



Each ambulatory surgery center (ASC) patient has the right to formulate an advance directive consistent with applicable State law and to have ASC staff implement and comply with the advance directive, subject to the ASC's limitations on the basis of conscience. To the degree permitted by State law, and to the maximum extent practicable, the ASC must respect the patient's wishes and follow that process.

The facility must provide the patient or the patient's representative, as appropriate, the following information in writing, prior to the start of the surgical procedure:

- Information on the ASC's policies on advance directives;
- A description of the applicable State health and safety laws. (Note that CMS does not determine whether this description is accurate. State Survey Agencies are responsible for making this accuracy determination.); and
- If requested, official State advance directive forms, if such exist.

The ASC must include in the information concerning its advance directive policies a clear and precise statement of limitation if the ASC cannot implement an advance directive on the basis of conscience or any other specific reason that is permitted under State law. A blanket statement of refusal by the ASC to comply with any patient advance directives is not permissible. However, if and to the extent permitted under State law, the ASC may decline to implement elements of an advance directive on the basis of conscience or any other reason permitted under State law if it includes in the information concerning its advance directive policies a clear and precise statement of limitation.

A statement of limitation must:

- Clarify any differences between ASC-wide conscience objections and those that may be raised by individual ASC staff;
- Identify the state legal authority permitting such objection; and
- Describe the range of medical conditions and procedures affected by the objection

For example, the ASC's notice of limitation could, if permitted by State law, indicate that it would always attempt to resuscitate a patient and transfer that patient to a hospital in the event of deterioration.