

MEDICAL BOARD STAFF REPORT

REPORT DATE: July 9, 2012
ATTENTION: Licensing Committee
SUBJECT: Update on SB 100 Implementation – Outpatient Surgery Center Requirements
REFERRED BY: Curtis Worden, Chief of Licensing
REASON: Provide an update on the ongoing process of implementing requirements set forth by Senate Bill 100 (Price) (Chapter 645 Statutes of 2011)

REQUESTED ACTION:

No action is required. The purpose of this report is to provide the Licensing Committee with background information and an update on the Licensing Program's ongoing process of implementing the requirements set forth by Senate Bill 100 (Price).

BACKGROUND:

California law prohibits physicians from performing some outpatient surgeries, unless it is performed in an accredited or licensed setting.

Section 2216 of the Business and Professions Code (B&P) specifies that on or after, July 1, 1996, no physician and surgeon shall perform procedures in an outpatient setting using anesthesia, except local anesthesia or peripheral nerve blocks, or both, complying with the community standard of practice, in doses that, when administered, have the probability of placing a patient at risk for loss of the patient's life-preserving protective reflexes, unless the setting is specified in Health and Safety Code section 1248.1. Outpatient settings where anxiolytics and analgesics are administered are excluded when administered, in compliance with the community standard of practice, in doses that do not have the probability of placing the patient at risk for loss of the patient's life-preserving protective reflexes. The definition of "outpatient settings" contained in subdivision (c) of Health and Safety Code section 1248 shall apply.

As outlined in Health and Safety Code (H&S) section 1248.1, certain outpatient surgery settings are excluded from the accreditation requirement, such as ambulatory surgical centers certified to participate in the Medicare program under Title XVIII, health facilities licensed as general acute care hospitals, federally operated clinics, facilities on recognized tribal reservations, and facilities used by dentists or physicians in compliance with Article 2.7 or Article 2.8 of Chapter 4 of Division 2 of the B&P Code.

Pursuant to H&S section 1248.15 the Board has adopted standards for accreditation and, in approving accreditation agencies to perform accreditation of outpatient settings, ensures that the certification program shall include standards for multiple aspects of the setting's operations.

The Board approved the following four accreditation agencies as they met the requirements and standards as set forth by H&S section 1248.15:

- **American Association for Accreditation of Ambulatory Surgery Facilities Inc. (AAAASF)**
Accreditation Date: July 1, 1996
- **Accreditation Association for Ambulatory Health Care (AAAHC)**
Accreditation Date: July 1, 1996
- **The Joint Commission**
Accreditation Date: July 1, 1996
- **Institute for Medical Quality (IMQ)**
Accreditation Date: October 8, 1997

Section 1248.2 provides that any outpatient setting may apply to an accreditation agency for a certificate of accreditation. Accreditation shall be issued by the accreditation agency solely on the basis of compliance with its standards as approved by the Board under Chapter 1.3 of the H&S Code.

Pursuant to the enactment of SB 100, effective January 1, 2012, H&S section 1248.2(b)(c)(d) now provides:

(b) The board shall obtain and maintain a list of accredited outpatient settings from the information provided by the accreditation agencies approved by the board, and shall notify the public, by placing the information on its Internet Web site, whether an outpatient setting is accredited or the setting's accreditation has been revoked, suspended, or placed on probation, or the setting has received reprimand by the accreditation agency.

(c) The list of outpatient settings shall include all of the following:

- (1) Name, address, and telephone number of any owners, and their medical license numbers.
- (2) Name and address of the facility.
- (3) The name and telephone number of the accreditation agency.
- (4) The effective and expiration dates of the accreditation.

(d) Accrediting agencies approved by the board shall notify the board and update the board on all outpatient settings that are accredited.

Prior to SB 100, data was reported to the Board from the four accreditation agencies; however, as there was not a statute in place which mandated the reporting requirements, data was not consistent amongst the four agencies.

Since the enactment of SB 100, the Board's Licensing Program and Information Systems Branch have been designing the Outpatient Surgery Settings database that will store data provided from the accreditation agencies and will serve as a public interface on the Board's Web site as mandated by H&S section 1248.2.

Meetings were held between the Board and representatives from the accreditation agencies in order to determine the logistics of obtaining their accredited settings data. Standard templates were provided to the accreditation agencies and data was provided in an electronic format compatible with the database design. Data has since been obtained from all accreditation

agencies, has been imported into the database, and is currently undergoing testing to insure functionality. Upon satisfaction that the database is functioning in the required manner, it will be released to the public via the Board's Web site. The estimated release date is July 16, 2012. The database will allow consumers the ability to search for accredited Outpatient Settings within California and will provide consumers with information as required by H&S section 1248.2. The database will also provide consumers with the ability to view documents such as final inspection reports, which include the lists of any deficiencies identified during an inspection, plans of correction or requirements for improvements and correction, and corrective action completed as required by H&S section 1248.35(g).

The Board's processes and procedures that were previously in place are being modified to insure data is reported in a standard fashion and timely manner. Data collection forms have been created and will be provided by the end of August 2012 to the accreditation agencies for use in the future, and will be required when notifying the Board of any new settings as well as when updating information on existing settings. The data collection forms will streamline the process of obtaining accurate and reliable data that will then be presented to the public via the Outpatient Surgery Setting database.

The Board's Licensing Program is currently working directly with the Board's Enforcement Program to ensure that any adverse actions reported from the accreditation agencies are reviewed and investigated as required by law. Internal processes are being reviewed and both programs are striving to ensure compliance with all applicable laws.

The Outpatient Surgery Setting database is anticipated to be released to the public via the Board's Web site prior to the July 2012 Board meeting. Upon release of the database the Board will be notifying consumers of the availability by providing information in the Board's Newsletter, sending out information in an email via the Board's subscriber lists, sending out a press release, and providing links to the database from the Board's Web site homepage.