

Florida Board of Medicine: Facts Every Physician Should Know Performing Office Surgery

Florida law requires physicians who perform level 2 procedures lasting more than five minutes and all level 3 surgical procedures being performed in an office setting be registered with the Department of Health. So what does that mean exactly?

First, let's define surgery as it is used in this situation. Rule 64B8-9.009, Florida Administrative Code (FAC) defines surgery as . . . any manual or operative procedure, including the use of lasers, performed upon the body of a living human being for the purposes of preserving health, diagnosing or curing disease, repairing injury, correcting deformity or defects, prolonging life, relieving suffering or any elective procedure for aesthetic, reconstructive or cosmetic purposes, to include, but not be limited to: incision or curettage of tissue or an organ; suture or other repair of tissue or organ, including a closed as well as an open reduction of a fracture; extraction of tissue including premature extraction of the products of conception from the uterus; insertion of natural or artificial implants; or an endoscopic procedure with use of local or general anesthetic.

Office surgery is defined as surgery which is performed outside of any facility licensed under Chapter 390 or 395, F.S. Office surgical procedures shall not be of a type that generally result in blood loss of more than ten percent of estimated blood volume in a patient with a normal hemoglobin; require major or prolonged intracranial, intrathoracic, abdominal, or major joint replacement procedures, except for laparoscopic procedures; directly involve major blood vessels; or are generally emergent or life threatening in nature.

If you decide you want to perform office surgery, the next step is to determine what level of surgery you will be performing. There are three levels of office surgery which are defined in Rule 64B8-9.009, FAC:

Level I

- Minor procedures such as excision of skin lesions, moles, warts, cysts, lipomas and repair of lacerations or surgery limited to the skin and subcutaneous tissue performed under topical or local anesthesia not involving drug induced alteration of consciousness other than minimal pre-operative tranquilization of the patient.
- Liposuction involving the removal of less than 4000 cc supernatant fat.
- Incision and drainage of superficial abscesses, limited endoscopies such as proctoscopies, skin biopsies, arthrocentesis, throacentesis, paracentesis, dilation of urethra, cystoscopic procedures and closed reduction of simple fractures or small joint dislocations (i.e., finger and toe joints).
- Pre-operative medications not required or used other than minimal pre-operative tranquilization of the patient; anesthesia is local, topical, or none. No drug induced alteration of consciousness other than minimal pre-operative tranquilization of the patient.

Level II

- Peri-operative medication and sedation are used by any means altering the level of consciousness, thus making intra and post-operative monitoring necessary. Such procedures shall include, but are not limited to: hemorrhoidectomy, hernia repair, reduction of simple fractures, large joint dislocations, breast biopsies, colonoscopy and liposuction involving the removal of up to 4000 cc supernatant fat.
- Includes surgery in which the patient is placed in a state which allows the patient to tolerate unpleasant procedures while maintaining adequate cardiorespiratory function and the ability to

respond purposefully to verbal command and/or tactile stimulation.

Level IIa

- Surgeries with a maximum planned duration of 5 minutes or less and in which chances of complications requiring hospitalization are remote.

Level III

- Surgery which involves, or reasonably should require, the use of general anesthesia or major conduction anesthesia and pre-operative sedation. This includes the use of:
 - Intravenous sedation beyond that defined for Level II
 - General anesthesia: loss of consciousness and loss of vital reflexes with probable requirement of external support of pulmonary or cardiac functions; or
 - Major conduction anesthesia

For each level of office surgery described above, the rule outlines the registration requirements, equipment and medications required. The registration application and instructions can be obtained from the Board of Medicine's web site at http://www.doh.state.fl.us/mqa/medical/osr_home.html. In addition to registration, all offices performing surgery must be inspected by the Department of Health or accredited by a national accrediting organization.

It is important to remember that rules are subject to change. This particular rule is currently being reviewed by the Board's Surgical Care/Quality Assurance Committee as a result of new legislation passed during the 2012 Session. The new law provides that a physician who performs liposuction procedures in which more than 1,000 cc of supernatant fat is removed, level 2 procedures lasting more than 5 minutes, and all level 3 surgical procedures in an office setting must register. To stay informed, please visit the Board of Medicine's website at www.doh.state.fl.us/mqa/medical.

Pertinent laws: <http://www.leg.state.fl.us/statutes/index.cfm>
s. 458.309, FS

Pertinent rules: <https://www.flrules.org/>

Rule 64B8-9.009, FAC – Standard of Care for Office Surgery

Rule 64B8-9.0091, FAC – Requirement for Physician Office Registration; Inspection or Accreditation

Rule 64B8-9.0092, FAC – Approval of Physician Office Accrediting Organizations

Rule 64B-4.002, FAC – Office Surgery Inspection Fee

Rule 64B-4.003, FAC - Office Surgery Registration Requirements, Fees

James W. Orr, M.D. F.A.C.O.G., F.A.C.S.

Member, Florida Board of Medicine

Chairman, Surgical Care/Quality Assurance Committee, Florida Board of Medicine

Crystal A. Sanford, CPM

Program Operations Administrator

Florida Board of Medicine