Kansas Administrative Regulations

Department of Health and Environment

Article 34.—Hospitals—Part 2. Ambulatory Surgical Centers.

28-34-50. Definitions.

(a) "Administrator" means an individual appointed by the governing body to act on its behalf in the overall management of the ambulatory surgical center.

(b) "Ambulatory surgical center" means an establishment with the following:

(1) An organized medical staff of one or more physicians;

(2) permanent facilities that are equipped and operated primarily for the purpose of performing surgical procedures and do not provide services or other accommodations for patients to stay more than 24 hours;

(3) continuous physician services during surgical procedures and until the patient has recovered from the obvious effects of anesthesia, and at all other times with continuous physician services available whenever a patient is in the facility; and

(4) continuous registered professional nursing services whenever a patient is in the facility.

Before discharge from an ambulatory surgical center, each patient shall be evaluated by a physician for proper anesthesia recovery. Nothing in this regulation shall be construed to require the office of a physician or physicians to be licensed under this act as an ambulatory surgical center.

(c) "Anesthesiologist" means a physician who is licensed in Kansas to practice medicine and surgery and who has successfully completed a postgraduate medical education program and training program in anesthesiology.

(d) "Change of ownership" means any transaction that results in a change of control over the capital assets of an ambulatory surgical center.

(e) "Clinical laboratory improvement amendments" or "CLIA" is as published in 42 C.F.R. Part 493, as in effect on October 1, 1996 and hereby adopted by reference.

(f) "Dentist" means a person licensed in Kansas to practice dentistry.

(g) "Drug administration" means the direct application of a drug or biological, either by injection, inhalation, ingestion, or any other means, to the body of a patient by one of the following:

(1) A practitioner or individual pursuant to the lawful direction of a practitioner who is acting within the scope of that practitioner's license and who is qualified according to medical staff bylaws; or

(2) the patient at the direction and in the presence of a practitioner.

(h) "Drug dispensing" means delivering prescription medication to the patient pursuant to the lawful order of a practitioner.

(i) "Facilities" means buildings, equipment, and supplies necessary for delivery of ambulatory surgical center services.

(j) "Governing authority" means a board of directors, governing body, or individual in whom the ultimate authority and responsibility for management of the ambulatory surgical center is vested.

(k) "Licensing department" means the Kansas department of health and environment.

(l) "Licensed practical nurse (L.P.N.)" means an individual licensed in Kansas as a licensed practical nurse.

(m) "Medical staff" means a formal organization of physicians, dentists, and other practitioners who are appointed by the governing authority to attend patients within the ambulatory surgical center. Surgical procedures shall be performed only by practitioners within the scope of their practice who at the time are privileged to perform these procedures in at least one licensed hospital in the community in which the ambulatory surgical center is located, or the ambulatory surgical center shall have a written transfer agreement with the hospital.

(n) "Nursing services" means patient care services pertaining to the curative, restorative, and preventive aspects of nursing that are performed or supervised by a registered nurse pursuant to the medical care plan of the practitioner and the nursing care plan.

(o) "Organized" means administratively and functionally structured.

(p) "Organized medical staff" means a formal organization of physicians, dentists, and practitioners with the responsibility and authority to maintain proper standards of patient care as delegated by the governing authority.

(q) "Patient" means a person admitted to the ambulatory surgical center by and upon the order of a physician, or by a dentist in accordance with the orders of a physician who is a member of the medical staff.

(r) "Physician" means a person holding a valid license from the Kansas state board of healing arts to practice medicine and surgery.

(s) "Podiatrist" means a person holding a valid license from the Kansas state board of healing arts to practice podiatric medicine and surgery.

(t) "Practitioner" means a member of the ambulatory surgical center's medical staff and may include a physician or dentist.

(u) "Qualified nurse anesthetist" means any of the following:

(1) A registered nurse who has been certified as a nurse anesthetist by the council on certification of the American association of nurse anesthetists and has been authorized as a registered nurse anesthetist by the Kansas state board of nursing;

(2) a student enrolled in a program of nurse anesthesia by the council on accreditation of the American association of nurse anesthetists; or

(3) a graduate of an accredited program of nurse anesthesia who is awaiting certification testing or the results of the certification test and has been granted temporary authorization as a registered nurse anesthetist by the Kansas state board of nursing.

(v) "Registered nurse (R.N.)" means a person who is licensed in Kansas as a registered professional nurse.

(w) "Supervision" means authoritative procedural guidance by a qualified person for the accomplishment of a function or activity within that person's sphere of competence. Supervision shall include initial direction and periodic inspection of the actual act of accomplishing the function or activity.

(x) "Survey" means the process of evaluation or reevaluation of an ambulatory surgical center's compliance with this article.

(Authorized by and implementing K.S.A. 2000 Supp. 65-429 and K.S.A. 65-431; effective Jan. 1, 1974; amended April 20, 2001.)

***** Authenticated Kansas Administrative Regulation *****