

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:

1 (A) a hospital;
2 (B) the outpatient surgery department of a
3 hospital designated as a critical access hospital by the Centers
4 for Medicare and Medicaid Services; or
5 (C) an independent diagnostic testing facility
6 participating in Medicare;
7 (3) must maintain a space for records and storage of
8 surgical supplies and devices, medications, and other items that is
9 separate from the space for records and storage of each other center
10 in the facility;
11 (4) must post in a clear and conspicuous place in the
12 facility a sign that states:
13 (A) the name of the center; and
14 (B) the days and hours of the center's operation;
15 (5) must develop and implement policies and procedures
16 separate from each other center operating at the facility; and
17 (6) must maintain the confidentiality of patient
18 records by storing the records in a locked location that is separate
19 from the space for records and storage of each other center in the
20 facility.
21 (b) Each Medicare-certified ambulatory surgical center
22 sharing a facility is liable for a violation of this chapter or a
23 rule adopted under this chapter occurring at the facility,
24 regardless of whether only one center is responsible for the
25 violation.
26 (c) Ambulatory surgical centers operating in a single
27 facility may enter into an agreement to share nursing and ancillary

1 personnel. Each ambulatory surgical center that enters into an
2 agreement in accordance with this subsection must separately comply
3 with the personnel utilization requirements.

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

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