



Office-Based Surgery (OBS)

Board-by-Board Statutes, Regulations, and Policies

Boards with statutes, rules, or guidelines relating to OBS: 45
Boards that regulate ambulatory surgery centers (ASCs), but omit OBS (<i>see Notes</i>): 12
Boards that regulate neither OBS nor ASCs: 14

	Statute, Regulation, or Board Policy	Citation
AL	X	Alabama Admin. Code Ch. 540-X-10 ALBME Guidance
AK	X	Guidelines Regarding the Use of Lasers and Laser Surgery Alaska State Medical Board, October 2007
AZ-M	X	Arizona Rev. Stat. §36-402(3) Arizona Admin. Code R4-16-701-707
AZ-O	X	Arizona Admin. Code R4-22-501-508
AR	X	Arkansas Code R. § 060.00.18-002, Regulation 35
CA-M	X	CMB Guidance re: Outpatient Surgery Settings California Bus & Prof. Code §2216.1;
CA-O	X	California Bus & Prof D. 2, Ch. 5, Art. 11.5; Art. 12 § 2240 California Health & Safety Code D. 2, Ch. 1.3 California Code. Regs. tit. 16 §1356.6
CO	X	Policy 40-12: Office Based Surgery and Anesthesia Colorado Medical Board, May 2016 6 CCR 1011-1 Chap 20 re: ASCs
CT	X	Connecticut Gen. Stat. Ann. § 19a-490m; § 19a-493b-494 DPH Guidance re: Out-patient Surgical Facilities
DE	X	Delaware Code tit. 16 § 122(y-z); tit. 24 § 17-1705 16 Delaware Admin. Code 3335 DHSS Registration for Office Based Surgery Facilities
DC	X	District of Columbia Code § 44-501-502; § 44-504(H); § 44-505, § 44-509 Regulations for Ambulatory Surgical Centers
FL-M	X	Florida Admin. Code Ann. Rule Ch. 64B15-14.007
FL-O	X	DOH Office Surgery Registration Application FLBOM Office Surgery Registration Program FAQs
GA	X	Office-based Anesthesia and Surgery Guidelines Georgia Composite Medical Board, April 2019
GU	--	(None found)
HI	--	(None found)
ID	--	(None found)
IL	X	68 Illinois Admin. Code § 1285.340; 77 I.A.C. § 205.110; 205.118; 205.840-850 210 Illinois Comp. Stat. 5/3
IN	X	844 Indiana Admin. Code 5-5-5; 5-5-13; 5-5-20-22 DOH ASC Guidance
IA	--	(None found)
KS	X	Kansas Admin. Regs. 100-25-1-3 KSBHA Office Based Surgery Manual (2014)
KY	X	Guidelines for Office-Based Surgery Kentucky Board of Medical Licensure, last amended March 2018
LA	X	46 Louisiana Admin. Code Ch. 73 - Office-Based Surgery

