

**House File 581 - Introduced**

HOUSE FILE 581  
BY COMMITTEE ON HUMAN  
RESOURCES

(SUCCESSOR TO HSB 48)

**A BILL FOR**

1 An Act relating to the licensure of ambulatory surgical  
2 centers, providing for fees to be considered repayment  
3 receipts, providing penalties, and including effective date  
4 provisions.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 135P.1 **Definitions.**

2 As used in this chapter, unless the context otherwise  
3 requires:

4 1. "*Ambulatory surgical center*" means a distinct facility  
5 that operates exclusively for the purpose of providing surgical  
6 services to patients not requiring hospitalization and in which  
7 the expected duration of services does not exceed twenty-four  
8 hours following an admission. "*Ambulatory surgical center*" does  
9 not include individual or group practice offices of private  
10 physicians or podiatrists that do not contain a distinct area  
11 used for outpatient surgical treatment on a regular basis, or  
12 that only provide surgery routinely provided in a physician's  
13 or podiatrist's office using local anesthesia or conscious  
14 sedation; individual or group practice offices of private  
15 dentists; or a portion of a licensed hospital designated for  
16 outpatient surgical treatment.

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

19 Sec. 2. NEW SECTION. 135P.2 **Purpose.**

20 The purpose of this chapter is to protect the public  
21 health, safety, and welfare by providing for the licensing and  
22 regulation of ambulatory surgical centers.

23 Sec. 3. NEW SECTION. 135P.3 **Licensure.**

24 A person, acting severally or jointly with any other person,  
25 shall not establish, operate, or maintain an ambulatory  
26 surgical center in this state without obtaining a license as  
27 provided under this chapter.

28 Sec. 4. NEW SECTION. 135P.4 **Application for license — fee.**

29 1. An applicant for an ambulatory surgical center license  
30 shall submit an application to the department. Applications  
31 shall be upon such forms and shall include such information  
32 as the department may reasonably require, which may include  
33 affirmative evidence of ability to comply with reasonable rules  
34 and standards prescribed under this chapter.

35 2. a. An application for an initial license for

1 an ambulatory surgical center that is in existence and  
2 Medicare-certified prior to July 1, 2014, shall be accompanied  
3 by a fee of fifty dollars.

4 *b.* An application for an initial license for an ambulatory  
5 surgical center established on or after July 1, 2014, shall  
6 be accompanied by a fee sufficient to cover the costs of  
7 performing the inspection required in section 135P.8 in an  
8 amount as provided in rules adopted by the department.

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

12 **Sec. 5. NEW SECTION. 135P.5 Issuance and renewal of**  
13 **license.**

14 1. Upon receipt of an application for license and the  
15 license fee, the department shall issue a license if the  
16 applicant and the ambulatory surgical center meet the  
17 requirements of this chapter and the rules adopted by the  
18 department.

19 2. A license shall be issued only for the premises and  
20 persons named in the application.

21 3. A license is not transferable or assignable except with  
22 the written approval of the department.

23 4. A license shall be posted in a conspicuous place on the  
24 licensed premises as prescribed by rule of the department.

25 5. Separate licenses are not required for ambulatory  
26 surgical center facilities that are maintained on the same  
27 physical site and that have the same ownership or control.  
28 Multiple buildings located on the same physical site under the  
29 same ownership or control shall be considered one ambulatory  
30 surgical center facility for purposes of this chapter and  
31 section 135.61, subsection 21, and may operate under one  
32 license.

33 6. A license, unless sooner suspended or revoked, shall  
34 expire on June 30 of each year and shall be renewed annually.  
35 The department shall renew a license upon payment of a five

1 hundred dollar annual license renewal fee and filing of an  
2 application for renewal at least thirty days prior to the  
3 expiration of the existing license. The annual licensure fee  
4 shall be considered a repayment receipt as defined in section  
5 8.2 and dedicated to support the staffing necessary to conduct  
6 the inspections and investigations provided in section 135P.8.

7     Sec. 6. NEW SECTION. 135P.6 Denial, suspension, or  
8 revocation of license — hearings and review.

9     1. The department may deny, suspend, or revoke a license in  
10 any case where it finds there has been a substantial failure  
11 to comply with this chapter or the rules and standards adopted  
12 under this chapter.

