

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1692 Session of
2001

INTRODUCED BY O'BRIEN, D. EVANS, FICHTER, BENNINGHOFF, SCHRODER,
STURLA, DAILEY, HARHART AND FLEAGLE, JUNE 4, 2001

REFERRED TO COMMITTEE ON HEALTH AND HUMAN SERVICES, JUNE 4, 2001

AN ACT

1 Amending the act of July 19, 1979 (P.L.130, No.48), entitled "An
2 act relating to health care; prescribing the powers and
3 duties of the Department of Health; establishing and
4 providing the powers and duties of the State Health
5 Coordinating Council, health systems agencies and Health Care
6 Policy Board in the Department of Health, and State Health
7 Facility Hearing Board in the Department of Justice;
8 providing for certification of need of health care providers
9 and prescribing penalties," requiring ambulatory surgical
10 facility extended stay standards.

11 The General Assembly of the Commonwealth of Pennsylvania
12 hereby enacts as follows:

13 Section 1. The act of July 19, 1979 (P.L.130, No.48), known
14 as the Health Care Facilities Act, is amended by adding a
15 section to read:

16 Section 2126. Ambulatory Surgical Facility Extended Stay
17 Standards.--(a) As used in this section, the following words
18 and phrases shall have the meaning given to them in this
19 subsection:

20 "Ambulatory surgical facility" shall mean a facility or
21 portion thereof not located upon the premises of a hospital

which provides specialty or multispecialty surgical treatment to patients who do not require hospitalization, but who require constant medical supervision for a period less than twenty-four (24) hours following discharge from the operating room. The term does not include individual or group practice offices of private physicians or dentists, unless such offices have a distinct part used solely for outpatient surgical treatment on a regular and organized basis.

"Extended Stay" shall mean a stay in an extended stay unit at the ambulatory surgical facility after discharge from the post-anesthesia unit.

(b) Except as provided in subsection (a), all other words and phrases used in this section shall have the meaning given to them in the act of July 19, 1979 (P.L.130, No.48), known as the "Health Care Facilities Act."

(c) Within one year after the effective date of this section, the Department of Health shall publish in the Pennsylvania Bulletin proposed regulations establishing revised standards for licensure of ambulatory surgical facilities providing extended stay services to patients, other than pediatric patients, including, but not limited to:

(1) Sufficient bed accommodations and access to a bathroom with a shower.

(2) Fire and safety standards.

(3) Personnel and equipment requirements.

(4) Requiring an anesthetist to remain present until a patient has been discharged from the post-anesthesia recovery unit.

(5) Requiring a physician to be on call until the patient is discharged from the extended stay unit.

1 (6) Requiring the provision of dietary services directly or
2 through a contracted vendor.

3 (7) Requiring that not more than four (4) patients receive
4 extended stay services at any one time.

5 (d) In no event shall the total time in a post-anesthesia
6 unit or extended stay unit exceed twenty-three (23) hours and
7 fifty-nine (59) minutes following discharge from the operating
8 room.

9 (e) The standards required by this section shall be
10 consistent with current standards for ambulatory surgical
11 facilities, including standards for construction, and not
12 inpatient facilities, such as hospitals, hospices and long-term
13 care nursing facilities and shall appropriately reflect the
14 lesser intensity of services and the better health of ambulatory
15 surgical facility patients as compared to hospital patients.

16 (f) The adoption of standards for extended stay units in
17 ambulatory surgical facilities shall not be construed as
18 authorizing ambulatory surgical procedures to generally exceed a
19 total of four (4) hours of operating time and a total of four
20 (4) hours of directly supervised recovery in a post-anesthesia
21 unit.

22 Section 2. This act shall take effect in 60 days.