
BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: S-4154.1/16

ATTY/TYPIST: AR:akl

BRIEF DESCRIPTION: Concerning ambulatory surgical facilities.

1 AN ACT Relating to ambulatory surgical facilities; amending RCW
2 70.230.020, 70.230.050, and 70.230.100; and repealing RCW 70.230.180.

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

4 **Sec. 1.** RCW 70.230.020 and 2007 c 273 s 2 are each amended to
5 read as follows:

6 The secretary shall:

7 (1) Issue a license to any ambulatory surgical facility that:

8 (a) Submits payment of the fee established in (~~section 7,~~
9 ~~chapter 273, Laws of 2007~~)) RCW 43.70.110 and 43.70.250;

10 (b) Submits a completed application that demonstrates the ability
11 to comply with the standards established for operating and
12 maintaining an ambulatory surgical facility in statute and rule. An
13 ambulatory surgical facility shall be deemed to have met the
14 standards if it submits proof of certification as a medicare
15 ambulatory surgical facility or accreditation by an organization that
16 the secretary has determined to have substantially equivalent
17 standards to those of the department; and

18 (c) Successfully completes the survey requirements established in
19 RCW 70.230.100;

20 (2) Develop an application form for applicants for a license to
21 operate an ambulatory surgical facility;

1 (3) Initiate investigations and enforcement actions for
2 complaints or other information regarding failure to comply with this
3 chapter or the standards and rules adopted under this chapter;

4 (4) Conduct surveys of facilities, including reviews of medical
5 records and documents required to be maintained under this chapter or
6 rules adopted under this chapter;

7 (5) By March 1, 2008, determine which accreditation organizations
8 have substantially equivalent standards for purposes of deeming
9 specific licensing requirements required in statute and rule as
10 having met the state's standards; and

11 (6) Adopt any rules necessary to implement this chapter.

12 **Sec. 2.** RCW 70.230.050 and 2007 c 273 s 5 are each amended to
13 read as follows:

14 (1) An applicant for a license to operate an ambulatory surgical
15 facility must demonstrate the ability to comply with the standards
16 established for operating and maintaining an ambulatory surgical
17 facility in statute and rule, including:

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

21 (b) Submitting building plans for review and approval by the
22 department for new construction, alterations other than minor
23 alterations, and additions to existing facilities, prior to obtaining
24 a license and occupying the building;

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

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

29 (e) Providing such proof as the department may require concerning
30 the ownership and management of the ambulatory surgical facility,
31 including information about the organization and governance of the
32 facility and the identity of the applicant, officers, directors,
33 partners, managing employees, or owners of ten percent or more of the
34 applicant's assets;

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

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

1 (h) Paying any fees established by the secretary under (~~section~~
2 ~~7, chapter 273, Laws of 2007~~) RCW 43.70.110 and 43.70.250; and

3 (i) Providing any other information that the department may
4 reasonably require.

5 (2) A license is valid for three years, after which an ambulatory
6 surgical facility must submit an application for renewal of license
7 upon forms provided by the department and the renewal fee as
8 established in (~~section 7, chapter 273, Laws of 2007~~) RCW 43.70.110
9 and 43.70.250. The applicant must demonstrate the ability to comply
10 with the standards established for operating and maintaining an
11 ambulatory surgical facility in statutes, standards, and rules. The
12 applicant must submit the license renewal document no later than
13 thirty days prior to the date of expiration of the license.

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

20 **Sec. 3.** RCW 70.230.100 and 2007 c 273 s 11 are each amended to
21 read as follows:

22 (1) The department shall make or cause to be made a survey of all
23 ambulatory surgical facilities every eighteen months. Every survey of
24 an ambulatory surgical facility may include an inspection of every
25 part of the surgical facility. The department may make an examination
26 of all phases of the ambulatory surgical facility operation necessary
27 to determine compliance with all applicable statutes, rules, and
28 regulations. In the event that the department is unable to make a
29 survey or cause a survey to be made during the three years of the
30 term of the license, the license of the ambulatory surgical facility
31 shall remain in effect until the state conducts a survey or a
32 substitute survey is performed if the ambulatory surgical facility is
33 in compliance with all other licensing requirements.

