

HOUSE No. 1942

The Commonwealth of Massachusetts

PRESENTED BY:

Carolyn C. Dykema

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to office-based surgery.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>
<i>Pamela Dembski Hart</i>	<i>179 Rolling Meadow Drive</i> <input type="checkbox"/> <i>Holliston, MA 01746</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Cory Atkins</i>	<i>14th Middlesex</i>

HOUSE No. 1942

By Ms. Dykema of Holliston, a petition (accompanied by bill, House, No. 1942) of Carolyn C. Dykema and others relative to the accreditation of offices performing office-based surgery operated by a licensed health care provider or organization. Public Health.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act relative to office-based surgery.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION . Chapter 111 of the General Laws is hereby amended by adding the following
2 section:-
3 Section 230. (a) For the purposes of this section the following terms shall have the following
4 meanings:-
5 "Deep sedation/ analgesia", a drug-induced depression of consciousness during which patients
6 cannot be easily aroused but respond purposefully following repeated or painful stimulation. The
7 ability to independently maintain ventilatory function may be impaired. Patients may require
8 assistance in maintaining a patent airway, and spontaneous ventilation may be inadequate.
9 Cardiovascular function is usually maintained.
10 "General anesthesia", a state of unconsciousness intentionally produced by anesthetic agents,
11 with absence of pain sensation over the entire body, in which the patient's protective airway
12 reflexes may be impaired and the patient may be unable to maintain a patent natural airway.
13 Sedation that unintentionally progresses to the point at which the patient's protective airway
14 reflexes are impaired and the patient is unable to maintain a patent natural airway is considered
15 general anesthesia.
16 "Moderate sedation/ analgesia", a drug-induced depression of consciousness during which
17 patients respond purposefully to verbal commands, either alone or accompanied by tactile
18 stimulation. No interventions are required to maintain a patent airway, and spontaneous
19 ventilation is adequate. Cardiovascular function is usually maintained.
20 "Office-based surgery", any surgery or invasive medical procedure requiring analgesia or
21 sedation, when performed in a location other than a hospital or hospital associated surgical
22 center.

23 (b) Any office performing office-based surgery operated by a licensed health care provider or
24 organization at which moderate sedation/analgesia, deep sedation/analgesia or general anesthesia
25 is administered shall be accredited by at least one of the following entities: (1) The Medicare
26 program; (2) the Accreditation Association for Ambulatory Health Care; (3) the American
27 Association for Accreditation of Ambulatory Surgery Facilities, Inc.; (4) the Joint Commission
28 on Accreditation of Healthcare Organizations; or (5) any other nationally recognized accrediting
29 agency approved by the board of registration in medicine. Such accreditation shall be obtained
30 not later than 18 months after July 1, 2014, or 18 months after the date on which moderate
31 sedation/analgesia, deep sedation/analgesia or general anesthesia is first administered at such
32 office or facility, whichever is later. Upon the expiration of the applicable 18 month period, no
33 moderate sedation/analgesia, deep sedation/analgesia or general anesthesia may be administered
34 at any such office or facility that does not receive accreditation as required by this section.

35 (c) Evidence of such accreditation shall be maintained at any such office or facility at which
36 moderate sedation/analgesia, deep sedation/analgesia or general anesthesia is administered and
37 shall be made available for inspection upon request of the department.

38 (d) The board of registration in medicine may revoke, suspend or deny renewal of the license
39 of a practitioner who violates this section.