
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 818 Session of
2021

INTRODUCED BY J. WARD, MARTIN, PITTMAN, PHILLIPS-HILL, STEFANO,
MENSCH, BROWNE, BAKER, ARGALL, SCHWANK, CAPPELLETTI, SCAVELLO
AND COLLETT, JULY 26, 2021

REFERRED TO HEALTH AND HUMAN SERVICES, JULY 26, 2021

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," in licensing of health care
10 facilities, providing for ambulatory surgical facility
11 permitted surgical procedures.

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

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

17 Section 822. Ambulatory surgical facility permitted surgical
18 procedures.

19 (a) Exception or waiver.--An ambulatory surgical facility
20 may seek an exception or waiver from the department for surgical
21 procedures not specified on the Centers for Medicare and
22 Medicaid Services (CMS) Ambulatory Surgical Center Covered

1 Procedures List (ASC-CPL), or its successor, or otherwise
2 provided by law or regulation.

3 (b) Permitted surgical procedures.--The following are
4 permitted and shall not require an application or request for an
5 exception or waiver from the department:

6 (1) Surgical procedures permitted under Federal or State
7 law or regulation.

8 (2) Surgical procedures specified on the Centers for
9 Medicare and Medicaid Services (CMS) Ambulatory Surgical
10 Center Covered Procedures List (ASC-CPL), or its successor.

11 (c) Publication of surgical procedures.--The department
12 shall transmit notice to the Legislative Reference Bureau for
13 publication in the Pennsylvania Bulletin of the surgical
14 procedures specified on the Centers for Medicare and Medicaid
15 Services (CMS) Ambulatory Surgical Center Covered Procedures
16 List (ASC-CPL), and any updates to the ASC-CPL made by the
17 Centers for Medicare and Medicaid Services (CMS) shall be
18 transmitted by the department separately as notices to the
19 Legislative Reference Bureau for publication in the Pennsylvania
20 Bulletin. The department shall publish and maintain the complete
21 ASC-CPL on the department's publicly accessible Internet
22 website.

23 Section 2. The provisions of 28 Pa. Code § 551.21(d)(1), (2)
24 and (3) are abrogated. The provisions of 28 Pa. Code Chs. 51 and
25 551-571 are abrogated to the extent that they are inconsistent
26 with section 822 of the act.

27 Section 3. This act shall take effect in 60 days.