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Bill Analysis
Legislative Service Commission

Sub. H.B. 527
123rd General Assembly
(As Reported by H. Health, Retirement & Aging)

Reps. Buchy, Terwilleger, Willamowski, Brading, Van Vyven, Jordan

BILL SUMMARY

- Requires the State Medical Board, by an affirmative vote of not fewer than six members and to the extent permitted by law, to discipline a doctor of medicine, osteopathic medicine, or podiatry who performs any surgery, including abortion, in an ambulatory surgical facility that is operating without a license from the Director of Health.

CONTENT AND OPERATION

Background

Under Ohio law no person may operate an ambulatory surgical facility without a license issued by the Director of Health. An ambulatory surgical facility is a facility, whether or not part of the same organization as a hospital, that is located in a building distinct from another in which inpatient care is provided and to which any of the following apply:

(1) Outpatient surgery is routinely performed in the facility and the facility functions separately from a hospital's inpatient surgical service and from the offices of private physicians, podiatrists, and dentists;

(2) Anesthesia is administered in the facility by an anesthesiologist or certified registered nurse anesthetist and the facility functions separately from a hospital's inpatient surgical service and from the offices of private physicians, podiatrists, and dentists;

(3) The facility applies to be certified by the United States Health Care Financing Administration (HCFA) as an ambulatory surgical center for purposes of reimbursement under the Medicare program;

(4) The facility applies to be certified by a national accrediting body approved by HCFA for purposes of deemed compliance with the conditions for participating in the Medicare program as an ambulatory surgical center;

(5) The facility bills or receives from any third-party payer, governmental health care program, or other person or government entity any ambulatory surgical facility fee that is billed or paid in addition to any fee for professional services;

(6) The facility is held out to any person or government entity as an ambulatory surgical facility or similar facility by means of signage, advertising, or other promotional efforts.

A hospital emergency department is not an ambulatory surgical facility.

Operation of the bill

(sec. 4731.22)

The bill requires the State Medical Board, by an affirmative vote of not fewer than six members and to the extent permitted by law, to discipline a person certified by the Board to practice medicine and surgery, osteopathic medicine and surgery, or podiatry who performs any surgery, including abortion, in an ambulatory surgical facility that is operating without a license from the Director of Health.

The disciplinary actions the Board may take are limiting, revoking, or suspending the person's certificate; refusing to register the person; refusing to reinstate the person's certificate; reprimanding the person; or placing the person on probation. The Board must follow the Administrative Procedure Act when taking disciplinary action unless the Board enters into a consent agreement with the person to resolve the allegation against the person.

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	12-28-99	p. 1471
Reported, H. Health, Retirement & Aging	03-15-00	pp. 1648-1649

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