13     2. The denial, suspension, or revocation of a license by  
14 the department and appeal from that action are governed by the  
15 procedures for a contested case hearing under chapter 17A.

16     3. *a.* If the department finds, after providing notice of  
17 noncompliance and a reasonable time for corrective action, that  
18 an ambulatory surgical center is in repeated noncompliance with  
19 this chapter or the department's rules but that noncompliance  
20 does not endanger public health or safety, the department may  
21 issue a conditional license to the ambulatory surgical center  
22 as an alternative to suspending or revoking the ambulatory  
23 surgical center's license.

24     *b.* The department shall provide notice of its intent to  
25 issue a conditional license to the ambulatory surgical center  
26 and of the items of noncompliance not less than ten days before  
27 the date the conditional license is issued.

28     *c.* The department shall designate a period of not more  
29 than one year during which the ambulatory surgical center may  
30 operate under a conditional license.

31     *d.* During the period an ambulatory surgical center is  
32 operating under a conditional license, the ambulatory surgical  
33 center shall correct the items that are in noncompliance and  
34 report the corrections to the department for approval.

35     4. The department may suspend or revoke the license of an

1 ambulatory surgical center that does not correct items that  
2 are in noncompliance or that does not comply with this chapter  
3 or the rules adopted under this chapter within the applicable  
4 period.

5 5. The department may issue an emergency order to suspend  
6 a license issued under this chapter if the department has  
7 reasonable cause to believe that the conduct of the ambulatory  
8 surgical center creates an immediate danger to the public  
9 health and safety. An emergency suspension is effective  
10 immediately without a hearing or notice to the licensee. On  
11 written request of the licensee, the department shall conduct  
12 a hearing not earlier than the tenth day or later than the  
13 thirtieth day after the date the hearing request is received  
14 to determine if the emergency suspension is to be continued,  
15 modified, or rescinded. The hearing and any appeal are  
16 governed by the department's rules for a contested case hearing  
17 and chapter 17A.

18 Sec. 7. NEW SECTION. 135P.7 Rules.

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

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

31 3. An ambulatory surgical center which is in operation at  
32 the time of adoption of any applicable rules or standards under  
33 this chapter shall be given a reasonable time, not to exceed  
34 one year from the date of adoption, within which to comply with  
35 such rules and standards.

1 4. The department shall enforce the rules.

2 Sec. 8. NEW SECTION. 135P.8 **Inspections.**

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

9 2. The department shall recognize, in lieu of its own  
10 licensure inspection, the comparable inspection and inspection  
11 findings of a Medicare conditions for coverage survey completed  
12 by the department or an accrediting organization authorized by  
13 the centers for Medicare and Medicaid services with deeming  
14 authority.

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

24 Sec. 9. NEW SECTION. 135P.9 **Employee background checks.**

25 1. *a.* Prior to employment of a person in an ambulatory  
26 surgical center, the ambulatory surgical center shall request  
27 that the department of public safety perform a criminal  
28 history check and the department of human services perform  
29 child and dependent adult abuse record checks of the person  
30 in this state. An ambulatory surgical center shall inform  
31 all persons prior to employment regarding the performance of  
32 the record checks and shall obtain from the persons a signed  
33 acknowledgment of the receipt of the information.

34 *b.* An ambulatory surgical center shall include the following  
35 inquiry in an application for employment:

1 Do you have a record of founded child or dependent adult abuse  
2 or have you ever been convicted of a crime, in this state or any  
3 other state?

4 2. a. If it is determined that a person being considered  
5 for employment in an ambulatory surgical center has been  
6 convicted of a crime, the department of public safety shall  
7 notify the ambulatory surgical center that upon the request  
8 of the ambulatory surgical center the department of human  
9 services will perform an evaluation to determine whether the  
10 crime warrants prohibition of the person's employment in the  
11 ambulatory surgical center.

12 b. If a department of human services child or dependent  
13 adult abuse record check shows that the person has a record of  
14 founded child or dependent adult abuse, the department of human  
15 services shall notify the ambulatory surgical center that upon  
16 the request of the ambulatory surgical center the department of  
17 human services will perform an evaluation to determine whether  
18 the founded child or dependent adult abuse warrants prohibition  
19 of the person's employment in the ambulatory surgical center.

