

COUNCIL OF THE DISTRICT OF COLUMBIA

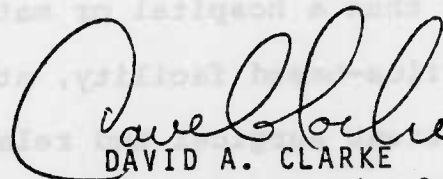
NOTICE

D.C. LAW 6-26

"Ambulatory Surgical Facility Amendments Act of 1985".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 6-142 on first and second readings, May 28, 1985, and June 11, 1985, respectively. Following the signature of the Mayor on June 13, 1985, this legislation was assigned Act No. 6-41, published in the June 28, 1985, edition of the D.C. Register, (Vol. 32 page 3615) and transmitted to Congress on June 14, 1985 for a 30-day review, in accordance with Section 602 (c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 6-26, effective September 5, 1985.



DAVID A. CLARKE
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

June	14,17,18,19,20,21,24,25,26,27
July	8,9,10,11,12,15,16,17,18,19,22,23,24,25,26,29,30,31
August	1
September	4

AN ACT

D.C. LAW 6 - 26

D.C. ACT 6 - 41

EFFECTIVE DATE SEP 05 1985

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUN 13 1985

To amend and clarify District of Columbia law for ambulatory surgical facilities, to give the Mayor emergency suspension authority for all health-care facilities and agencies, and to extend the time periods for rulemaking under the Health-Care and Community Residence Facility, Hospice and Home Care Licensure Act of 1983.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Ambulatory Surgical Facility Amendments Act of 1985".

Sec. 2. The Health-Care and Community Residence Facility, Hospice and Home Care Licensure Act of 1983, effective February 24, 1984 (D.C. Law 5-48; D.C. Code, sec. 32-1301 et seq.), is amended as follows:

(a) Section 2(a) (D.C. Code, sec. 32-1301(a)) is amended by adding a new paragraph (8) to read as follows:

D.C. Code
sec. 32-1
(1986 sup

"(8) 'Ambulatory surgical facility' means any facility, other than a hospital or maternity center but including an office-based facility, at which there are performed outpatient surgical and related procedures that have been classified in accordance with section 5(h) due to their complexity or the degree of patient risk.

(b) Section 5(b) (D.C. Code, sec. 32-1304(b)) is amended by:

D.C. Code
sec. 32-1
(1986 sup

(1) striking the numeral "12" and inserting the

numeral "24" in its place; and

(2) striking the numeral "18" and inserting the numeral "28" in its place.

(c) Section 5(c) (D.C. Code, sec. 32-1304(c)) is amended by inserting the phrase "except ambulatory surgical facilities" after the phrase "appoint an advisory task force for each type of facility and agency".

D.C. Cod
sec. 32-
(1986 su

(d) A new section 5(h) is added to read as follows:

D.C. Cod
sec. 32-
(1986 su

"(h) For ambulatory surgical facilities, the rules required by subsection (a) of this section shall include a list of those outpatient surgical procedures that, if not performed in a hospital or, when appropriate, a maternity center, may be performed only in a facility licensed as an ambulatory surgical facility. In formulating this list of procedures before its publication as a proposed rule, the Mayor shall solicit input from a broad range of health professionals, relevant institutional providers, and other members of the public who are knowledgeable about ambulatory surgery or ambulatory surgical facilities. This list shall be periodically reviewed and updated by rulemaking pursuant to title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Code, sec. 1-1501 et seq.)."

(e) Section 6(b) (D.C. Code, sec. 32-1305(b)) is amended by striking the phrase "or federal certification for participation in a health-insurance or medical assistance program" and inserting the phrase ", federal certification for participation in a health-insurance or medical

D.C. Code
sec. 32-1
(1986 sup

assistance program, or federal qualification of a health maintenance organization" in its place.

(f) Section 6(d) (D.C. Code, sec. 32-1305(d)) is amended to read as follows:

D.C. Code
sec. 32-
(1986 su

"(d)(1) If a facility or agency loses private accreditation or federal certification, it shall give the Mayor written notice of the loss within 5 calendar days. If in such a case accreditation or certification was accepted in lieu of an inspection under subsection (b) of this section, the Mayor shall immediately upon notification:

"(A) Convert the facility's or agency's license to a provisional or restricted license under section 7 of this act pending satisfactory completion of an inspection conducted by the Mayor; or

"(B) Suspend the facility's or agency's license based upon a finding that loss of accreditation or certification was prompted by existing deficiencies that constitute an immediate or serious and continuing danger to the health, safety, or welfare of its patients/clients/residents.

"(2) The Mayor may, prior to a hearing, suspend the license of any facility or agency or convert its license to a provisional or restricted license if he or she determines that existing deficiencies constitute an immediate or serious and continuing danger to the health, safety, or welfare of its patients/clients/residents.

