86R10800 JG-F

By:  González of El Paso H.B. No. 3468

A BILL TO BE ENTITLED

AN ACT

relating to the operation of more than one ambulatory surgical center in a single facility.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1.  Section 243.005, Health and Safety Code, is amended by adding Subsections (g) and (h) to read as follows:

(g)  A license issued under this chapter is valid only for the person who applied for and is named on the license and applies only to a single facility. The license does not apply to multiple facilities, buildings, or off-site locations.

(h)  The commission may issue a license to more than one ambulatory surgical center that operates in a single facility only if:

(1)  a separate license is issued for each center; and

(2)  each center complies with Section 243.0105.

SECTION 2.  Subchapter A, Chapter 243, Health and Safety Code, is amended by adding Section 243.0105 to read as follows:

Sec. 243.0105.  STANDARDS FOR AMBULATORY SURGICAL CENTERS THAT OPERATE IN SINGLE FACILITY. (a) Each ambulatory surgical center that operates in a facility in which another center operates:

(1)  must establish days and hours of operation that differ from each other center operating in the facility;

(2)  may not share any part of the facility with:

(A)  a hospital;

(B)  the outpatient surgery department of a hospital designated as a critical access hospital by the Centers for Medicare and Medicaid Services; or

(C)  an independent diagnostic testing facility participating in Medicare;

(3)  must maintain a space for records and storage of surgical supplies and devices, medications, and other items that is separate from the space for records and storage of each other center in the facility;

(4)  must post in a clear and conspicuous place in the facility a sign that states:

(A)  the name of the center; and

(B)  the days and hours of the center's operation;

(5)  must develop and implement policies and procedures separate from each other center operating at the facility; and

(6)  must maintain the confidentiality of patient records by storing the records in a locked location that is separate from the space for records and storage of each other center in the facility.

(b)  Each Medicare-certified ambulatory surgical center sharing a facility is liable for a violation of this chapter or a rule adopted under this chapter occurring at the facility, regardless of whether only one center is responsible for the violation.

(c)  Ambulatory surgical centers operating in a single facility may enter into an agreement to share nursing and ancillary personnel. Each ambulatory surgical center that enters into an agreement in accordance with this subsection must separately comply with the personnel utilization requirements.

SECTION 3.  The changes in law made by this Act apply only to a license issued or renewed on or after the effective date of this Act.

SECTION 4.  This Act takes effect September 1, 2019.