



Ambulatory Surgical Centers  
February 14, 2019

The Vermont Association of Nurse Anesthetists (VTANA) represents Certified Registered Nurse Anesthetists (CRNAs) in Vermont. CRNAs play a vital role in the delivery of health care in all settings, including Ambulatory Surgical Centers across the country.

**“Physician” definition – change to “health care professional”**

S.73 uses “physician” in two places in the bill. We request changing “physician” to “health care professional” and defining “health care professional” in the Definitions section of the bill

18 V.S.A. § 2141. DEFINITIONS

As used in this chapter:

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(3) ~~“Physician~~ Health care professional” means a physician licensed pursuant to 26 V.S.A. 4 chapter 23 or 33 or an advanced practice registered nurse licensed pursuant to 26 V.S.A. chapter 28.

**Medical Director**

We request that the medical director not be limited to a physician. The language should be changed to “health care professional”. An ASC director could be an APRN, as well as another health care professional, such as a dentist or podiatrist. This requirement is too restrictive.

APRNs, as well as RNs, serve as CEO's of hospitals across the country. The CEO at NMC in St. Albans has a master's degree in Science in Nursing (MSN) and an MBA (she is not a physician). The same attributes that qualify a physician to be medical director would apply to nurses – specific administrative experience, education, leadership qualities, abilities, etc. They should also be permitted to head an ACS.

The requirement in S.73 that the medical director be a physician exceeds what is required by CMS for ASCs – CMS does not require that the medical director of an ASC be a physician.

18 V.S.A. § 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:

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(4) The clinical services provided by the ambulatory surgical center shall be managed by a medical director, who shall be a ~~physician~~ health care professional.

**“Under the care of...”**

S.73 states that a patient of an ASC should be under the care of a physician. We request that this be changed to “under the care of a health care professional” as defined in the Definitions section.

This requirement also exceeds what is required by CMS for ASCs. CMS does not require ASC patients to be under the care of a physician. This requirement in the bill is also somewhat unclear – does this mean under the care of a physician prior to undergoing treatment at the ASC, or under the care of a physician while at the ASC? Patients could be under the care of other health care professionals (such as APRNs, podiatrists, and dentists) depending on the surgery or procedure. For example, a CRNA could be caring for a patient at an ASC for procedures such as therapeutic lumbar punctures, epidural blood patches, pain injections, and Ketamine infusions.

18 V.S.A. § 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:

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(5) The ambulatory surgical center shall ensure that all patients admitted to or receiving services from the ambulatory surgical center shall be under the care of a practicing ~~physician~~ health care professional.

**Medical staff**

This is an unusual requirement, as some ASCs may be very small. CMS ASC rules contemplate that the medical staff may consist of just one person, as an ASC may be owned and operated by the same person.

It is fairly common for APRNs to be a part of medical staff in a hospital. It should not be any different for an ASC. To clarify the language in subsection (7), we propose the following amendment.

18 V.S.A. § 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:

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(7) The ambulatory surgical center shall have an organized medical staff, including health care professionals as defined in this chapter, of not fewer than three members that shall meet at least annually.

Thank you for your consideration of these amendments.