		LSBME Guidance
ME-M	X	Ch. 12 - Rule Regarding Office Based Treatment of Opioid Use Disorder Maine Board of Medicine and Board of Osteopathic Licensure, April 2020 10-144 CMR Chapter 125 re: ASCs
ME-O	X	
MD	X	Maryland Code, Health Occupations §14-404(41) Maryland Code Regs. 10.12.03.01-02; 10.12.03.09-10 Guidelines: The Use of Lasers for Hair Removal Maryland Board of Physicians, October 2002 COMAR 10.24.11 re: ASCs
MA	X	Office-Based Surgery Guidelines Massachusetts Medical Society, August 2011
MI-M	X	Michigan Comp. Laws § 333.20801-20821 Mich. Admin. Code r. 368-1978-17-201; -208 LARA Freestanding Surgical Outpatient Facilities Fact Sheet
MI-O	X	
MN	X	DOH Guidance re: Freestanding Outpatient Surgical Center Licensing See <i>Notes</i> for more details.
MS	X	Mississippi Code R. § 30-17-2635 Ch. 2
MO	*	See <i>Notes</i>
MP	--	(None found)
MT	*	See <i>Notes</i>
NE	*	See <i>Notes</i>
NV-M	X	Nevada Rev. Stat. Ann. § 449.435-437; 449.442; 449.446-447 NV BME In-Office Surgery/Procedure Reporting Instructions & Forms
NV-O	X	
NH	*	See <i>Notes</i>
NJ	X	New Jersey Admin. Code 13:35-4A.3 NJ BME Rule Proposal
NM-M	*	See <i>Notes</i>
NM-O	*	
NY	X	New York Public Health Law § 230-d. Health Law § 230-d.; § 2998-e NYS DOH Guidance
NC	X	Office Based Procedures Position Statement North Carolina Medical Board, amended May 2011
ND	--	(None found)
OH	X	Ohio Rev. Code Ann. §4731-25.
OK-M	X	Guidelines for Office-Based Surgery and Other Invasive Procedures Oklahoma Board of Medical Licensure and Supervision, June 2000
OK-O	--	(None found)
OR	X	Oregon Admin. R. 47-017-0000-0040 OMB Guidance
PA-M	X	28 Pennsylvania Code § 551.31; 553; 555; 559.2-3; 563.1
PA-O	X	
PR	--	(None found)
RI	X	Rhode Island Gen. Laws § 23-17-2; 4; 17
SC	X	South Carolina Code of Regulations R. 81-96 Liposuction procedures, Parameters for Office-based South Carolina Board of Medical Examiners, February 2002
SD	--	(None found)
TN-M	X	Tennessee Code Ann. § 63-6-221 Tennessee Comp. R. & Regs. 0880-02-.21 TN DOH Guidance
TN-O	X	Tennessee Code Ann. § 63-9-117. Tennessee Comp. R. & Regs. 1050-02-.21
TX	X	Texas Occ. Code §162.103-104 22 Texas Admin. Code § 192.1-2 Texas Medical Board Office-Based Anesthesia Guidance

UT-M	*	See <i>Notes</i>
UT-O	*	
VT-M	*	See <i>Notes</i>
VT-O	*	
VI	--	(None found)
VA	X	18 Virginia Admin. Code 85-20-310-390
WA-M	X	Washington Admin. Code § 246-919-601
WA-O	X	Washington Admin. Code § 246-853-650
WV-M	--	(None found)
WV-O	--	(None found)
WI	*	See <i>Notes</i>
WY	*	See <i>Notes</i>

*Notes	
MN	Minnesota Code r. § 4675.0100 State law defines ASCs to explicitly exclude physician and dentist offices.
MO	MDHSS Guidance Missouri Code Regs. tit. 19, § 30-30.010(B)(3) State regulations define ASCs to explicitly exclude physician, dentist and podiatrist offices.
MT	Montana Code Ann. § 50-5-101 Montana regulates ASCs but omits office-based surgery.
NE	175 Neb. Admin. Code, ch. 7, § 006 Nebraska draws a distinction between offices and ASCs.
NH	N.H. Code Admin. R. He-P 812 New Hampshire regulates ASCs but omits office-based surgery.
NM	New Mexico Admin. Code § 7.11.2 New Mexico regulates ASCs but omits office-based surgery.
UT	Utah Admin. Code Rule R432-500 Utah regulates ASCs but omits office-based surgery.
VT	ASC Rule 10.28.19 Vermont regulates ASCs but omits office-based surgery.
	WDHS Guidance re: ASCs
WY	Wyoming Admin. Rules HLS Ch. 5 Wyoming regulates ASCs but omits office-based surgery.

For informational purposes only: This document is not intended as a comprehensive statement of the law on this topic, nor to be relied upon as authoritative. Non-cited laws, regulation, and/or policy could impact analysis on a case-by-case or state-by-state basis. All information should be verified independently.

Questions, comments, or corrections? Please contact Andrew Smith (asmith@fsmb.org)