20 c. An evaluation performed under this subsection shall  
21 be performed in accordance with procedures adopted for this  
22 purpose by the department of human services.

23 d. (1) If a person owns or operates more than one  
24 ambulatory surgical center, and an employee of one of such  
25 ambulatory surgical centers is transferred to another such  
26 ambulatory surgical center without a lapse in employment,  
27 the ambulatory surgical center is not required to request  
28 additional criminal and child and dependent adult abuse record  
29 checks of that employee.

30 (2) If the ownership of an ambulatory surgical center is  
31 transferred, at the time of transfer the record checks required  
32 by this section shall be performed for each employee for whom  
33 there is no documentation that such record checks have been  
34 performed. The ambulatory surgical center may continue to  
35 employ such employee pending the performance of the record

1 checks and any related evaluation.

2 3. In an evaluation, the department of human services  
3 shall consider the nature and seriousness of the crime  
4 or founded child or dependent adult abuse in relation to  
5 the position sought or held, the time elapsed since the  
6 commission of the crime or founded child or dependent adult  
7 abuse, the circumstances under which the crime or founded  
8 child or dependent adult abuse was committed, the degree of  
9 rehabilitation, the likelihood that the person will commit  
10 the crime or founded child or dependent adult abuse again,  
11 and the number of crimes or founded child or dependent adult  
12 abuses committed by the person involved. If the department of  
13 human services performs an evaluation for the purposes of this  
14 section, the department of human services has final authority  
15 in determining whether prohibition of the person's employment  
16 is warranted.

17 4. a. Except as provided in paragraph "b" and subsection 2,  
18 a person who has been convicted of a crime or has a record of  
19 founded child or dependent adult abuse shall not be employed  
20 in an ambulatory surgical center licensed under this chapter  
21 unless an evaluation has been performed by the department of  
22 human services.

23 b. A person with a criminal or abuse record who is or was  
24 employed by an ambulatory surgical center licensed under this  
25 chapter and is hired by an employer who is another licensee  
26 without a lapse in employment shall be subject to the criminal  
27 history and abuse record checks required pursuant to subsection  
28 1. However, if an evaluation was previously performed by the  
29 department of human services concerning the person's criminal  
30 or abuse record and it was determined that the record did not  
31 warrant prohibition of the person's employment and the latest  
32 record checks do not indicate a crime was committed or founded  
33 abuse record was entered subsequent to that evaluation, the  
34 person may commence employment with the other licensee in  
35 accordance with the department of human services' evaluation



1 and an exemption from the requirements in paragraph "a" for  
2 reevaluation of the latest record checks is authorized.  
3 Otherwise, the requirements of paragraph "a" remain applicable  
4 to the person's employment. Authorization of an exemption  
5 under this lettered paragraph "b" from requirements for  
6 reevaluation of the latest record checks by the department of  
7 human services is subject to all of the following provisions:

- 8 (1) The position with the subsequent employer is  
9 substantially the same or has the same job responsibilities as  
10 the position for which the previous evaluation was performed.
- 11 (2) Any restrictions placed on the person's employment in  
12 the previous evaluation by the department of human services  
13 shall remain applicable in the person's subsequent employment.
- 14 (3) The person subject to the record checks has maintained a  
15 copy of the previous evaluation and provides the evaluation to  
16 the subsequent employer or the previous licensee provides the  
17 previous evaluation from the person's personnel file pursuant  
18 to the person's authorization. If a physical copy of the  
19 previous evaluation is not provided to the subsequent employer  
20 the record checks shall be reevaluated.
- 21 (4) Although an exemption under this lettered paragraph "b"  
22 may be authorized, the subsequent employer may instead request  
23 a reevaluation of the record checks and may employ the person  
24 while the reevaluation is being performed.

