

OIG REPORTS ON COMPLIANCE WITH ASC SURVEY REQUIREMENTS

In September 2019, the U.S. Department of Health & Human Services, Office of Inspector General (“OIG”) published a “Data Brief” regarding State oversight of Ambulatory Surgery Centers (“ASCs”). The Data Brief focused on the responsibility of the States to survey those ASCs: (1) that are not accredited by third party accreditation agencies (“Non-Deemed Status ASCs”); and (2) about which serious complaints are received, regardless of whether the ASC is accredited.

Although the purpose of the Data Brief is to summarize State compliance with their survey obligations, the findings illuminate issues for ASCs to consider, including the following:

- The category of the Conditions of Coverage (“CfC”) with the most deficiencies between FY 2013 – FY 2017 was Infection Control with Infection Control findings being approximately one-fifth of all deficiencies. In other words, States cited more than half (55%) of all Non-Deemed Status ASCs with one or more Infection Control deficiencies.
- The categories with the most deficiencies after Infection Control were: Pharmaceutical Services, Environment, Patient Rights and Patient Admission, Assessment and Discharge.
- 77% of Non-Deemed Status ASCs had at least one deficiency during survey and 25% had serious deficiencies.
- Between FY 2013 – FY 2017, there were a fairly limited number of complaints nationwide, with complaints regarding less than 4% of ASCs. Nevertheless, accredited ASCs should keep in mind that they may be surveyed by the States for complaints in the same manner as Non-Deemed Status ASCs.

A complete copy of the Data Brief can be found out at: <https://oig.hhs.gov/oei/reports/oei-01-15-00400.pdf>

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Should you have any questions regarding the above, please contact the [Garfunkel Wild attorney](#) with whom you regularly work. For information regarding surveys and, in particular, compliance with Infection Control CfCs, **please join us at Garfunkel Wild’s ASC and HealthCare Management Symposium**. For additional information, visit our website at nymetroasc.com or call 516-393-2294

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Contact Information:

111 Great Neck Road
Great Neck, NY 11021
516.393.2200

411 Hackensack Avenue
Hackensack, NJ 07601
201.883.1030

350 Bedford Street
Stamford, CT 06901
203.316.0483

677 Broadway
Albany, NY 12207
518.242.7582

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