

SB 100 – Outpatient Surgery Settings

The bill requires MBC to maintain and publish a list of all accredited outpatient settings and provide information regarding the status of their accreditation. This portion of the statutory requirements is assigned to the Licensing Program and the status of implementation was reported directly to the Licensing Committee.

SB 100 also required the Medical Board to investigate complaints related to a violation of Health and Safety Code Section 1248 and, upon discovery that an outpatient setting is not in compliance with a specific provision, bring an action through or in conjunction with a district attorney to enjoin the outpatient setting's operation. In addition, SB 100 made outpatient settings subject to the adverse event reporting requirements currently required for licensing health facilities. Adverse events are reported to the Department of Public Health and the setting can be subject to penalties by Public Health for failing to report adverse events.

The following identifies the responsibilities assigned in statute to pertinent entities as it relates to oversight and response to patient care concerns:

H & S Section	Accrediting Agency	Medical Board
1248.35	Every outpatient setting shall be inspected no less often than 3 years.	May inspect the setting as often as necessary and shall ensure the accrediting agency conducts the required inspection
	If the results of the inspection conclude that the setting is out of compliance, they must issue a deficiency report and may 1) require correction, 2) issue a reprimand; 3) place the setting on probation; or 4) suspend or revoke the accreditation.	The accrediting agency must report within 24 hours if the setting has been issued a reprimand, been placed on probation or had the accreditation suspended or revoked.
	Shall inspect the setting within 24 hours upon receipt of a complaint from the Board that the setting poses an immediate risk to the public	Shall receive the findings of the inspection within five business days
	Shall investigate any complaint received from the Board within 30 days	Shall receive the findings of the investigation within 30 days
		Reports on the results of any inspection shall be maintained on file and final inspection reports shall be public record open to public inspection.
1248.7		Shall investigate all complaints concerning a violation of this chapter and, where appropriate, through or in conjunction with a DA may bring action to enjoin the setting's operation.