

House File 2122 - Introduced

HOUSE FILE 2122

BY BRINK

A BILL FOR

1 An Act relating to the information to be disclosed by a health
2 care provider as part of a referral of a patient to an
3 ambulatory surgical center, and providing penalties.

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

1 Section 1. NEW SECTION. 147.163 Disclosure of information
2 — referral to ambulatory surgical center — licensee discipline.

3 1. A health care provider who refers a patient to an
4 ambulatory surgical center for surgical services shall disclose
5 to the patient the difference between the provision of the
6 surgical services at a hospital compared with the ambulatory
7 surgical center. Such disclosure shall include but is not
8 limited to information regarding all of the following:

9 a. The ownership of the ambulatory surgical center.

10 b. Whether the patient's surgical service and medical status
11 are appropriate for an ambulatory surgical center setting.

12 c. The type of personnel generally involved in the patient's
13 surgical service and the capacity of the ambulatory surgical
14 center to comply with the personnel requirements.

15 d. The ability of the ambulatory surgical center to manage
16 complications from the patient's surgical service.

17 e. The time frame for transfer of the patient from the
18 ambulatory surgical center to a hospital licensed under chapter
19 135B located in closest proximity to the ambulatory surgical
20 center should complications arise from the surgical service.

21 f. The requirements for and type of anesthesia generally
22 used for the patient's surgical service and the capacity of
23 the ambulatory surgical center to comply with the anesthesia
24 requirements.

25 2. For the purposes of this section:

26 a. "*Ambulatory surgical center*" means a distinct facility
27 that operates exclusively for the purpose of providing surgical
28 services to patients not requiring hospitalization and in which
29 the expected duration of services does not exceed twenty-four
30 hours following an admission. "*Ambulatory surgical center*" does
31 not include individual or group practice offices of private
32 physicians or podiatrists that do not contain a distinct area
33 used for outpatient surgical treatment on a regular basis, or
34 that only provide surgery routinely provided in a physician's
35 or podiatrist's office using local anesthesia or conscious

1 sedation; individual or group practice offices of private
2 dentists; or a portion of a licensed hospital designated for
3 outpatient surgical treatment.

4 *b. "Health care provider"* means a person who is licensed,
5 certified, or otherwise authorized or permitted by the laws of
6 this state to administer health care in the ordinary course of
7 business or in the practice of a profession.

8 *c. "Hospital"* means the same as defined in section 135B.1.

9 3. A health care provider who violates this section is
10 subject to licensee discipline by the appropriate licensing or
11 disciplinary authority.

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EXPLANATION

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The inclusion of this explanation does not constitute agreement with
14 the explanation's substance by the members of the general assembly.

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15 This bill requires a health care provider who refers a
16 patient to an ambulatory surgical center for surgical services
17 to disclose to the patient the difference between the provision
18 of the surgical services at a hospital compared with the
19 ambulatory surgical center. The bill specifies the minimum
20 information to be disclosed. The bill defines "ambulatory
21 surgical center" for the purposes of the bill.

22 A health care provider who violates the bill is subject
23 to licensee discipline by the appropriate licensing or
24 disciplinary authority.