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SENATE BILL 5593

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State of Washington

65th Legislature

2017 Regular Session

By Senators Frockt, Becker, Rivers, and O'Ban

1 AN ACT Relating to postsurgical care; amending RCW 70.230.010 and  
2 70.230.050; and adding a new section to chapter 70.230 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 70.230.010 and 2011 c 76 s 1 are each amended to  
5 read as follows:

6 The definitions in this section apply throughout this chapter  
7 unless the context clearly requires otherwise.

8 (1) "Ambulatory surgical facility" means any distinct entity that  
9 operates for the primary purpose of providing specialty or  
10 multispecialty outpatient surgical services in which patients are  
11 admitted to and discharged from the facility within twenty-four hours  
12 and do not require inpatient hospitalization, whether or not the  
13 facility is certified under Title XVIII of the federal social  
14 security act. An ambulatory surgical facility includes one or more  
15 surgical suites that are adjacent to and within the same building as,  
16 but not in, the office of a practitioner in an individual or group  
17 practice, if the primary purpose of the one or more surgical suites  
18 is to provide specialty or multispecialty outpatient surgical  
19 services, irrespective of the type of anesthesia administered in the  
20 one or more surgical suites. An ambulatory surgical facility that is  
21 adjacent to and within the same building as the office of a

1 practitioner in an individual or group practice may include a  
2 surgical suite that shares a reception area, restroom, waiting room,  
3 or wall with the office of the practitioner in an individual or group  
4 practice.

5 (2) "Department" means the department of health.

6 (3) "General anesthesia" means a state of unconsciousness  
7 intentionally produced by anesthetic agents, with absence of pain  
8 sensation over the entire body, in which the patient is without  
9 protective reflexes and is unable to maintain an airway.

10 (4) "Person" means an individual, firm, partnership, corporation,  
11 company, association, joint stock association, and the legal  
12 successor thereof.

13 (5) "Postsurgical care center" means a designated site that is  
14 either freestanding or a defined unit of an ambulatory surgical  
15 facility which provides medical and nursing services limited to  
16 postsurgical care services and which may provide related physical  
17 therapy and occupational therapy. A postsurgical care center is not a  
18 hospital as defined by RCW 70.41.020(7).

19 (6) "Postsurgical care services" means postsurgical and  
20 postdiagnostic medical and nursing services, physical therapy, and  
21 occupational therapy provided to patients for whom, in the opinion of  
22 the attending physician, it is reasonable to expect an uncomplicated  
23 recovery. Such patients are not expected to require intensive care  
24 services, cardiac care services, or critical care services.  
25 Postsurgical care services do not include surgical services,  
26 radiological services, or obstetrical services.

27 (7) "Practitioner" means any physician or surgeon licensed under  
28 chapter 18.71 RCW, an osteopathic physician or surgeon licensed under  
29 chapter 18.57 RCW, or a podiatric physician or surgeon licensed under  
30 chapter 18.22 RCW.

31 ~~((6))~~ (8) "Secretary" means the secretary of health.

32 ~~((7))~~ (9) "Surgical services" means invasive medical procedures  
33 that:

34 (a) Utilize a knife, laser, cautery, cryogenics, or chemicals;  
35 and

36 (b) Remove, correct, or facilitate the diagnosis or cure of a  
37 disease, process, or injury through that branch of medicine that  
38 treats diseases, injuries, and deformities by manual or operative  
39 methods by a practitioner.

