

House File 2405 - Introduced

HOUSE FILE 2405
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO HF 2122)

A BILL FOR

1 An Act relating to the information to be provided 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 Provision of information —
2 referral to ambulatory surgical center — licensee discipline.

3 1. A health care provider who determines that a patient
4 is a candidate for outpatient surgery, based on the patient's
5 medical status and surgical service needs, and refers the
6 patient to an ambulatory surgical center as an option for the
7 surgery, shall provide the patient with a written document
8 listing the factors the patient should consider to make a fully
9 informed decision about the recommended course of care. The
10 considerations shall include all of the following:

11 a. The differences in ownership; licensure, certification,
12 or accreditation; and payment alternatives between the
13 ambulatory surgical center and a hospital.

14 b. The types of medical personnel generally involved in the
15 patient's surgical service and the capacity of the ambulatory
16 surgical center and a hospital to comply with the personnel
17 requirements.

18 c. The capacity of the ambulatory surgical center and a
19 hospital to respond to medical complications and emergencies
20 that may arise from the surgical service.

21 d. The proximity of the ambulatory surgical center to a
22 hospital and the protocols in place for transfer of a patient
23 from the ambulatory surgical center to the hospital for
24 emergency care.

25 e. The type of anesthesia generally used for the patient's
26 surgical service and the capacity of the ambulatory surgical
27 center and a hospital to comply with requirements relative to
28 the use of anesthesia.

29 2. For the purposes of this section:

30 a. "*Ambulatory surgical center*" means a distinct facility
31 that operates exclusively for the purpose of providing surgical
32 services to patients not requiring hospitalization and in which
33 the expected duration of services does not exceed twenty-four
34 hours following an admission. "*Ambulatory surgical center*"
35 includes a facility that otherwise meets the definition of

1 ambulatory surgical center whether or not licensed, certified,
2 or accredited as an ambulatory surgical center and which may
3 or may not operate on a partially cash-only or completely
4 cash-only basis. "Ambulatory surgical center" does not include
5 individual or group practice offices of private physicians
6 or podiatrists that do not contain a distinct area used for
7 outpatient surgical treatment on a regular basis, or that
8 only provide surgery routinely provided in a physician's
9 or podiatrist's office using local anesthesia or conscious
10 sedation; individual or group practice offices of private
11 dentists; or a portion of a licensed hospital designated for
12 outpatient surgical treatment.

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

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

18 3. A health care provider who violates this section is
19 subject to licensee discipline by the appropriate licensing or
20 disciplinary authority.

21

EXPLANATION

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

24 This bill requires a health care provider who determines
25 that a patient is a candidate for outpatient surgery, based
26 on the patient's medical status and surgical service needs,
27 and refers the patient to an ambulatory surgical center as an
28 option for the surgery, to provide the patient with a written
29 document listing the factors the patient should consider to
30 make a fully informed decision about the recommended course of
31 care. The bill specifies the considerations to be included in
32 the written document and provides definitions of "ambulatory
33 surgical center", "health care provider", and "hospital" for
34 the purposes of the bill. A health care provider who violates
35 the bill is subject to licensee discipline.