
SENATE BILL 5619

State of Washington

62nd Legislature

2011 Regular Session

By Senators Keiser, Becker, Carrell, Parlette, and Shin

Read first time 02/01/11. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to clarifying which surgical facilities the
2 Washington state department of health is mandated to license pursuant
3 to chapter 70.230 RCW; and amending RCW 70.230.010 and 70.230.040.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 70.230.010 and 2007 c 273 s 1 are each amended to read
6 as follows:

7 The definitions in this section apply throughout this chapter
8 unless the context clearly requires otherwise.

9 (1) "Ambulatory surgical facility" means any distinct entity that
10 operates for the primary purpose of providing specialty or
11 multispecialty outpatient surgical services in which patients are
12 admitted to and discharged from the facility within twenty-four hours
13 and do not require inpatient hospitalization, whether or not the
14 facility is certified under Title XVIII of the federal social security
15 act. An ambulatory surgical facility includes one or more surgical
16 suites that are adjacent to and within the same building as, but not
17 in, the office of a practitioner in an individual or group practice, if
18 the primary purpose of the one or more surgical suites is to provide
19 specialty or multispecialty outpatient surgical services, irrespective

1 of the type of anesthesia administered in the one or more surgical
2 suites. An ambulatory surgical facility that is adjacent to and within
3 the same building as the office of a practitioner in an individual or
4 group practice may include a surgical suite that shares a reception
5 area, restroom, waiting room, or wall with the office of the
6 practitioner in an individual or group practice.

7 (2) "Department" means the department of health.

8 (3) "General anesthesia" means a state of unconsciousness
9 intentionally produced by anesthetic agents, with absence of pain
10 sensation over the entire body, in which the patient is without
11 protective reflexes and is unable to maintain an airway.

12 (4) "Person" means an individual, firm, partnership, corporation,
13 company, association, joint stock association, and the legal successor
14 thereof.

15 (5) "Practitioner" means any physician or surgeon licensed under
16 chapter 18.71 RCW, an osteopathic physician or surgeon licensed under
17 chapter 18.57 RCW, or a podiatric physician or surgeon licensed under
18 chapter 18.22 RCW.

19 (6) "Secretary" means the secretary of health.

20 (7) "Surgical services" means invasive medical procedures that:

21 (a) Utilize a knife, laser, cautery, cryogenics, or chemicals; and

22 (b) Remove, correct, or facilitate the diagnosis or cure of a
23 disease, process, or injury through that branch of medicine that treats
24 diseases, injuries, and deformities by manual or operative methods by
25 a practitioner.

26 **Sec. 2.** RCW 70.230.040 and 2007 c 273 s 4 are each amended to read
27 as follows:

28 Nothing in this chapter:

29 (1) Applies to an ambulatory surgical facility that is maintained
30 and operated by a hospital licensed under chapter 70.41 RCW;

31 (2) Applies to an office maintained for the practice of dentistry;

32 (3) Applies to outpatient specialty or multispecialty surgical
33 services routinely and customarily performed in the office of a
34 practitioner in an individual or group practice (~~that do not require~~
35 ~~general anesthesia~~), where the primary purpose of the office is not as
36 set forth in RCW 70.230.010(1), provided that any surgical services in
37 which general anesthesia is a planned event must be performed only in

1 an ambulatory surgical facility as defined in this chapter or in a
2 hospital or hospital-associated surgical center licensed under chapter
3 70.41 RCW; or

4 (4) Limits an ambulatory surgical facility to performing only
5 surgical services.

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