

**NEW LAW AFFECTING OFFICE BASED SURGERY**

New York State has recently enacted a law regulating Office Based Surgery by physicians in their offices. Until the enactment of this law, Office Based Surgery has not been subject to any special regulation. The new law imposes two requirements: First, the physician's office (and the physicians in the office) must obtain accreditation by an agency approved by the New York State Department of Health; Second, the physician must report 'adverse events' to the New York State Department of Health.

Office Based Surgery is any surgical or other invasive procedure performed under general anesthesia, moderate sedation or deep sedation. Certain procedures involving liposuction are also considered to be Office Based Surgeries.

The reporting requirements become effective on January 14, 2008 and accreditation is mandated by July 14, 2009. While the Department of Health has not yet selected the agencies which will be responsible for accreditation, the agencies under consideration do have current and established criteria for accreditation which serve as a guide for planning purposes.

This new law will impact every physician who does Office Based Surgery. The reporting requirement is right around the corner and it is not too early for physicians to focus upon the potential accreditation requirements and the process.

Our Healthcare Law Practice Group will assist clients with planning and compliance for the new law.

*Moritt Hock Hamroff & Horowitz LLP is a broad based corporate law firm with 35 lawyers and a staff of paralegals. The firm has extensive experience in litigation; creditors' rights and bankruptcy; real estate law; trusts, estates & taxation; direct marketing, advertising & new media; intellectual property & unfair competition; employment law; healthcare law; corporate & securities law; equipment & vehicle leasing; financial services & secured lending; and not-for-profit law.*

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