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Title 22@ Social Security

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Division 7@ Health Planning and Facility Construction

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Chapter 1@ Health Planning and Resources Development

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Article 11@ Review Criteria

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Section 90927@ Criteria for Surgical Clinics

90927 Criteria for Surgical Clinics

(a)

An applicant for a new surgical clinic shall establish by a preponderance of evidence that: (1) The surgical clinic will have at least two operating rooms. (2) The surgical clinic, as a condition of granting staff privileges, will require the physicians to maintain comparable clinical privileges in local general acute care hospitals. (3) The applicant has an appropriate utilization review plan and quality assurance plan. (4) The applicant has acceptable written procedures for the transfer of surgical clinic patients and their records in an emergency to an appropriate general acute care hospital in the service area. (5) The surgical clinic can achieve and maintain a minimum of 240 operating room minutes (not including preparation and clean up time) per operating room per day within three years of commencement and will not cause the utilization at existing surgical clinics to drop below or fail to attain the minimum of 240 operating room minutes per operating room per day. For purposes of this section, surgical operating room minutes shall be calculated on the basis of five days per week and fifty weeks per year. (6) There will be a sufficient number of physicians in the service area who will use the surgical clinic and will have staff privileges and will enable the clinic to meet the minimum operating room time. (7) It will be an appropriate facility in the service area, considering equipment, staff, location, and other relevant factors. (8) The clinic will make provision to serve those who are unable to pay all

or a substantial portion of the clinic's fee in advance of the provision of services.

(1)

The surgical clinic will have at least two operating rooms.

(2)

The surgical clinic, as a condition of granting staff privileges, will require the physicians to maintain comparable clinical privileges in local general acute care hospitals.

(3)

The applicant has an appropriate utilization review plan and quality assurance plan.

(4)

The applicant has acceptable written procedures for the transfer of surgical clinic patients and their records in an emergency to an appropriate general acute care hospital in the service area.

(5)

The surgical clinic can achieve and maintain a minimum of 240 operating room minutes (not including preparation and clean up time) per operating room per day within three years of commencement and will not cause the utilization at existing surgical clinics to drop below or fail to attain the minimum of 240 operating room minutes per operating room per day. For purposes of this section, surgical operating room minutes shall be calculated on the basis of five days per week and fifty weeks per year.

(6)

There will be a sufficient number of physicians in the service area who will use the surgical clinic and will have staff privileges and will enable the clinic to meet the minimum operating room time.

(7)

It will be an appropriate facility in the service area, considering equipment, staff, location, and other relevant factors.

(8)

The clinic will make provision to serve those who are unable to pay all or a substantial portion of the clinic's fee in advance of the provision of services.

(b)

Notwithstanding Section 90901(b)(1), with respect to the determination of unmet need in the community, and notwithstanding Section 90901(b)(2), with respect to the determination of adverse effect, the applicant may demonstrate that area hospitals are not making efforts to fully utilize their ambulatory surgical capacity or providing ambulatory surgical services at a reasonable cost to the community.

With respect to the determination of unmet community need for purposes of Section 90901(b)(1), and with respect to the determination of adverse effect under Section 90901(b)(2), the Office shall not consider any hospital in the service area which the applicant demonstrates does not meet both of the following criteria: (1) The hospital has a functioning, organized ambulatory surgery program with staff, approved policies, procedures, quality of care standards, and other documentation associated with an organized ambulatory surgery program. (2) The hospital is making good faith efforts to utilize its ambulatory surgical capacity and to provide ambulatory surgical services at a reasonable cost to the community.

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(2)

The hospital is making good faith efforts to utilize its ambulatory surgical capacity and to provide ambulatory surgical services at a reasonable cost to the community.