




Commonwealth of Massachusetts
Executive Office of Health and Human Services
Office of Medicaid
www.mass.gov/masshealth

MassHealth
Freestanding Ambulatory Surgery
Center Bulletin 4
July 2020

TO: All Freestanding Ambulatory Surgery Centers Participating in MassHealth

FROM: Amanda Cassel Kraft, Acting Medicaid Director 

RE: **Change to Provider Eligibility Requirements**

Introduction

This bulletin communicates a change to MassHealth's freestanding ambulatory surgery center (FASC) provider eligibility criteria. Specifically, effective July 7, 2020, and notwithstanding 130 CMR 423.404(B)(5) (eligibility criteria for in-state FASCs) and 130 CMR 423.404(C)(1)(f) (eligibility criteria for out-of-state FASCs), MassHealth will enroll FASCs that have at least one dedicated operating room and meet all other provider eligibility criteria set forth in 130 CMR 423.000: *Freestanding Ambulatory Surgery Centers* and other applicable regulations. MassHealth will subsequently promulgate appropriate amendments to 130 CMR 423.000: *Freestanding Ambulatory Surgery Centers* that will align that regulation with this new policy. Unless specifically modified through this bulletin or in that forthcoming regulatory amendment, all other FASC provider eligibility criteria set forth in 130 CMR 423.000: *Freestanding Ambulatory Surgery Centers* and other applicable regulations remain unchanged.

Enrollment of FASCs with Only One Dedicated Operating Room

130 CMR 423.404(B) and (C) set forth the eligibility criteria for FASCs seeking to participate in the MassHealth FASC program. Among other things, all FASCs seeking to participate in the MassHealth FASC program must have a minimum of two dedicated operating rooms. (See 130 CMR 423.404(B)(5) (in-state FASCs); 130 CMR 423.404(C)(1)(f) (out-of-state FASCs).)

This requirement derived from, and is related to, a former MassHealth provider eligibility requirement that all FASCs participating in MassHealth provide a minimum of three distinct surgical specialties (the "Multi-Specialty Requirement"). Specifically, in light of the Multi-Specialty Requirement, MassHealth concluded that all FASCs participating in MassHealth should have a minimum of two dedicated operating rooms (the "Two Dedicated Operating Room Requirement"). However, MassHealth has since removed the Multi-Specialty Requirement from the FASC program regulation, allowing single-specialty FASCs to enroll as MassHealth providers. In light of this programmatic change, MassHealth has determined that it should also eliminate the Two Dedicated Operating Room Requirement, and permit FASCs with a single dedicated operating room to participate in the MassHealth FASC program.

As a result, effective July 7, 2020, and notwithstanding 130 CMR 423.404(B)(5) and 130 CMR 423.404(C)(1)(f), MassHealth will enroll FASCs that have at least one dedicated operating room and meet all other provider eligibility criteria set forth in 130 CMR 423.000: *Freestanding Ambulatory Surgery Centers* and other applicable regulations. In the near future, MassHealth will promulgate appropriate amendments to 130 CMR 423.000: *Freestanding Ambulatory Surgery Centers* that will align those regulations with this new policy. Unless specifically modified through this bulletin or in the forthcoming amendment to the MassHealth FASC program regulation, all other FASC provider

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eligibility criteria set forth in 130 CMR 423.000: *Freestanding Ambulatory Surgery Centers* and other applicable regulations remain unchanged.

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Questions

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