

**State of California
Office of Administrative Law**

In re:
Medical Board of California

Regulatory Action:

Title 16, California Code of Regulations

Amend section: 1313.4

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Government Code Section 11349.3

OAL Matter Number: 2016-0818-04

OAL Matter Type: Regular (S)

This action by the Medical Board of California amends section 1313.4 of title 16 of the California Code of Regulations to update the standards applicable to accreditation agencies that perform accreditations of outpatient surgery settings.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 1/1/2017.

Date: September 27, 2016



**Nicole C. Carrillo
Attorney**

**For: Debra M. Cornez
Director**

**Original: Kimberly Kirchmeyer
Copy: Kevin Schunke**

REGULAR

STATE OF CALIFORNIA—OFFICE OF ADMINISTRATIVE LAW

NOTICE PUBLICATION/REGULATIONS SUBMISSION

See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2015-0526-03	REGULATORY ACTION NUMBER 2016-0818-045	EMERGENCY NUMBER
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ENDORSED - FILED
In the office of the Secretary of State
of the State of California

SEP 27 2016

2:01 pm

For use by Office of Administrative Law (OAL) only	
RECEIVED FOR FILING PUBLICATION DATE MAY 28 '15 JUN 05 '15 Office of Administrative Law	2016 AUG 18 P 1:18 OFFICE OF ADMINISTRATIVE LAW
NOTICE	REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY Medical Board of California	AGENCY FILE NUMBER (if any)
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A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE Outpatient Surgery Settings	TITLE(S) 16	FIRST SECTION AFFECTED 1313.4	2. REQUESTED PUBLICATION DATE June 5, 2015
3. NOTICE TYPE <input checked="" type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON Kevin A Schunke	TELEPHONE NUMBER (916) 263-2368	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER 2015, 23-2
			PUBLICATION DATE 6/5/2015

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) SAME	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)	
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT _____ AMEND 1313.4 REPEAL _____
TITLE(S) 16	

3. TYPE OF FILING			
<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<input type="checkbox"/> Other (Specify) _____		

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)			
<input checked="" type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> §100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify)

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY			
<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal	
<input checked="" type="checkbox"/> Other (Specify) <u>Dept of Consumer Affairs, Awet Redame, Director</u>			

7. CONTACT PERSON SAME	TELEPHONE NUMBER SAME	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) Kevin.schunke@mbe.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Kimberly Kirckmeyer</i>	DATE 5-19-16
TYPED NAME AND TITLE OF SIGNATORY KIMBERLY KIRCKMEYER, Executive Director <small>per agency request</small>	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

SEP 27 2016

Office of Administrative Law

MEDICAL BOARD OF CALIFORNIA
OUTPATIENT SURGERY SETTING
ACCREDITATION AGENCY STANDARDS

ORDER OF ADOPTION

Amend Section 1313.4 in Article 3.5, of Chapter 1, Division 13, of Title 16 of the California Code of Regulations to read as follows:

§1313.4. Standards.

(a) An accreditation agency shall meet the standards set forth in sections 1248.15, 1248.35 and 1248.4 of the Health and Safety Code.

(1) With respect to section 1248.15(a)(2)(C)(i), a written transfer agreement shall include a mechanism for patient transport; a plan for transfer of the patient's records; policies defining the role of each person in handling an emergency; and a plan for continuity of the patient's care upon transfer of that care.

(2) With respect to section 1248.15(a)(6), the required system for quality assessment and improvement shall include, in addition to chart review, actions that utilize information derived through quality assessment to improve systems to maximize patient protection.

~~(3) With respect to section 1248.15(a)(7), the actual sample size shall be determined by the accreditation agency.~~

(b) An accreditation agency shall send to the division board any change in its accreditation standards within 30 calendar days after making the change.

(c) An accreditation agency shall, within fourteen calendar days after issuance, provide to the division board a copy of any certificates of accreditation it issues and, within 24 hours, a copy of any reprimand, placement on probation, suspension, denial or revocation of a certificate of accreditation. For each setting whose accreditation it reprimands, places on probation, suspends, denies or revokes, the accreditation agency shall also provide to the division board in writing the reasons for its action.

Note: Authority cited: Sections 2018 and 2217, Business and Professions Code; and Section 1248.15, Health and Safety Code. Reference: Sections 1248.15, 1248.35 and 1248.4, Health and Safety Code.

DATED: Sept 26, 2016


KIMBERLY KIRCHMEYER
Executive Director
Medical Board of California