection, the comparable inspection and inspection
16 findings of a Medicare conditions for coverage survey completed
17 by the department or an accrediting organization with deeming
18 authority authorized by the centers for Medicare and Medicaid
19 services of the United States department of health and human
20 services.

21 3. A department inspector shall not participate in an
22 inspection or investigation of an ambulatory surgical center in
23 which the inspector or a member of the inspector's immediate
24 family works or has worked within the last two years or in
25 which the inspector or the inspector's immediate family has
26 a financial ownership interest. For the purposes of this
27 section, "*immediate family member*" means a spouse, natural or
28 adoptive parent or grandparent, child, grandchild, sibling,
29 stepparent, stepchild, or stepsibling.

30 Sec. ____ . NEW SECTION. 135R.6 **Confidentiality.**

31 The department's final findings with respect to compliance
32 by an ambulatory surgical center with requirements for
33 licensing shall be made available to the public in a readily
34 available form and place. Other information relating to
35 an ambulatory surgical center obtained by the department

1 which does not constitute the department's findings from an
2 inspection of the ambulatory surgical center shall not be made
3 available to the public, except in proceedings involving the
4 denial, suspension, or revocation of a license under this
5 chapter. The name of a person who files a complaint with the
6 department shall remain confidential and shall not be subject
7 to discovery, subpoena, or other means of legal compulsion for
8 its release to a person other than department employees or
9 agents involved in the investigation of the complaint.

10 Sec. _____. NEW SECTION. 135R.7 Injunction.

11 Notwithstanding the existence or pursuit of any other
12 remedy, the department may, in the manner provided by law,
13 maintain an action in the name of the state for injunction
14 or other process against any person to restrain or prevent
15 the establishment, operation, or maintenance of an ambulatory
16 surgical center without a license.

17 Sec. _____. NEW SECTION. 135R.8 Judicial review.

18 Judicial review of an action of the department may be sought
19 in accordance with chapter 17A. Notwithstanding the provisions
20 of chapter 17A, petitions for judicial review may be filed
21 in the district court of the county in which the ambulatory
22 surgical center is located or is to be located and the status
23 quo of the petitioner or licensee shall be preserved pending
24 final disposition of the judicial review matter.

25 Sec. _____. NEW SECTION. 135R.9 Penalties.

26 Any person establishing, operating, or maintaining any
27 ambulatory surgical center without a license commits a serious
28 misdemeanor, and each day of continuing violation after
29 conviction shall be considered a separate offense.

30 Sec. _____. Section 135.11, Code 2023, is amended by adding
31 the following new subsection:

32 NEW SUBSECTION. 29. Adopt rules requiring ambulatory
33 surgical centers to report quality data to the department of
34 public health that is consistent with the data required to be
35 reported to the centers for Medicare and Medicaid services of

1 the United States department of health and human services as
2 authorized by the Medicare Improvements and Extension Act of
3 2006 under Tit. I of the Tax Relief and Health Care Act of 2006,
4 Pub. L. No. 109-432, and the regulations adopted under such
5 Acts. Notwithstanding any provision of law to the contrary,
6 nothing in this subsection shall require an ambulatory
7 surgical center to provide health data to the department of
8 public health or any other public or private entity that
9 is in addition to, different than, or exceeds the quality
10 data required to be reported to the centers for Medicare and
11 Medicaid services of the United States department of health and
12 human services.

13 Sec. _____. Section 135.61, Code 2023, is amended by adding
14 the following new subsection:

15 NEW SUBSECTION. 1A. "*Ambulatory surgical center*" means
16 ambulatory surgical center as defined in section 135R.1.

17 Sec. _____. Section 135.61, subsection 14, paragraph d, Code
18 2023, is amended to read as follows:

19 *d.* An ~~outpatient~~ ambulatory surgical facility center.

20 Sec. _____. Section 135.61, subsection 21, Code 2023, is
21 amended by striking the subsection.>

22 9. Title page, line 1, after <to> by inserting <certain
23 health facilities including ambulatory surgical centers and>

24 10. Title page, line 2, after <fees,> by inserting
25 <providing penalties and>

26 11. By renumbering as necessary.

KEN ROZENBOOM

MARK LOFGREN