25 5. a. If a person employed by an ambulatory surgical center  
26 licensed under this chapter is convicted of a crime or has a  
27 record of founded child or dependent adult abuse entered in the  
28 abuse registry after the person's employment application date,  
29 the person shall inform the ambulatory surgical center of such  
30 information within forty-eight hours of the criminal conviction  
31 or entry of the record of founded child or dependent adult  
32 abuse. The ambulatory surgical center shall act to verify  
33 the information within forty-eight hours of notification. If  
34 the information is verified, the requirements of subsections  
35 2, 3, and 4 regarding employability and evaluations shall

1 be applied by the ambulatory surgical center to determine  
2 whether or not the person's employment is continued. The  
3 ambulatory surgical center may continue to employ the person  
4 pending the performance of an evaluation by the department  
5 of human services to determine whether prohibition of the  
6 person's employment is warranted. A person who is required by  
7 this subsection to inform the ambulatory surgical center of  
8 a conviction or entry of an abuse record and fails to do so  
9 within the required period commits a serious misdemeanor.

10 *b.* If an ambulatory surgical center receives credible  
11 information, as determined by the ambulatory surgical center,  
12 that a person employed by the ambulatory surgical center has  
13 been convicted of a crime or a record of founded child or  
14 dependent adult abuse has been entered in the abuse registry  
15 after employment from a person other than the employee and the  
16 employee has not informed the ambulatory surgical center of  
17 such information within the period required under paragraph  
18 "a", the ambulatory surgical center shall act to verify the  
19 credible information within forty-eight hours of receipt of  
20 the credible information. If the information is verified, the  
21 requirements of subsections 2, 3, and 4 regarding employability  
22 and evaluations shall be applied by the ambulatory surgical  
23 center to determine whether or not the person's employment is  
24 continued.

25 *c.* The ambulatory surgical center may notify the county  
26 attorney for the county where the ambulatory surgical center is  
27 located of any violation or failure by an employee to notify  
28 the ambulatory surgical center of a criminal conviction or  
29 entry of an abuse record within the period required under  
30 paragraph "a".

31 6. An ambulatory surgical center licensed under this  
32 chapter may access the single contact repository established by  
33 the department pursuant to section 135C.33 as necessary for the  
34 ambulatory surgical center to perform record checks of persons  
35 employed or being considered for employment by the ambulatory

1 surgical center.

2 Sec. 10. NEW SECTION. 135P.10 Confidentiality.

3 The department's final findings with respect to compliance  
4 by an ambulatory surgical center with requirements for  
5 licensing shall be made available to the public in a readily  
6 available form and place. Other information relating to  
7 an ambulatory surgical center obtained by the department  
8 which does not constitute the department's findings from an  
9 inspection of the ambulatory surgical center shall not be made  
10 available to the public, except in proceedings involving the  
11 denial, suspension, or revocation of a license under this  
12 chapter. The name of a person who files a complaint with the  
13 department shall remain confidential and shall not be subject  
14 to discovery, subpoena, or other means of legal compulsion for  
15 its release to a person other than department employees or  
16 agents involved in the investigation of the complaint.

17 Sec. 11. NEW SECTION. 135P.11 Injunction.

18 Notwithstanding the existence or pursuit of any other  
19 remedy, the department may, in the manner provided by law,  
20 maintain an action in the name of the state for injunction  
21 or other process against any person to restrain or prevent  
22 the establishment, operation, or maintenance of an ambulatory  
23 surgical center without a license.

24 Sec. 12. NEW SECTION. 135P.12 Judicial review.

25 Judicial review of an action of the department may be sought  
26 in accordance with chapter 17A. Notwithstanding the provisions  
27 of chapter 17A, petitions for judicial review may be filed  
28 in the district court of the county in which the ambulatory  
29 surgical center is located or is to be located and the status  
30 quo of the petitioner or licensee shall be preserved pending  
31 final disposition of the judicial review matter.

32 Sec. 13. NEW SECTION. 135P.13 Penalties.

33 Any person establishing, operating, or maintaining any  
34 ambulatory surgical center without a license commits a serious  
35 misdemeanor, and each day of continuing violation after

1 conviction shall be considered a separate offense.

