

Office-Based Surgery

Office of Quality and Patient Safety

Patient Safety Center

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A Newsletter from the New York State Department of Health

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Office-based Surgery in New York Circa 2013

In the fall of 2007 PHL 230-d, aka the Office-based Surgery (OBS) Law, was enacted.

The law requires private practices of medicine performing invasive and surgical procedures involving more than local/topical anesthesia or minimal sedation, or liposuction of more than 500 mls, to become accredited by one of the NYS Department of Health (DOH) designated accrediting agencies by July 2009. Just as important, the law required practices to file specific adverse events (AEs) identified in the law with the Patient Safety Center (PSC) beginning in January 2008.

Designated OBS accrediting agencies include the:

Accreditation Association for Ambulatory Health Care, American Association for the Accreditation of Ambulatory Surgical Facilities and The Joint Commission.

As of August 2013, there are 999 accredited OBS practices.

Similar to ambulatory surgery centers, some are single specialty practices and some are large multi-specialty practices. The

names, number and county distribution of accredited OBS practices can be found on the OBS website at: www.health.ny.gov/professionals/office-based_surgery/practices/.

Failure to report an office-based surgery adverse event is professional misconduct.

OBS Adverse Event (AE) and Disease Transmission Reporting – A Primer

What must be reported?

- unplanned transfers,
- unscheduled hospital admissions of 24 hours or longer within 72 hours of the OBS procedure,
- suspected transmission(s) of blood borne pathogens,
- death(s) within 30 days of the OBS procedure and
- any other serious or life-threatening event. DOH has defined serious or life-threatening events as the National Quality Forum's Serious Reportable Events. These can be found at: www.qualityforum.org/Topics/SREs/Serious_Reportable_Events.aspx.

Reports must be filed within 24 hours of the event or becoming aware of the event. Reports may be sent to the PSC via certified mail or secure file transfer via the Department's Health Commerce System. The OBS Adverse Event Reporting Form was updated in June 2013 and can be found at: www.health.ny.gov/forms/doh-4431.pdf.

Development of an adverse event reporting form that can be filed electronically is underway.

DOH strongly encourages OBS practices to engage in discussions with all staff as a reminder about the duty to report, review what events are reportable, provide any needed training, and implement processes that assist in the identification of reportable events.

OBS Law Expanded to Include Podiatry

In 2012, NYS Education Law was amended expanding the scope of practice of podiatry to include ankle surgery. At the same time, PHL 230-d was amended to include podiatrists who were privileged to perform ankle surgery by the State Education Department and performing such surgery in their private offices with more than local/topical anesthesia or

minimal sedation. As of February 2014, these podiatrists must become OBS accredited and file adverse event reports with the Patient Safety Center.

For more information see the State Education Department website: www.op.nysed.gov/prof/pod/anklesurgery.htm

Advisory Committee

History

The OBS Advisory Committee started out as the Committee on Quality Assurance in Office-Based Surgery. The first such committee was appointed in 1997 by the then Public Health Council and Commissioner of Health and resulted in the publication of Clinical Guidelines for Office-based Surgery in 2000. In 2005, DOH reconvened the Committee seeking additional recommendations to assure the quality of care in OBS. The report of the Committee, published in January 2007, recommended the provisions of the current law and added provisions to the professional misconduct law making performance of OBS in an unaccredited office and failure to file a mandated AE report professional misconduct.

Membership

The Chairperson of both the 1997 and 2005 Committee on Quality Assurance in OBS and the current OBS Advisory Committee is Bernard Rosof, MD. A few of Dr. Rosof's many roles include: Board of Trustees, North Shore-LIJ Health System; Chairman Emeritus, Physician Consortium for Performance Improvement; Board of Directors, National Quality Forum; Co-Chairman, National Priorities Partnership (NQF); and CEO, Quality in Healthcare Advisory Group LLC.

Committee membership represents the medical specialties performing OBS, quality experts, members of the public and representatives of the accrediting agencies. Committee members that have served since 1997 include: Rebecca Twerski MD, Scott Groudine MD and James Tiffit MD.

Other members of the Committee include: Arthur Aufses MD, David Bernstein MD, Clare Bradley MD, Ana Cepin MD, Ellen Cooper RN, William Dillon MD, Lawrence Faltz MD, Renee Garrick MD, Arthur Levin, Brian Murray MD, William Rosenblatt MD, James Silberzweig MD, Deborah Spratt RN, Jennifer Hoppe, Carolyn Kurtz and Thomas Terranova.

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