

architect and/or a qualified licensed engineer and shall include scaled architectural plans stamped by an architect.

1. For all new construction, additions, and renovations, ambulatory surgical centers (ASC) shall follow the 2014 Edition of the Facility Guidelines Institute, Guidelines for Design and Construction of Hospitals and Outpatient Facilities, as adopted by the OSFM for building and construction.

2. The department's secretary may, within his/her sole discretion, grant waivers to building and construction guidelines or requirements, and to provisions of the licensing rules involving the clinical operation of the ASC. The facility shall submit a waiver request in writing to the department's licensing section on forms prescribed by the department.

a. In the waiver request, the facility shall demonstrate the following:

i. how patient health, safety, and welfare will not be compromised if such waiver is granted;

ii. how the quality of care offered will not be compromised if such waiver is granted; and

iii. the ability of the facility to completely fulfill all other requirements of the service, condition, or regulation.

b. The department's licensing section shall have each waiver request reviewed by an internal waiver review committee (WRC). In conducting such internal waiver review, the following shall apply:

i. the WRC may consult subject matter experts, including the OSFM; and

ii. the WRC may require the facility to submit risk assessments or other documentation to the department.

c. The director of the department's licensing section shall submit the WRC's recommendation on each waiver to the secretary or the secretary's designee for final determination.

d. The department shall issue a written decision of the waiver request to the facility. The granting of any waiver may be for a specific length of time.

e. The written decision of the waiver request is final. There is no right to an appeal of the decision of the waiver request.

f. If any waiver is granted, it is not transferrable in an ownership change or change of location.

g. Waivers are subject to review and revocation upon any change of circumstance related to the waiver or upon a finding that the health, safety, or welfare of a patient may be compromised.

h. Any waivers granted by the department prior to February 15, 2026, shall remain in place subject to any time limitations on such waivers. Further, such waivers shall be subject to the following:

i. review or revocation upon any change in circumstance related to the waiver or upon a finding that the health, safety, or welfare of a patient may be compromised; and

ii. are not transferrable in an ownership change or change of location.

E. - F.3. ...

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 43:1755

#### **Family Impact Statement**

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability and autonomy as described in R.S. 49:972.

#### **Poverty Impact Statement**

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

#### **Small Business Analysis**

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will not impact costs to small business providers in FY 26, FY 27, and FY 28.

#### **Provider Impact Statement**

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, and no impact on the provider's ability to provide the same level of service as described in HCR 170. It is anticipated that this proposed Rule will not impact costs to providers in FY 26, FY 27, and FY 28.

#### **Public Comments**

Interested persons may submit written comments to Steffan W. Rutledge, Esq., Health Standards Section, P.O. Box 3767, Baton Rouge, LA 70821. Mr. Rutledge is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on October 30, 2025.

#### **Public Hearing**

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on October 10, 2025. If the criteria set forth in R.S. 49:961(B)(1) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on October 28, 2025 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after October 10, 2025. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing.

Bruce D. Greenstein  
Secretary

#### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Ambulatory Surgical Center Licensing Standards**

##### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

It is anticipated that implementation of this proposed Rule will have no programmatic fiscal impact to the state or local governmental units other than the cost of promulgation in FY 26. It is anticipated that \$540 SGR will be expended in FY 26 for the state's administrative expense for promulgation of this proposed Rule and the final Rule.

The department proposes to amend the provisions governing the licensing of ambulatory surgical centers (ASCs) in order to ensure that the provisions for compliance with the Facility Guidelines Institute, Guidelines for Design and Construction of Hospitals and Outpatient Facilities, as adopted by the Office of the State Fire Marshal (OSFM) for building and construction are clearly promulgated in the Louisiana Administrative Code, and to add provisions for waivers in certain situations.

##### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

It is anticipated that implementation of this proposed Rule will have no impact on state or local revenue collections. This is a licensing Rule that does not add any licensing fees.

##### **III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

It is anticipated that implementation of this proposed Rule will not impact direct or indirect costs or benefits to providers.

##### **IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

The proposed Rule is not anticipated to effect competition or employment.

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