2 Sec. 14. Section 135.11, Code 2013, is amended by adding the  
3 following new subsection:

4 NEW SUBSECTION. 32. Adopt rules requiring ambulatory  
5 surgical centers to report quality data to the department of  
6 public health that is consistent with the data required to be  
7 reported to the centers for Medicare and Medicaid services  
8 of the United States department of health and human services  
9 as authorized by the Medicare Improvements and Extension Act  
10 of 2006 under Title I of the Tax Relief and Health Care Act  
11 of 2006, Pub. L. No. 109-432, and the regulations adopted  
12 under such Acts. Notwithstanding any provision of law to  
13 the contrary, nothing in this subsection shall require an  
14 ambulatory surgical center to provide health data to the  
15 department of public health or any other public or private  
16 entity that is in addition to, different than, or exceeds  
17 the quality data required to be reported to the centers for  
18 Medicare and Medicaid services of the United States department  
19 of health and human services.

20 Sec. 15. Section 135.61, Code 2013, is amended by adding the  
21 following new subsection:

22 NEW SUBSECTION. 1A. "*Ambulatory surgical center*" means  
23 ambulatory surgical center as defined in section 135P.1.

24 Sec. 16. Section 135.61, subsection 14, paragraph d, Code  
25 2013, is amended to read as follows:

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

27 Sec. 17. Section 135.61, subsection 21, Code 2013, is  
28 amended by striking the subsection.

29 Sec. 18. EFFECTIVE DATE. This Act takes effect July 1,  
30 2014.

31 EXPLANATION

32 This bill creates a new Code chapter to provide for the  
33 licensing and regulation of ambulatory surgical centers.

34 The bill defines "ambulatory surgical center" as a distinct  
35 facility that operates exclusively for the purpose of providing

1 surgical services to patients not requiring hospitalization  
2 and in which the expected duration of services does not  
3 exceed 24 hours following an admission. "Ambulatory surgical  
4 center" does not include individual or group practice offices  
5 of private physicians or podiatrists that do not contain a  
6 distinct area used for outpatient surgical treatment on a  
7 regular basis, or that only provide surgery routinely provided  
8 in a physician's or podiatrist's office using local anesthesia  
9 or conscious sedation; individual or group practice offices of  
10 dentists; or a portion of a licensed hospital designated for  
11 outpatient surgical treatment. The department of inspections  
12 and appeals is designated to enforce the regulations.

13 The bill provides that the purpose of the new Code chapter is  
14 to protect the public health, safety, and welfare by providing  
15 for the licensing and regulation of ambulatory surgical  
16 centers. The bill prohibits the establishment, operation,  
17 or maintenance of an ambulatory surgical center in the state  
18 without obtaining a license.

19 The bill provides the process for application for licensure.  
20 An application for an initial license for an ambulatory  
21 surgical center that is in existence and Medicare-certified  
22 prior to July 1, 2014, is required to be accompanied by a  
23 fee of \$50. An application for an initial license for an  
24 ambulatory surgical center established on or after July 1,  
25 2014, is required to be accompanied by a fee sufficient to  
26 cover the costs of performing the required inspection in an  
27 amount provided in rules adopted by the department. The fees  
28 collected are repayment receipts and are to be used by the  
29 department to administer the chapter.

30 The bill provides for the issuance and renewal of licenses.  
31 A license is to be issued only for the premises and persons  
32 named in the application; is not transferable or assignable  
33 except with the written approval of the department; and is  
34 required to be posted in a conspicuous place on the licensed  
35 premises as prescribed by rule of the department. The bill

1 provides that separate licenses are not required for ambulatory  
2 surgical center facilities that are maintained on the same  
3 physical site and that have the same ownership or control.  
4 Multiple buildings located on the same physical site under  
5 the same ownership or control are considered one ambulatory  
6 surgical center facility for purposes of the new Code chapter  
7 and Code chapter 135, division VI, relating to the health  
8 facilities council and certificate of need provisions, and  
9 are to be permitted to operate under one license. Licenses  
10 expire on June 30 of each year and are required to be renewed  
11 annually. The bill directs the department to renew a license  
12 upon payment of a \$500 annual license renewal fee and filing  
13 of an application for renewal at least 30 days prior to the  
14 expiration of the existing license. The annual licensure fee  
15 is considered a repayment receipt and is to be dedicated to  
16 support the staffing necessary to conduct the inspections and  
17 investigations under the Code chapter.

