

S.73 – Potential ASC licensure requirements (in bold) for HHC discussion
Revised 4/23/19

§ 2153. LICENSE REQUIREMENTS

(a) Upon receipt of an application for a license and the licensing fee, the Department of Health shall issue a license if it determines that the applicant and the ambulatory surgical center facilities meet the following minimum standards:

(1) The applicant shall demonstrate the capacity to operate an ambulatory surgical center in accordance with rules adopted by the Department.

(2) The applicant shall demonstrate that its facilities comply fully with standards for health, safety, and sanitation as required by State law, including standards set forth by the State Fire Marshal and the Department of Health, and municipal ordinance.

(3) The applicant shall have a clear process for responding to patient complaints.

(4) The applicant shall participate in the Patient Safety Surveillance and Improvement System established pursuant to chapter 43A of this title.

(5) **(REVISED)** The applicant shall maintain certification from the Centers for Medicare and Medicaid Services and shall accept Medicare and Medicaid patients **for ambulatory surgical center facility services.**

(6) The applicant shall have a transport agreement with at least one emergency medical services provider for emergency patient transportation.

(7) **(FOR FURTHER DISCUSSION)** The applicant shall maintain a policy to provide charity care to patients **[that is comparable to those of the hospitals in the geographic region in which the ambulatory surgical center is located?].**

(8) The applicant shall participate in any ~~voluntary or compulsory~~ quality reporting program offered by the Centers for Medicare and Medicaid Services. ~~The applicant shall provide its performance results for each quality measure to the Department at least annually, or as otherwise directed by the Department, for posting on the Department's website?.~~

(9) The ambulatory surgical center facilities, including the buildings and grounds, shall be subject to inspection by the Department, its designees, and other authorized entities at all times.

(b) A license is not transferable or assignable and shall be issued only for the premises and persons named in the application.