

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

AS AMENDED ON THIRD CONSIDERATION, JANUARY 18, 2022

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~~, ON THE EFFECTIVE <--
2 DATE OF THIS SECTION or otherwise 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 AN AMBULATORY SURGICAL FACILITY MAY PERFORM SURGICAL <--
12 PROCEDURES PERMITTED UNDER FEDERAL OR STATE LAW OR REGULATION
13 AND SURGICAL PROCEDURES SPECIFIED ON THE ASC-CPL ON THE
14 EFFECTIVE DATE OF THIS SECTION, IF IT DOES NOT CONFLICT WITH
15 FEDERAL OR STATE LAW OR REGULATION, WITHOUT SUBMITTING A
16 REQUEST FOR AN EXCEPTION OR WAIVER FROM THE DEPARTMENT FOR
17 APPROVAL.

18 (c) Publication of surgical procedures.--The department
19 shall transmit notice to the Legislative Reference Bureau for
20 publication in the Pennsylvania Bulletin of ~~the surgical~~ <--

21 ~~procedures specified on the Centers for Medicare and Medicaid~~
22 ~~Services (CMS) Ambulatory Surgical Center Covered Procedures~~
23 ~~List (ASC CPL), and any updates to the ASC-CPL made by the~~

24 Centers for Medicare and Medicaid Services (CMS). THE UPDATES <--
25 shall be transmitted by the department separately as notices to
26 the Legislative Reference Bureau for publication in the
27 Pennsylvania Bulletin. The department shall publish and maintain
28 the complete ASC-CPL on the department's publicly accessible
29 Internet website.

30 Section 2. The provisions of 28 Pa. Code § 551.21(d)(1), (2)

1 and (3) are abrogated. The provisions of 28 Pa. Code Chs. 51 and
2 551-571 are abrogated to the extent that they are inconsistent
3 with section 822 of the act.

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