Senate File 276 - Introduced

SENATE FILE 276
BY ROZENBOOM

(COMPANION TO HF 116 BY BRINK)

A BILL FOR

An Act relating to the information to be provided by a health care provider as part of a referral of a patient to an ambulatory surgical center, and providing for licensee discipline.

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

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

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

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

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

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

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

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

2. For the purposes of this section:

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

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

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

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

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

EXPLANATION

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

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