34 (2) An ambulatory surgical facility shall be (~~deemed~~)
35 determined to have met the survey standards of this section if it
36 submits proof of medicare certification (~~as a medicare ambulatory~~
37 ~~surgical facility or accreditation~~) through an accrediting
38 organization or accreditation of the entire licensed facility space
39 by an organization that the secretary has (~~determined to have~~)

1 accepted as having substantially equivalent survey standards to those
2 of the department. A survey performed pursuant to medicare
3 certification or by ~~((an approved))~~ a secretary-approved accrediting
4 organization may substitute for a state licensing survey ~~((by the~~
5 ~~department))~~ if:

6 (a) The ambulatory surgical facility has satisfactorily completed
7 a survey by the department in the previous eighteen months; ~~((and))~~

8 (b) Within thirty days of ~~((learning the result of a))~~ having a
9 medicare or accreditation survey by a secretary-approved accrediting
10 organization, the ambulatory surgical facility provides the
11 department with documentary evidence that the ~~((ambulatory surgical~~
12 ~~facility has been certified or accredited as a result of a))~~ survey
13 took place and the date of the survey; and

14 (c) Within ninety days of having a medicare survey or
15 accreditation survey by a secretary-approved accrediting
16 organization, the ambulatory surgical facility provides the
17 department with the survey findings, results, and approved plans of
18 correction.

19 (3) ~~((Ambulatory surgical facilities shall make the written~~
20 ~~reports of surveys conducted pursuant to medicare certification~~
21 ~~procedures or by an approved accrediting organization available to~~
22 ~~department surveyors during any department surveys, upon request.))~~

23 An ambulatory surgical facility shall be determined to have met the
24 survey standards of this section if it maintains its medicare
25 certification through surveys conducted by the department and submits
26 proof of accreditation of the entire licensed facility space by an
27 organization that the secretary has determined to have substantially
28 equivalent survey standards to this chapter. Surveys performed
29 pursuant to medicare certification through the department and by a
30 secretary-approved accrediting organization may substitute for the
31 state licensing survey requirement if:

32 (a) The ambulatory surgical facility has satisfactorily completed
33 an initial licensing survey prior to state licensure;

34 (b) Within thirty days of having an accreditation survey by a
35 secretary-approved accrediting organization, the ambulatory surgical
36 facility provides the department with documentary evidence that the
37 survey took place and the date of the survey; and

38 (c) Within ninety days of having an accreditation survey by a
39 secretary-approved accrediting organization, the ambulatory surgical

1 facility provides the department with the survey findings, results,
2 and approved plans of correction.

3 (4) Ambulatory surgical facilities must make all survey related
4 reports pursuant to medicare certification procedures or by a
5 secretary-approved accrediting organization available to the
6 department upon its request.

7 (5) An ambulatory surgical facility that has not met the survey
8 standards in the manner outlined in subsection (2) or (3) of this
9 section is subject to an on-site state licensing survey and must pay
10 an inspection fee established by the department under RCW 43.70.110
11 and 43.70.250.

12 (6)(a) The department may conduct nonroutine on-site state
13 surveys of ambulatory surgical facilities based on the following
14 conditions:

15 (i) Survey-based evidence of substantial noncompliance with the
16 standards of this chapter or rules of the department; or

17 (ii) A complaint investigation that results in substantiated
18 allegations that raise concerns related to patient safety.

19 (b) Ambulatory surgical facilities requiring a nonroutine on-site
20 state survey due to (a)(i) or (ii) of this subsection are subject to
21 an inspection fee established by the department under RCW 43.70.110
22 and 43.70.250.

23 (7) The department must perform validation surveys on ambulatory
24 surgical facilities that previously received a survey through a
25 secretary-approved accrediting organization to determine that the
26 accrediting organization's standards continue to be equivalent with
27 this chapter and are enforced. The department is authorized to
28 perform a validation survey on no greater than ten percent annually
29 of each type of certification or accreditation survey. Nonroutine on-
30 site state surveys in subsection (6) of this section are not
31 considered validation surveys.

32 (8) An ambulatory surgical facility that receives a validation
33 survey under subsection (7) of this section is not subject to the
34 inspection fee established by the department under RCW 43.70.110 and
35 43.70.250.

36 NEW SECTION. Sec. 4. RCW 70.230.180 (Ambulatory surgical
37 facility account) and 2007 c 273 s 19 are each repealed.

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