

## ASCA Government Affairs Update



Your Weekly Government Affairs Newsletter

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### **HHS Secretary Queried on Plans for ASC Quality Reporting**

During a recent House Energy & Commerce Subcommittee on Health hearing on the FY 2012 US Department of Health & Human Services (HHS) budget, HHS Secretary Kathleen Sebelius provided testimony focused on implementation of the health care reform law. In follow-up to that hearing, Subcommittee Chairman Rep. Joe Pitts (R-PA) has submitted questions to Secretary Sebelius on a variety of issues, including quality reporting by ASCs. Specifically, the subcommittee is seeking information on whether the Centers for Medicare & Medicaid Services (CMS) will be issuing a new rule this year establishing an ASC quality reporting program for 2012. In addition, the subcommittee is seeking assurance that any proposed reporting system is not overly burdensome and that CMS will work with the ASC industry to facilitate broad participation by ASCs regardless of their size, specialty or level of sophistication.

For more information, contact Steve Miller at [smiller@ascassociation.org](mailto:smiller@ascassociation.org).

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### **ASCPAC Hosts Fundraising Events for Members of Congress**

On March 9, the Ambulatory Surgery Center Political Action Committee (ASCPAC) hosted a fundraising lunch for Congressman Bill Cassidy (R-LA) and a fundraising dinner for Congressman Tom Price (R-GA). ASCPAC gathered members of the ASC community to recognize Reps. Cassidy and Price for their support of the ASC industry.

ASCPAC Chairman Michael Guarino said, “Representatives Cassidy and Price are exceptional public servants who understand the important role ASCs play in saving the Medicare system money while providing top-quality patient care.”

Before his election to Congress, Congressman Cassidy was a practicing gastroenterologist in Louisiana. Congressman Cassidy is a strong advocate for ASCs, a cosponsor of ASC industry legislation and one of the signers on last year’s letter from 32 members of Congress to CMS.

Congressman Price is an orthopedic surgeon who has worked to support ASCs while serving

Georgia's 6th congressional district. Congressman Price has been a cosponsor of ASC industry legislation and a signatory on ASC industry letters to Congress and the administration.

ASCA members can support the industry's advocacy efforts by contributing to ASCPAC, the ASC industry's political action committee. According to ASCPAC Chairman Guarino, "ASCPAC is making great strides in fundraising and supporting ASC industry allies. However, it is important that we increase the support we receive from ASC physician owners and administrators."

For more information, contact Brendan Davis at [bdavis@ascassociation.org](mailto:bdavis@ascassociation.org).

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### **Kansas City ASC Hosts Congressional Visit**

Congresswoman Vicky Hartzler (R-MO) toured St. Mary's Surgical Center on Monday, March 21, 2011. Rep. Hartzler and her aide Kay Stewart had selected St. Mary's, located in Blue Springs, Missouri, to be part of her district-wide visit during the weeklong congressional recess. Di Carr, regional vice president for United Surgical Partners International, and Nancy Sturgeon, administrator for St. Mary's, escorted Congresswoman Hartzler through the center where she met many of the staff and spoke with the center's physicians. When asked about the tour, Congresswoman Hartzler commented, "It was great meeting the dedicated staff at St. Mary's Surgical Center and touring their state of the art facility. I can see why area residents are so grateful to have St. Mary's providing quality care in their community."

Prior to the visit, an information packet containing background materials on the ASC industry was provided to the congresswoman to facilitate a discussion of the challenges facing ASCs.

"The staff at St. Mary's were very excited to have St. Mary's chosen as one of the Congresswoman's sites to visit while in the Kansas City area," said Sturgeon after the tour. "We had a very productive conversation with Rep. Hartzler regarding the important role that ASCs provide in delivering high quality, low cost surgical care to patients that saves Medicare money."

For more information about the visit or hosting a visit for a member of Congress at your ASC, contact Morgan Hanson at [mhanson@ascassociation.org](mailto:mhanson@ascassociation.org).

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### **Single Operating Room Licensure Legislation and Regulation Proposed in New Jersey**

The New Jersey Department of Health and Senior Services (DHSS) released a statement on March 18 announcing a proposed rule that would require all surgical facilities to be registered and inspected by the state. The rule applies to surgical centers with no more than one operating room. These facilities are presently regulated as "private medical practices" under the Board of Medical Examiners. In the DHSS release, Deputy Commissioner Mary O'Dowd states that the proposed rule is to "ensure that patients who have surgery in an outpatient setting are being treated in facilities that meet quality and safety standards set either by the government or nationally recognized accreditation bodies."

DHSS's proposed rule coincides with state Senator Joseph Vitale's (D) Senate Bill 2780. Both the proposed rule and the proposed legislation would ensure state licensure and inspection by including "one-room" facilities under the New Jersey definition of "surgical practice." In addition, the proposals require the facilities to become subject to the Ambulatory Assessment Fee since they would be newly classified as ambulatory surgery facilities. Senate Bill 2780 has not received any legislative action since its initial referral to the Health, Human Services and

Senior Citizens Committee in the Senate.

Prior to 2009, most ASCs in New Jersey were set-up as ‘extensions of the doctor’s practice.’ As a result of the *Garcia vs Healthnet* lawsuit, the state legislature revised New Jersey’s Codey Law under which all ‘multi-room’ centers were grandfathered in and one-room centers continued as extensions of doctor’s practice centers. The one-room centers were not put under the auspices of DHSS, but came under the supervision of the Board of Medical Examiners. Presently, there are 250 ASCs in New Jersey that are licensed by DHSS or certified by Medicare and, thereby, required to pass an inspection conducted either by DHSS or one of the four CMS-approved accreditation organizations. The average surgical center is a multi-room center, which is licensed by DHSS. According to DHSS, 128 “one room” physician surgical practices have voluntarily registered with DHSS in anticipation of the rule.

Jeff Shanton of the New Jersey Association of Ambulatory Surgery Centers states that, “The big issue [of the proposed legislation and regulations] will be the physical requirements. The majority of these one-room centers will never be able to comply with the physical/architectural requirements for licensure. So unless *grandfathered* in, the state of New Jersey would see these businesses be forced to close.”

The DHSS release on the proposed rule can be viewed [here](#). Senate Bill 2780 can be reviewed [here](#).

For more information, contact Shawn Swearingen at [sswearingen@ascassociation.org](mailto:sswearingen@ascassociation.org).

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### **New Medicare Fees Start March 25**

Beginning March 25, 2011, CMS will impose a \$505 fee on ASCs, as well as other providers, that are enrolling in the Medicare program for the first time, revalidating their Medicare enrollment or adding a new practice location. The new fee is mandated by the health care reform law and is designed to pay for increased fraud and abuse screening by the government. ASCs can pay the fee via the federal government’s online [payment site](#).

For more information, contact Jonathan Beal at [jbeal@ascassociation.org](mailto:jbeal@ascassociation.org).

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