



STATE OF NEW YORK
DEPARTMENT OF HEALTH

Corning Tower The Governor Nelson A. Rockefeller Empire State Plaza Albany, New York 12237

Richard F. Daines, M.D.
Commissioner

Wendy E. Saunders
Chief of Staff

March 12, 2008

Dear Chief Executive Officer:

This is to notify you of recent legislation that affects physician private practices in which office-based surgery (OBS) is performed. In addition to requiring the accreditation of OBS practices, the law requires the reporting of certain adverse events by physicians, physician assistants and specialist assistants (mandated reporters) directly or indirectly involved in the OBS procedure. Adverse events, which must be reported to the Department of Health's (DOH) Patient Safety Center, mean: (1) patient death within thirty days; (2) unplanned transfer to the hospital; (3) unscheduled hospital admission, within seventy-two hours of the OBS, for longer than twenty-four hours; or (4) any other serious or life-threatening event.

Any mandated reporter in a hospital who believes that a patient complaint, complication, condition, emergency room visit, hospital admission or death is related to an OBS procedure must report a potential adverse event. Although hospitals themselves are not mandated reporters, DOH encourages hospitals to report, if any administrative staff becomes aware of any potential OBS adverse event through staff members, other than mandated reporters. DOH also encourages hospitals to educate its staff members, especially its mandated reporters, regarding the reporting of adverse events. Finally, DOH encourages hospitals to submit reports from mandated reporters working in their hospital through the mechanism of the hospital reporting system.

There may be many instances in which the mandated reporter or other reporter do not know all of the facts of the case and, therefore, cannot complete the entire form. An incomplete form should still be submitted, signed by the mandated or other reporter, and providing his/her license number.

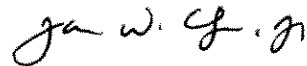
Adverse event reports must be sent to the DOH's Patient Safety Center on a form located on the DOH website at <http://www.nyhealth.gov/forms/doh-4431.pdf>. Completed forms must be sent by Certified Mail to the New York State Department of Health, Patient Safety Center, 161 Delaware Avenue, Albany NY 12054.

For your information, the Department has posted further information about OBS on its website at the following link: http://www.health.state.ny.us/professionals/office-based_surgery/.

Specific documents that may be of interest include a letter to all mandated reporters explaining the law at http://www.nyhealth.gov/professionals/office-based_surgery/2007-12-03_dear_doctor_letter_obs.htm and OBS Frequently Asked Questions at http://www.nyhealth.gov/professionals/office-based_surgery/obs_faq.htm.

If you have any questions, you may write to obs@health.state.ny.us.

Sincerely,



James W. Clyne, Jr.,
Deputy Commissioner
Office of Health Systems Management