

1 State of Arkansas *As Engrossed: H3/13/13 H3/18/13*

2 89th General Assembly

A Bill

3 Regular Session, 2013

HOUSE BILL 1881

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5 By: Representative Magie

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For An Act To Be Entitled

8 AN ACT TO CLARIFY THE REGULATORY RESPONSIBILITIES FOR
9 PHYSICIAN OFFICE-BASED SURGERY BY ASSIGNING THE
10 REGULATORY AUTHORITY TO THE ARKANSAS STATE MEDICAL
11 BOARD; AND FOR OTHER PURPOSES.

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Subtitle

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16 TO CLARIFY THE REGULATORY
17 RESPONSIBILITIES FOR PHYSICIAN OFFICE-
18 BASED SURGERY BY ASSIGNING THE REGULATORY
19 AUTHORITY TO THE ARKANSAS STATE MEDICAL
20 BOARD.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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SECTION 1. Arkansas Code § 17-95-202, concerning definitions for the
25 Arkansas Medical Practices Act, is amended to add an additional subdivision
26 to read as follows:

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(4) "Office-based surgery" means surgery that:

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(A) Is performed by a physician in a medical office that
29 is not a hospital, outpatient clinic, or other facility licensed by the State
30 Board of Health;

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(B) Requires the use of general or intravenous
32 anesthetics; and

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(C) In the opinion of the physician, does not require
34 hospitalization.

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SECTION 2. Arkansas Code Title 17, Chapter 95, Subchapter 2, is



1 amended to add an additional section to read as follows:

2 17-95-209. Regulation of office-based surgery.

3 Within eighteen (18) months after the effective date of this act, the
4 Arkansas State Medical Board shall adopt rules to be followed by a physician
5 who performs office-based surgery.

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7 SECTION 3. Arkansas Code § 20-9-201(9), concerning definitions for the
8 regulation of health facilities services, is amended to read as follows:

9 (9)(A) "Outpatient surgery center" means a facility in which
10 ~~surgical services, other than minor dental surgery,~~ are offered that require
11 the use of general or intravenous anesthetics and where, in the opinion of
12 the attending physician, hospitalization, as defined in the present licensure
13 law, is not necessary.

14 (B) "Outpatient surgery center" does not include:

15 (i) A medical office owned and operated by a
16 physician or more than one (1) physician licensed by the Arkansas State
17 Medical Board, if the medical office does not bill facility fees to a third
18 party payor; or

19 (ii) A dental office that has a Facility Permit for
20 Moderate Sedation or a Facility Permit for General/Deep Sedation issued by
21 the Arkansas State Board of Dental Examiners;"

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23 SECTION 4. Arkansas Code Title 20, Chapter 9, Subchapter 1, is amended
24 to add an additional section to read as follows:

25 20-9-223. Medical office licensure.

26 A medical office owned and operated by a physician or more than one (1)
27 physician may apply for licensure by the State Board of Health as an
28 outpatient surgery center.

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30 /s/Magie

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33 **APPROVED: 04/02/2013**