Kansas Administrative Regulations

Department of Health and Environment

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

28-34-51. Licensing procedure.

(a) No construction shall begin until plans and specifications covering the construction of new buildings, additions, or material alterations to existing buildings are submitted to the department, in writing, in accordance with K.A.R. 28-34-62a. A written narrative describing the intended use of the proposed construction shall accompany the plans and specifications.

(b) Ambulatory surgical centers shall be licensed to provide only those services for which they are qualified. The extent of the facility's compliance with this article may be documented by the department in one of the following ways:

(1) The statement of a responsible, authorized administrator or staff member, which shall include one of the following:

(A) Documentary evidence of compliance provided by the facility; or

(B) answers by the facility to detailed questions provided by the licensing department concerning the implementation of any provisions of this article or examples of this implementation that allow a judgement about compliance to be made; or

(2) on-site observations by surveyors.

(c) The application for a license to establish or maintain an ambulatory surgical center shall be submitted to the licensing department. Each application shall be made in writing on forms provided by the department for a license for a new facility or for the renewal of a license for an existing facility. Applications for a license for each new facility shall be submitted at least 90 days before opening.

(d) Upon application for a license from a facility never before licensed, an inspection shall be made by the representative of the licensing department. Every building, institution, or establishment for which a license has been issued shall be periodically surveyed for compliance with the regulations of the licensing department.

(e) A license shall be issued by the department when both the following requirements are met:

(1) Construction is complete.

(2) The facility has completed an application form and is found to be in substantial compliance with K.S.A. 65-425 et seq., and amendments thereto, and K.A.R. 28-34-51 through K.A.R. 28-34-62a.

(f) If the facility is found to be in violation of this article, the applicant shall be notified in writing of each violation, and the applicant shall submit a plan of correction to the department. The plan shall state specifically what corrective action will be taken and the date on which it will be accomplished.

(g) Each licensee shall file an annual report on forms prescribed by the department. The license may be suspended or revoked at any time for noncompliance with this article of the licensing department and in accordance with the Kansas administrative procedure act, K.S.A. 77-501 et seq., and amendments thereto.

(h) The licensing department shall be notified within 60 days of any change in ownership or location of an ambulatory surgical center, and a new application form shall be submitted to the licensing department in the event of such a change.

(i) Within 60 days of issuance of an initial license, or following a change of ownership, the administrator shall submit the following information to the licensing department:

(1) Verification of professional liability coverage for the ambulatory surgical center in compliance with K.S.A. 40-3401 et seq., and amendments thereto; and

(2) a risk management plan in compliance with K.A.R. 28-52-1.

(j) The current license certificate issued by the licensing department shall be framed and conspicuously posted on the premises. The license certificate shall remain the property of the licensing department.

(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 *****