

SECOND REGULAR SESSION

# SENATE BILL NO. 722

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR CAUTHORN.

Pre-filed December 1, 2005, and ordered printed.

3552S.011

TERRY L. SPIELER, Secretary.

## AN ACT

To repeal sections 197.200 and 197.215, RSMo, and to enact in lieu thereof two new sections relating to ambulatory surgical centers.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 197.200 and 197.215, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 197.200 and 197.215, to read as follows:

197.200. As used in sections 197.200 to 197.240, unless the context clearly indicates otherwise, the following terms mean:

(1) "Ambulatory surgical center", any public or private establishment operated primarily for the purpose of performing surgical procedures or primarily for the purpose of performing childbirths, and which does not provide services or other accommodations for patients to stay more than twenty-three hours within the establishment, provided, however, that nothing in this definition shall be construed to include the offices of dentists currently licensed pursuant to chapter 332, RSMo;

(2) "Community hospital", a licensed hospital located within sixty miles of the ambulatory surgical center;

(3) "Dentist", any person currently licensed to practice dentistry pursuant to chapter 332, RSMo;

[(3)] (4) "Department", the department of health and senior services;

[(4)] (5) "Governmental unit", any city, county or other political subdivision of this state, or any department, division, board or other agency of

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

17 any political subdivision of this state;

18        [(5)] (6) "Person", any individual, firm, partnership, corporation,  
19 company, or association and the legal successors thereof;

20        [(6)] (7) "Physician", any person currently licensed to practice medicine  
21 pursuant to chapter 334, RSMo;

22        [(7)] (8) "Podiatrist", any person currently licensed to practice podiatry  
23 pursuant to chapter 330, RSMo.

197.215. 1. Upon receipt of an application for a license, the department  
2 of health and senior services shall issue a license if the applicant and ambulatory  
3 surgical center facilities meet the requirements established under sections  
4 197.200 to 197.240, and have provided affirmative evidence that:

5        (1) Each member of the surgical staff is a physician, dentist or podiatrist  
6 currently licensed to practice in Missouri;

7        (2) Surgical procedures shall be performed only by physicians, dentists or  
8 podiatrists, who at the time are privileged to perform surgical procedures in at  
9 least one licensed **community** hospital [in the community in which the  
10 ambulatory surgical center is located], thus providing assurance to the public that  
11 patients treated in the center shall receive continuity of care should the services  
12 of a hospital be required; alternatively, applicant shall submit a copy of a current  
13 working agreement with at least one licensed **community** hospital [in the  
14 community in which the ambulatory surgical center is located], guaranteeing the  
15 transfer and admittance of patients for emergency treatment whenever necessary;

16        (3) Continuous physician services or registered professional nursing  
17 services are provided whenever a patient is in the facility;

18        (4) Adequate medical records for each patient are to be maintained.

19        2. Upon receipt of an application for a license, or the renewal thereof, the  
20 department shall issue or renew the license if the applicant and program meet  
21 the requirements established under sections 197.200 to 197.240. Each license  
22 shall be issued only for the persons and premises named in the application. A  
23 license, unless sooner suspended or revoked, shall be issued for a period of one  
24 year.

25        3. Each license shall be issued only for the premises and persons or  
26 governmental units named in the application, and shall not be transferable or  
27 assignable except with the written consent of the department. Licenses shall be  
28 posted in a conspicuous place on the licensed premises.

29        4. If, during the period in which an ambulatory surgical center license is

30 in effect, the license holder or operator legally transfers operational  
31 responsibilities by any process to another person as defined in section 197.200,  
32 an application shall be made for the issuance of a new license to become effective  
33 on the transfer date.

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