

Senate File 75

S-3026

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 administer 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  
34 of health and human services that is consistent with the  
35 data required to be reported to the centers for Medicare and

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

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KEN ROZENBOOM

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MARK LOFGREN