

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
89th General Assembly  
Regular Session, 2013

As Engrossed: H3/13/13 H3/18/13  
**A Bill**

HOUSE BILL 1881

By: Representative Magie

### **For An Act To Be Entitled**

AN ACT TO CLARIFY THE REGULATORY RESPONSIBILITIES FOR  
PHYSICIAN OFFICE-BASED SURGERY BY ASSIGNING THE  
REGULATORY AUTHORITY TO THE ARKANSAS STATE MEDICAL  
BOARD; AND FOR OTHER PURPOSES.

### **Subtitle**

TO CLARIFY THE REGULATORY  
RESPONSIBILITIES FOR PHYSICIAN OFFICE-  
BASED SURGERY BY ASSIGNING THE REGULATORY  
AUTHORITY TO THE ARKANSAS STATE MEDICAL  
BOARD.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 17-95-202, concerning definitions for the Arkansas Medical Practices Act, is amended to add an additional subdivision to read as follows:

(4) "Office-based surgery" means surgery that:

(A) Is performed by a physician in a medical office that is not a hospital, outpatient clinic, or other facility licensed by the State Board of Health;

(B) Requires the use of general or intravenous anesthetics; and

(C) In the opinion of the physician, does not require hospitalization.

SECTION 2. Arkansas Code Title 17, Chapter 95, Subchapter 2, is



amended to add an additional section to read as follows:

17-95-209. Regulation of office-based surgery.

Within eighteen (18) months after the effective date of this act, the Arkansas State Medical Board shall adopt rules to be followed by a physician who performs office-based surgery.

SECTION 3. Arkansas Code § 20-9-201(9), concerning definitions for the regulation of health facilities services, is amended to read as follows:

(9)(A) "Outpatient surgery center" means a facility in which ~~surgical services, other than minor dental surgery,~~ are offered that require the use of general or intravenous anesthetics and where, in the opinion of the attending physician, hospitalization, as defined in the present licensure law, is not necessary.

(B) "Outpatient surgery center" does not include:

(i) A medical office owned and operated by a physician or more than one (1) physician licensed by the Arkansas State Medical Board, if the medical office does not bill facility fees to a third party payor; or

(ii) A dental office that has a Facility Permit for Moderate Sedation or a Facility Permit for General/Deep Sedation issued by the Arkansas State Board of Dental Examiners;"

SECTION 4. Arkansas Code Title 20, Chapter 9, Subchapter 1, is amended to add an additional section to read as follows:

20-9-223. Medical office licensure.

A medical office owned and operated by a physician or more than one (1) physician may apply for licensure by the State Board of Health as an outpatient surgery center.

/s/Magie