



June 27, 2015

The Honorable John Kasich
Governor of the State of Ohio
77 South High Street, 30th Floor
Columbus, Ohio 43215

Dear Governor Kasich,

On behalf of the 114 members of the OAASC and 264 licensed ambulatory surgery centers in Ohio that annually perform hundreds of thousands of procedures including more than 40,000 cataract procedures and 38,000 colonoscopies for Medicare patients and also thousands of joint replacements, ear, nose and throat procedures and a myriad of other crucial outpatient surgeries, we would request that the Governor use his line item veto authority to remove language in House Bill 64 that would negatively impact access to care in Ohio, especially in our more rural communities who already struggle to obtain needed services.

We feel that the 30 mile transfer agreement and variance language would have unintended consequences that can lead to access issues for Ohioans that are in need of outpatient care that is provided in our centers. Additionally, the changes regarding the timeframe variance approval are a concern for centers if there is not also an accompanying reason for the denial of the variance. In this case, an ASC providing services to the elderly, children and even injured workers would have no idea of how to correct any deficiencies in their application or how to continue to serve their patients.

We would like to work with the Ohio General Assembly to have a thoughtful discussion about language that will address their concerns without unintentionally harming Ohio's ambulatory surgery centers or the vital services they provide to Ohioans of all ages. We feel that the concerns addressed in these provision can be accomplished in future legislation, with analysis of unintended consequences and therefore request the following line item vetoes:

VETO REQUEST #1: Ohio Revised Code Section 3702.3010

A local hospital shall not be further than thirty miles from an ambulatory surgical facility:

(A) With which the local hospital has a written transfer agreement under section 3702.303 of the Revised Code; or

(B) Whose consulting physicians under a variance granted under section 3702.304 of the Revised Code have admitting privileges at the local hospital.

Rationale: While most ambulatory surgical facilities would have a local hospital within 30 miles, there are areas of the state that are in high need of access to healthcare and the 30 mile restriction may make it difficult for our members to expand services to high need areas in the state. Additionally, there are numerous centers that are members of our organization in more rural area of southeast and northwest Ohio that are on the cusp of the 30 mile distant. If, for example, there are any construction barriers that would require an alternate route, this could easily surpass the 30 mile requirement and therefore non-compliant.

VETO REQUEST #2: Ohio Revised Code Section 3702.304

(2) Not later than sixty days after receiving a variance application from an ambulatory surgical facility, the director shall grant or deny the variance. A variance application that has not been approved within sixty days is considered denied.

VETO REQUEST #3: Ohio Revised Code Section 3702.309

(A) If a variance application is denied under section 3702.304 of the Revised Code, the license of such an ambulatory surgical facility is automatically suspended. The director of health shall reinstate the license if one of the following occurs:

(1) The facility files with the director a copy of a written transfer agreement that meets the requirements of section 3702.303 of the Revised Code.

(2) The director grants the facility a variance pursuant to the requirements and procedures under section 3702.304 of the Revised Code;

(3) The license is required to be reinstated pursuant to an order issued in accordance with sections 119.01 to 119.13 of the Revised Code.

(B) If a facility's license remains under suspension pursuant to this section after the expiration date of the license, in order to operate as an ambulatory surgical facility it must apply for a new license under section 3702.30 of the Revised Code.

VETO REQUEST #4: Ohio Revised Code Section 737.13

Not later than sixty days after the effective date of this section, the director of health shall grant or deny all variance applications under section 3702.304 of the Revised Code that are pending on that effective date. A variance application that has not been granted within sixty days of the effective date of this section is considered denied.

Rationale - If for any variety of reasons an ambulatory surgical facility would need to request the transfer agreement variance and that request is denied, the ASC(F) would need to have certain information on why the variance is denied and how to rectify the issue(s) so that it can continue to provide surgical services to Ohio's elderly. We believe this is a fair request of the department.

At this time, we feel that these sections of the Ohio Revised Code should be vetoed so that we can work with the members of the Ohio General Assembly to craft reasonable language that allows Ohioans to have access to healthcare, especially in our more rural areas of the state.

Sincerely,

Randy Leffler
Executive Director