18 The bill provides for denial, suspension, or revocation of  
19 licenses. A license may be denied, suspended, or revoked if  
20 the department finds there has been a substantial failure to  
21 comply with the Code chapter or the rules and standards adopted  
22 under the Code chapter. The denial, suspension, or revocation  
23 of a license by the department and appeal from that action are  
24 governed by the procedures for a contested case hearing under  
25 Code chapter 17A. The bill authorizes the department, after  
26 providing notice of noncompliance and a reasonable time for  
27 corrective action, and if the noncompliance does not endanger  
28 public health or safety, to issue a conditional license to the  
29 ambulatory surgical center as an alternative to suspending or  
30 revoking its license.

31 The bill also authorizes the department to issue an  
32 emergency order to suspend a license if the department has  
33 reasonable cause to believe that the conduct of the ambulatory  
34 surgical center creates an immediate danger to the public  
35 health or safety. On written request of the licensee, the

1 department is required to conduct a hearing to determine if  
2 the emergency suspension is to be continued, modified, or  
3 rescinded. The hearing and any appeal are governed by the  
4 department's rules for a contested case hearing and Code  
5 chapter 17A.

6 The bill directs the department to adopt rules with the  
7 advice and approval of the state board of health to specify  
8 the standards for ambulatory surgical centers. The rules are  
9 required to be consistent with and not exceed the requirements  
10 of the Code chapter and the conditions for coverage in the  
11 federal Medicare program for ambulatory surgical centers.  
12 The department is also directed to adopt rules relating to  
13 provisions of the Code chapter relating to the issuance,  
14 renewal, denial, suspension, and revocation of a license to  
15 establish, operate, and maintain an ambulatory surgical center.  
16 If an ambulatory surgical center is in operation at the time of  
17 adoption of any applicable rules or standards, the center is  
18 to be given a reasonable time, not to exceed one year from the  
19 date of adoption, within which to comply with such rules and  
20 standards.

21 The bill provides for inspections or investigations of  
22 ambulatory surgical centers, and directs that the department  
23 shall perform inspections on a schedule that is of the same  
24 frequency required for inspections of Medicare-certified  
25 ambulatory surgical centers. The bill also requires the  
26 department to recognize, in lieu of its own licensure  
27 inspection, the comparable inspection and inspection findings  
28 of a Medicare conditions for coverage survey.

29 The bill prohibits a department inspector from participating  
30 in an inspection or investigation of an ambulatory surgical  
31 center in which the inspector or a member of the inspector's  
32 immediate family works or has worked within the last two years  
33 or in which the inspector or the inspector's immediate family  
34 has a financial ownership interest.

35 The bill requires an ambulatory surgical center to comply

1 with child and dependent adult abuse information and criminal  
2 record checks and evaluations.

3 The bill provides confidentiality provisions relating to  
4 ambulatory surgical center information. The final findings  
5 with respect to compliance by an ambulatory surgical center  
6 are to be made available to the public in a readily available  
7 form and place. Other information relating to an ambulatory  
8 surgical center shall not be made available to the public,  
9 except in proceedings involving the denial, suspension, or  
10 revocation of a license. The name of a person who files  
11 a complaint with the department is required to remain  
12 confidential and not be subject to discovery, subpoena, or  
13 other means of legal compulsion.

14 The bill provides for injunctive relief and judicial review.

15 The bill provides that any person establishing, operating,  
16 or maintaining an ambulatory surgical center without a license  
17 commits a serious misdemeanor, and each day of continuing  
18 violation after conviction shall be considered a separate  
19 offense. A serious misdemeanor is punishable by confinement  
20 for no more than one year and a fine of at least \$315 but not  
21 more than \$1,875.

22 The bill also directs the department of public health  
23 to adopt rules requiring ambulatory surgical centers to  
24 report quality data to the department of public health that  
25 is consistent with the data required to be reported to the  
26 centers for Medicare and Medicaid services of the United States  
27 department of health and human services. However, the rules  
28 are not to require an ambulatory surgical center to provide  
29 health data to the department of public health or any other  
30 public or private entity that is in addition to, different  
31 than, or exceeds the quality data required to be reported to  
32 the centers for Medicare and Medicaid services of the United  
33 States department of health and human services.

34 The bill makes conforming changes in the Code to reflect the  
35 terminology of "ambulatory surgical center".



1 The bill takes effect July 1, 2014.