



PERMANENT ADMINISTRATIVE ORDER

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CHAPTER 333
OREGON HEALTH AUTHORITY
PUBLIC HEALTH DIVISION

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FILING CAPTION: Renumber of Ambulatory Surgical Center rules due to reorganization of rules for added clarity.

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RULES:

333-076-0106, 333-076-0115

RENUMBER: 333-076-0106 to 333-076-0102

RULE TITLE: Issuance of License and Fees

RULE SUMMARY: Renumbering OAR 333-076-0106 to 333-076-0102 due to reorganization of rules in division 76 regarding ambulatory surgical centers, for added clarity.

RULE TEXT:

- (1) As used in this rule, the term "deemed status" means an ASC that has been inspected by a CMS-approved national accrediting organization, has been found to meet or exceed all applicable Medicare conditions, and CMS finds the ASC to be in compliance.
- (2) Application for a license to operate an ASC shall be in writing on a form provided by the Division, including demographic, ownership and administrative information. The form shall specify such information required by the Division.
- (3) For purposes of determining the correct license fee required under ORS 441.020 and this rule:
- (a) "Procedure room" means a room where surgery or invasive procedures are performed; and
- (b) "Invasive procedure" means a procedure requiring insertion of an instrument or device into the body through the skin or a body orifice for diagnosis or treatment, and operative procedures in which skin or mucous membranes and connective tissue are incised, or an instrument is introduced through a natural body orifice.
- (4) Upon receipt of an application and the license fee as described in ORS 441.020, the Division shall review the application and conduct an on-site inspection of the ASC.
- (5) In lieu of an onsite inspection required under section (3) of this rule, the Division may accept:
- (a) CMS certification by a federal agency or accrediting organization; or
- (b) A survey conducted within the previous three years by an accrediting organization approved by the Division, if:
- (A) The certification or accreditation is recognized by the Division as addressing the standards and conditions for coverage requirements of the CMS and other standards set by the Division and an ASC provides the Division with a letter from CMS indicating its deemed status;

- (B) The ASC notifies the Division of any exit interview conducted by the federal agency or accrediting body and permits the Division to participate; and
- (C) The ASC provides copies of all documentation concerning the certification or accreditation requested by the Division.
- (6) If the deemed status of an ASC changes, the ASC administrator must notify the Division.
- (7) No person or ASC licensed pursuant to the provisions of ORS chapter 441, shall in any manner or by any means assert, represent, offer, provide or imply that such person or facility is or may render care or services other than that which is permitted by or which is within the scope of the license issued to such person or facility by the Division nor shall any service be offered or provided which is not authorized within the scope of the license issued to such person or facility.
- (8) The Division shall issue a license to an ASC that:
- (a) Submits a completed application as described in section (1) of this rule;
 - (b) Submits the license fee as described in ORS 441.020;
 - (c) Successfully completes the survey requirements established in this rule or provides documentation acceptable to the Division under section (4) of this rule; and
 - (d) Is found by the Division to be in compliance with applicable statutes and these rules.
- (9) In determining whether to license an ASC pursuant to ORS 441.025, the Division shall consider only factors relating to the health and safety of individuals to be cared for therein and the ability of the operator of the ASC to safely operate the facility, and shall not consider whether the ASC is or will be a governmental, charitable, or other nonprofit institution or whether it is or will be an institution for profit.
- (10) The license shall be conspicuously posted in the area where patients are admitted.
- (11) A facility license that has been suspended or revoked may be reissued after the Division determines that compliance with HCF laws has been achieved satisfactorily.

STATUTORY/OTHER AUTHORITY: ORS 441.025

STATUTES/OTHER IMPLEMENTED: ORS 441.022, 441.025

RENUMBER: 333-076-0115 to 333-076-0119

RULE TITLE: Governing Body Responsibility

RULE SUMMARY: Renumbering OAR 333-076-0115 to 333-076-0119 due to reorganization of rules in division 76 regarding ambulatory surgical centers, for added clarity.

RULE TEXT:

The governing body of each ASC shall be responsible for the operation of the facility, the selection of the medical staff and the quality of care rendered in the facility. The governing body shall:

- (1) Insure that all health care personnel for whom state licenses or registration are required are currently licensed or registered;
- (2) Insure that physicians admitted to practice in the facility are granted privileges consistent with their individual training, experience and other qualifications;
- (3) Insure that procedures for granting, restricting and terminating privileges exist and that such procedures are regularly reviewed to assure their conformity to applicable law;
- (4) Insure that physicians admitted to practice in the facility are organized into a medical staff insofar as applicable in such a manner as to effectively review the professional practices of the facility for the purposes of reducing morbidity and mortality and for the improvement of patient care; and
- (5) Insure that a physician is not denied medical staff membership or privileges at the facility solely on the basis that the physician holds medical staff membership or privileges at another ASC.

STATUTORY/OTHER AUTHORITY: ORS 441.025

STATUTES/OTHER IMPLEMENTED: ORS 441.025, 441.055