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Department of Health
Bureau of Health Services Financing

Public Hearing—Substantive Changes to Proposed Rule
Ambulatory Surgical Centers
Licensing Standards
(LAC 48:I.4503, 4567, 4569 and 4573)

In accordance with the provisions of the Administrative Procedures Act, R.S. 49:950 et seq., the Department of Health, Bureau of Health Services Financing published a Notice of Intent in the February 20, 2017 edition of the *Louisiana Register* (LR 43:429-455) to repeal and replace LAC 48:I.Chapter 45 in the Medical Assistance Program as authorized by R.S. 36:254 and R.S. 40:2131-2141. This Notice of Intent proposed to repeal and replace the licensing standards governing ambulatory surgical centers in order to: 1) clarify the existing provisions; 2) provide for inactivation of the provider license in the event of specific qualifying events or circumstances; 3) establish provisions which allow ambulatory surgical centers to enter into use agreements; and 4) ensure consistency with other licensing rules, regulations and processes.

The department conducted a public hearing on this Notice of Intent on March 30, 2017 to solicit comments and testimony on the proposed Rule. As a result of the comments received, the department now proposes to amend the provisions in §4503 and

§§4567, 4569 and 4573 of the proposed Rule to further clarify these provisions.

Taken together, all of these revisions will closely align the proposed Rule with the department's original intent and the concerns brought forth during the comment period for the Notice of Intent as originally published. No fiscal or economic impact will result from the amendments proposed in this notice.

Title 48

PUBLIC HEALTH—GENERAL

Part I. General Administration

Subpart 3. Licensing and Certification

Chapter 45. Ambulatory Surgical Center

Subchapter A. General Provisions

§4503. Definitions

Ambulatory Surgical Center (ASC)—a distinct entity that is wholly separate and clearly distinguishable from any other healthcare facility or office-based physician's practice. An ASC shall be composed of operating room(s) and/or procedure room(s) with an organized medical staff of physicians and permanent facilities that are equipped and operated primarily for the purpose of performing surgical procedures. An ASC provides continuous physician and professional nursing services to patients whenever a patient is in the ASC, but does not

provide services or accommodations for patients to stay overnight.

1. - 2. ...

3. An ASC that enters into a use agreement with another entity/individual shall have separate, designated hours of operation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2131-2141.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 43:

Subchapter E. Facility Responsibilities

§4567. Staffing Requirements

A. - A.3. ...

B. Administrator/Director

1. Each ASC shall have a qualified administrator/director who is an on-site employee responsible for the day-to-day management, supervision and operation of the ASC.

2. - E.3. ...

4. A personnel file shall be maintained within the ASC on every employee, including contracted employees and personnel providing services under a use agreement. Policies and procedures shall be developed to determine the contents of

each personnel file. At a minimum, all personnel files shall include the following:

a. - e. ...

f. criminal background checks for UAPs, prior to offer of direct or contract employment after the effective date of this Rule, as applicable and in accordance with state law. The criminal background check shall be conducted by the Louisiana State Police or its authorized agent; and

g. any other screenings required of new applicants by state law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2131-2141.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 43:

§4569. Medical Records

A. - H. ...

I. The following data shall be documented and included as part of each patient's basic medical record:

1. - 15. ...

16. anesthesia record to include, but not limited to:

a. - b. ...

c. person administering the anesthesia; and

d. post-anesthesia report;

17. - R.1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S.
40:2131-2141.

HISTORICAL NOTE: Promulgated by the Department of
Health, Bureau of Health Services Financing, LR 43:

§4573. Quality Assurance and Performance Improvement

A. The governing body shall ensure that there is an implemented, maintained, effective, written, data-driven and ongoing program designed to assess and improve the quality of patient care. This program shall include all services, provided directly or through contract, and those services provided under a use agreement, where applicable.

B. - J.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S.
40:2131-2141.

HISTORICAL NOTE: Promulgated by the Department of
Health, Bureau of Health Services Financing, LR 43:

Interested persons may submit written comments to Cecile Castello, Health Standards Section, P.O. Box 3767, Baton Rouge, LA 70821 or by email to MedicaidPolicy@la.gov. Ms. Castello is responsible for responding to inquiries regarding these substantive amendments to the proposed Rule. A public hearing on these substantive changes to the proposed Rule is scheduled for Thursday, July 27, 2017 at 9:30 a.m. in Room 118, Bienville Building, 628 North Fourth Street, Baton Rouge, LA. At that

time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

Rebekah E. Gee MD, MPH

Secretary