1       **Sec. 2.** RCW 70.230.050 and 2016 c 146 s 3 are each amended to  
2 read as follows:

3       (1) An applicant for a license to operate an ambulatory surgical  
4 facility must demonstrate the ability to comply with the standards  
5 established for operating and maintaining an ambulatory surgical  
6 facility in statute and rule, including:

7       (a) Submitting a written application to the department providing  
8 all necessary information on a form provided by the department,  
9 including a list of surgical specialties offered;

10       (b) Submitting building plans for review and approval by the  
11 department for new construction, alterations other than minor  
12 alterations, and additions to existing facilities, prior to obtaining  
13 a license and occupying the building;

14       (c) Demonstrating the ability to comply with this chapter and any  
15 rules adopted under this chapter;

16       (d) Cooperating with the department during on-site surveys prior  
17 to obtaining an initial license or renewing an existing license;

18       (e) Providing such proof as the department may require concerning  
19 the ownership and management of the ambulatory surgical facility,  
20 including information about the organization and governance of the  
21 facility and the identity of the applicant, officers, directors,  
22 partners, managing employees, or owners of ten percent or more of the  
23 applicant's assets;

24       (f) Submitting proof of operation of a coordinated quality  
25 improvement program in accordance with RCW 70.230.080;

26       (g) Submitting a copy of the facility safety and emergency  
27 training program established under RCW 70.230.060;

28       (h) Identifying any postsurgical care center operated by the  
29 ambulatory surgical facility;

30       (i) Paying any fees established by the secretary under RCW  
31 43.70.110 and 43.70.250; and

32       (~~(i)~~) (j) Providing any other information that the department  
33 may reasonably require.

34       (2) A license is valid for three years, after which an ambulatory  
35 surgical facility must submit an application for renewal of license  
36 upon forms provided by the department and the renewal fee as  
37 established in RCW 43.70.110 and 43.70.250. The applicant must  
38 demonstrate the ability to comply with the standards established for  
39 operating and maintaining an ambulatory surgical facility in  
40 statutes, standards, and rules. The applicant must submit the license

1 renewal document no later than thirty days prior to the date of  
2 expiration of the license.

3 (3) The applicant may demonstrate compliance with any of the  
4 requirements of subsection (1) of this section by providing  
5 satisfactory documentation to the secretary that it has met the  
6 standards of an accreditation organization or federal agency that the  
7 secretary has determined to have substantially equivalent standards  
8 as the statutes and rules of this state.

9 NEW SECTION. **Sec. 3.** A new section is added to chapter 70.230  
10 RCW to read as follows:

11 (1) An ambulatory surgical facility may offer postsurgical care  
12 services in a postsurgical care center. The maximum length of stay  
13 for patients in a postsurgical care center is not to exceed seventy-  
14 two hours. If a patient requires an additional care period after the  
15 expiration of the seventy-two hour limit, the patient must be  
16 transferred to an appropriate facility.

17 (2) A postsurgical care center must be no larger than four beds  
18 per operating room.

19 (3) An ambulatory surgical facility that provides postsurgical  
20 care services shall include those services and any postsurgical care  
21 center where those services are provided in its facility safety and  
22 emergency training plan maintained in accordance with RCW 70.230.060  
23 and its coordinated quality improvement program maintained in  
24 accordance with RCW 70.230.080.

25 (4) An ambulatory surgical facility that provides postsurgical  
26 care services shall ensure any postsurgical care center where those  
27 services are provided meets the applicable chapters of the 2006  
28 guidelines for the design and construction of health care facilities.

29 (5) An ambulatory surgical facility that offers postsurgical care  
30 services in a postsurgical care center shall maintain a contractual  
31 relationship, including a transfer agreement, with a general acute  
32 care hospital.

33 (6) The department shall make or cause to be made a survey of any  
34 postsurgical care center where an ambulatory surgical facility  
35 provides postsurgical care services in coordination with any survey  
36 conducted of the ambulatory surgical facility pursuant to RCW  
37 70.230.100.

38 (7) The department shall adopt rules to implement the provisions  
39 of this section concerning postsurgical care centers by July 1, 2018.

1           (8) Notwithstanding any other law to the contrary, a postsurgical  
2 care center is not subject to certificate of need review, nor is any  
3 ambulatory surgical facility, by virtue of adding a postsurgical care  
4 center, subject to certificate of need review.

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