"(3) Upon the suspension or conversion of a license pursuant to this subsection, the Mayor shall

immediately give the facility or agency written notice of the action, including a copy of the order of suspension or conversion, a statement of the grounds for the action, and notification that the facility or agency has 7 days (excluding Saturdays, Sundays, and legal holidays) from the day written notice is received to request an expedited, preliminary review hearing. If the facility or agency fails to communicate, either orally or in writing, a timely request for a preliminary review hearing, the order of suspension or conversion shall remain in effect until terminated by the Mayor or an unexpedited hearing is held pursuant to procedures adopted under section 5 of this act. Upon receipt of a timely request for an expedited, preliminary review hearing, the Mayor shall within 72 hours (excluding Saturdays, Sundays, and legal holidays) provide a hearing to review the reasonableness of the suspension or conversion order. At this hearing, the Mayor shall have the burden of establishing a prima facie case of immediate or serious and continuing endangerment. The suspension or conversion order shall be either affirmed or vacated at the hearing. In the event an order is affirmed, it shall, unless extended, remain in effect for no longer than 30 calendar days, during which time a final hearing shall be scheduled to consider the appropriateness of revocation or continuing restrictions on licensure. Before expiration of a suspension or conversion order, an extension may be granted for a period not to exceed an additional 30 calendar days upon agreement of all the parties or for good cause

shown."

D.C. Code
sec. 32-
(1986 su

Sec. 3. Section 3(7) of the District of Columbia Certificate of Need Act of 1980, effective September 16, 1980 (D.C. Law 3-99; D.C. Code, sec. 32-302(7)), is amended by:

(a) striking the phrase "ambulatory surgical treatment facility" and inserting the phrase "ambulatory surgical facility" in its place; and

(b) striking the phrase "those private office facilities for the private practice of a physician or dentist" and inserting the phrase "the private office facilities of a health professional, including an office-based surgical suite licensed as an ambulatory surgical facility" in its place.

Sec. 4. Repealer provision.

Subject to section 6(b), the D.C. Ambulatory Surgical Treatment Center Licensure Act, effective April 6, 1978 (D.C. Law 2-66; 24 DCR 6836), is repealed.

Sec. 5. Supersedure.

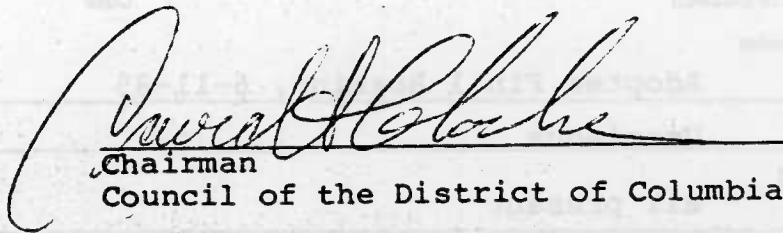
This act shall supersede the Ambulatory Surgical Treatment Center Temporary Act of 1985, effective March 14, 1985 (D.C. Law 5-154; D.C. Code, secs. 32-1301 and -1305).

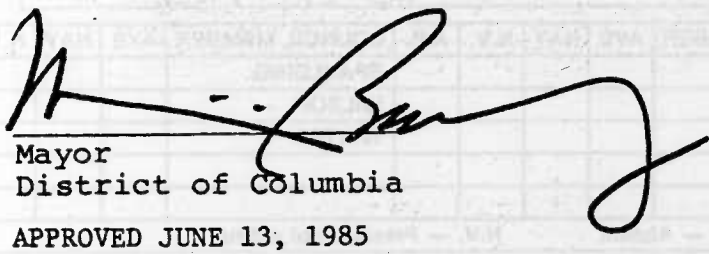
Sec. 6. Effective date; applicability delayed.

(a) Except as provided in subsection (b) of this section, this act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of a veto by the Mayor, action by the Council to override the veto), as provided in section 602(c)(1) of the

District of Columbia Self-Government and Governmental
Reorganization Act, approved December 24, 1973 (87 Stat.
813; D.C. Code, sec. 1-233(c)(1)).

(b) Section 4 shall not take effect, and the
definition of "ambulatory surgical facility" contained in
section 2(a) shall not be applicable, until the Mayor issues
rules for ambulatory surgical facilities. Until these rules
are issued, the provisions of the D.C. Ambulatory Surgical
Treatment Center Licensure Act, effective April 6, 1978
(D.C. Law 2-66; 24 DCR 6836), shall be applicable.


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED JUNE 13, 1985



COUNCIL OF THE DISTRICT OF COLUMBIA
Council Period Six — First Session

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: B6-142

Item on Consent Calendar

ACTION & DATE: Adopted First Reading, 5-28-85

VOICE VOTE: Unanimous

Recorded vote on request

Absent: all present

ROLL CALL VOTE: — RESULT _____ (/ /)

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					RAY					SPAULDING				
CRAWFORD					ROLARK					WILSON				
JARVIS					SCHWARTZ					WINTER				
KANE					SHACKLETON									
MASON					SMITH, JR.									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

Russell Smith
 Secretary to the Council

6/4/85
 Date

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading, 6-11-85

VOICE VOTE: Unanimous

Recorded vote on request

Absent: all present

ROLL CALL VOTE: — RESULT _____ (/ /)

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					RAY					SPAULDING				
CRAWFORD					ROLARK					WILSON				
JARVIS					SCHWARTZ					WINTER				
KANE					SHACKLETON									
MASON					SMITH, JR.									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

Russell Smith
 Secretary to the Council

6/11/85
 Date

Item on Consent Calendar

ACTION & DATE: _____

VOICE VOTE: _____

Recorded vote on request

Absent: _____

ROLL CALL VOTE: — RESULT _____ (/ /)

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					RAY					SPAULDING				
CRAWFORD					ROLARK					WILSON				
JARVIS					SCHWARTZ					WINTER				
KANE					SHACKLETON									
MASON					SMITH, JR.									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD