

**ELECTRONIC CODE OF FEDERAL REGULATIONS****e-CFR data is current as of October 8, 2019**Title 42 → Chapter IV → Subchapter B → Part 416 → Subpart C → **§416.41**

Title 42: Public Health  
PART 416—AMBULATORY SURGICAL SERVICES  
Subpart C—Specific Conditions for Coverage

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**§416.41 Condition for coverage—Governing body and management.**

[Link to an amendment published at 84 FR 51814, Sept. 30, 2019.](#)

The ASC must have a governing body that assumes full legal responsibility for determining, implementing, and monitoring policies governing the ASC's total operation. The governing body has oversight and accountability for the quality assessment and performance improvement program, ensures that facility policies and programs are administered so as to provide quality health care in a safe environment, and develops and maintains a disaster preparedness plan.

(a) *Standard: Contract services.* When services are provided through a contract with an outside resource, the ASC must assure that these services are provided in a safe and effective manner.

(b) *Standard: Hospitalization.* (1) The ASC must have an effective procedure for the immediate transfer, to a hospital, of patients requiring emergency medical care beyond the capabilities of the ASC.

(2) This hospital must be a local, Medicare-participating hospital or a local, nonparticipating hospital that meets the requirements for payment for emergency services under §482.2 of this chapter.

(3) The ASC must—

(i) Have a written transfer agreement with a hospital that meets the requirements of paragraph (b)(2) of this section; or

(ii) Ensure that all physicians performing surgery in the ASC have admitting privileges at a hospital that meets the requirements of paragraph (b)(2) of this section.

[73 FR 68811, Nov. 18, 2008, as amended at 81 FR 64022, Sept. 16, 2016]

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