

## INTERPRETATIONS

### § 551.21. Criteria for ambulatory surgery.

- (a) Ambulatory surgical procedures are limited to those that do not exceed:
- (1) A total of 4 hours of operating time.
  - (2) A total of 4 hours directly supervised recovery.
- (b) The time limits in subsection (a) may be exceeded only if the patient's condition demands care or recovery beyond the 4-hour limit and the need for the additional time could not have been anticipated prior to surgery.
- (c) If the surgical procedures require anesthesia, the anesthesia shall be one of the following:
- (1) Local or regional anesthesia.
  - (2) General anesthesia of 4 hours or less duration.
- (d) Surgical procedures may not be of a type that:
- (1) Are associated with the risk of extensive blood loss.
  - (2) Require major or prolonged invasion of body cavities.
  - (3) Directly involve major blood vessels.
  - (4) Are emergency or life threatening in nature, unless no hospital is available for the procedure and the need for the surgery could not have been anticipated.
- (e) In obtaining informed consent, the practitioner performing the surgery is responsible for disclosure of:
- (1) The risks, benefits and alternatives associated with the anesthesia which will be administered.
  - (2) The risks, benefits and alternatives associated with the procedure which will be performed.

(3) The comparative risks, benefits and alternatives associated with performing the procedure in the ASF instead of in a hospital.

(f) The Department may issue interpretations of this subpart, which apply to the question of whether the performance of certain surgical procedures will require licensure as an ASF.

(g) Interpretations issued under this section do not constitute an exercise of delegated legislative power by the Department and will expressly be subject to modification by the Department in an adjudicative proceeding based upon the particular facts and circumstances relevant to a proceeding. Interpretations are not intended to be legally enforceable against a person by the Department. In issuing an adjudication, the Department may consider, but is not bound by, interpretations.

(h) Interpretations adopted by the Department under this section will be reviewed for form and legality under the Commonwealth Attorneys Act (71 P. S. § § 732.101—732-506) and, upon approval, will be submitted to the Legislative Reference Bureau for recommended publication in the *Pennsylvania Bulletin* and *Pennsylvania Code* as a statement of policy of the Department as a part of this subpart.

#### Source

The provisions of this § 551.21 amended October 22, 1999, effective November 22, 1999, 29 Pa.B. 5583. Immediately preceding text appears at serial page (251638).

#### Cross References

This section cited in 28 Pa. Code § 551.22 (relating to criteria for performance of ambulatory surgery on pediatric patients).

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