

Senate Study Bill 3096 - Introduced

SENATE FILE _____

BY (PROPOSED COMMITTEE ON
HEALTH AND HUMAN SERVICES
BILL BY CHAIRPERSON EDLER)

A BILL FOR

1 An Act relating to ambulatory surgical centers.

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

1 Section 1. Section 10A.711, subsection 2, Code 2024, is
2 amended to read as follows:

3 2. *"Ambulatory surgical center"* means ~~ambulatory surgical~~
4 ~~center as defined in [section 135R.1](#)~~ a distinct facility that
5 operates primarily 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"*
9 includes a facility certified or seeking certification as an
10 ambulatory surgical center under the federal Medicare program
11 or under the medical assistance program established pursuant
12 to chapter 249A. *"Ambulatory surgical center"* does not include
13 the individual or group practice office of a private physician,
14 podiatrist, or dentist who there engages in the lawful practice
15 of surgery, or the portion of a licensed hospital designated
16 for outpatient surgical treatment.

17 Sec. 2. Section 10A.713, subsection 2, Code 2024, is amended
18 by adding the following new paragraph:

19 NEW PARAGRAPH. *g.* Cosmetic, reconstructive, or plastic
20 surgery services provided in an ambulatory surgical center
21 licensed under chapter 135R.

22 Sec. 3. Section 135R.3, subsection 1, Code 2024, is amended
23 to read as follows:

24 1. An applicant for an ambulatory surgical center license
25 shall submit an application to the department. Applications
26 shall be upon such forms and shall include such information
27 as the department may reasonably require, which may include
28 affirmative evidence of the ability to comply with reasonable
29 rules and standards prescribed under [this chapter](#) but which
30 shall not exceed either the requirements for applications
31 required by Medicare, or an accreditation standard for the
32 joint commission, the American association for accreditation of
33 ambulatory surgical facilities, the accreditation association
34 for ambulatory health care, or an accrediting organization with
35 deeming authority authorized by the centers for Medicare and

1 Medicaid services of the United States department of health and
2 human services.

3 Sec. 4. Section 135R.5, subsection 2, Code 2024, is amended
4 to read as follows:

5 2. The department shall recognize, in lieu of its own
6 licensure inspection, the comparable inspection and inspection
7 findings of a Medicare conditions for coverage survey completed
8 by the department or an accrediting organization survey from an
9 accrediting organization with deeming authority authorized by
10 the centers for Medicare and Medicaid services of the United
11 States department of health and human services. An ambulatory
12 surgical center utilizing an accrediting organization survey
13 to satisfy the requirements of this section shall submit an
14 accreditation certificate to the department within thirty days
15 of completion of each accrediting organization survey.

16 EXPLANATION

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

19 This bill relates to ambulatory surgical centers (ASCs).
20 The bill defines "ambulatory surgical center" differently
21 for the purposes of Code chapter 10A (department of
22 inspections, appeals, and licensing) relative to the health
23 facilities council and certificate of need as compared with
24 Code chapter 135R (ambulatory surgical centers). Under Code
25 section 10A.711, "ambulatory surgical center" does not include
26 the individual or group practice office of a private physician,
27 podiatrist, or dentist who there engages in the lawful practice
28 of surgery, or the portion of a licensed hospital designated
29 for outpatient surgical treatment. Under Code section 135R.1,
30 "ambulatory surgical center" does not include the individual or
31 group practice office of a private physician, podiatrist, or
32 dentist who there engages in the lawful practice of surgery,
33 not including cosmetic, reconstructive, or plastic surgery, or
34 the portion of a licensed hospital designated for outpatient
35 surgical treatment.

1 The bill also exempts from the applicability of certificate
2 of need requirements, cosmetic, reconstructive, or plastic
3 surgery services provided in an ambulatory surgical center as
4 defined in Code section 135R.1, and as licensed pursuant to
5 Code chapter 135R.

6 The bill amends Code section 135R.3(1) to provide that the
7 application requirements for an ASC license shall not exceed
8 either the requirements for applications required by Medicare,
9 or an accreditation standard for the joint commission, the
10 American association for accreditation of ambulatory surgical
11 facilities, the accreditation association for ambulatory health
12 care, or an accrediting organization with deeming authority
13 authorized by the centers for Medicare and Medicaid services
14 (CMS) of the United States department of health and human
15 services.

16 Code section 135R.5(2) provides that the department of
17 inspections, appeals, and licensing (DIAL) shall recognize, in
18 lieu of its own licensure inspection, the comparable inspection
19 and inspections findings of a Medicare conditions survey
20 completed by DIAL or an accrediting organization with deeming
21 authority authorized by CMS. The bill provides instead that
22 DIAL shall recognize the comparable inspection and inspections
23 findings of a Medicare conditions survey completed by DIAL
24 or an accrediting organization survey from an accrediting
25 organization with deeming authority authorized by CMS. An ASC
26 utilizing an accrediting organization survey as specified shall
27 submit an accreditation certificate to DIAL within 30 days of
28 completion of each accrediting organization survey.