

**HOUSE . . . . . No. 1942**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Carolyn C. Dykema*

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to office-based surgery.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>
<i>Pamela Dembski Hart</i>	<i>179 Rolling Meadow Drive Holliston, MA 01746</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Cory Atkins</i>	<i>14th Middlesex</i>

**HOUSE . . . . . No. 1942**

By Ms. Dykema of Holliston, a petition (accompanied by bill, House, No. 1942) of Carolyn C. Dykema and others relative to the accreditation of offices performing office-based surgery operated by a licensed health care provider or organization. Public Health.

**The Commonwealth of Massachusetts**

**In the Year Two Thousand Thirteen**

An Act relative to office-based surgery.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION . Chapter 111 of the General Laws is hereby amended by adding the following  
2 section:-

3 Section 230. (a) For the purposes of this section the following terms shall have the  
4 following meanings:-

5 "Deep sedation/ analgesia", a drug-induced depression of consciousness during which  
6 patients cannot be easily aroused but respond purposefully following repeated or painful  
7 stimulation. The ability to independently maintain ventilatory function may be impaired. Patients  
8 may require assistance in maintaining a patent airway, and spontaneous ventilation may be  
9 inadequate. Cardiovascular function is usually maintained.

10 "General anesthesia", a state of unconsciousness intentionally produced by anesthetic  
11 agents, with absence of pain sensation over the entire body, in which the patient's protective  
12 airway reflexes may be impaired and the patient may be unable to maintain a patent natural  
13 airway. Sedation that unintentionally progresses to the point at which the patient's protective  
14 airway reflexes are impaired and the patient is unable to maintain a patent natural airway is  
15 considered general anesthesia.

16 "Moderate sedation/ analgesia", a drug-induced depression of consciousness during  
17 which patients respond purposefully to verbal commands, either alone or accompanied by tactile  
18 stimulation. No interventions are required to maintain a patent airway, and spontaneous  
19 ventilation is adequate. Cardiovascular function is usually maintained.

20 "Office-based surgery", any surgery or invasive medical procedure requiring analgesia or  
21 sedation, when performed in a location other than a hospital or hospital associated surgical  
22 center.

23 (b) Any office performing office-based surgery operated by a licensed health care  
24 provider or organization at which moderate sedation/analgesia, deep sedation/analgesia or  
25 general anesthesia is administered shall be accredited by at least one of the following entities: (1)  
26 The Medicare program; (2) the Accreditation Association for Ambulatory Health Care; (3) the  
27 American Association for Accreditation of Ambulatory Surgery Facilities, Inc.; (4) the Joint  
28 Commission on Accreditation of Healthcare Organizations; or (5) any other nationally  
29 recognized accrediting agency approved by the board of registration in medicine. Such  
30 accreditation shall be obtained not later than 18 months after July 1, 2014, or 18 months after the  
31 date on which moderate sedation/analgesia, deep sedation/analgesia or general anesthesia is first  
32 administered at such office or facility, whichever is later. Upon the expiration of the applicable  
33 18 month period, no moderate sedation/analgesia, deep sedation/analgesia or general anesthesia  
34 may be administered at any such office or facility that does not receive accreditation as required  
35 by this section.

36 (c) Evidence of such accreditation shall be maintained at any such office or facility at  
37 which moderate sedation/analgesia, deep sedation/analgesia or general anesthesia is administered  
38 and shall be made available for inspection upon request of the department.

39 (d) The board of registration in medicine may revoke, suspend or deny renewal of the  
40 license of a practitioner who violates this section.