

1 AN ACT relating to low-volume surgery requirements.

2 WHEREAS, the 2002 seminal study by Dr. Birkmeyer and others entitled "Hospital  
3 Volume and Surgical Mortality in the United States" and a growing body of research find  
4 a relationship between surgical volume and patient outcomes; and

5 WHEREAS, three (3) hospital networks -- Dartmouth-Hitchcock, Johns Hopkins,  
6 and the University of Michigan -- have pledged not to perform ten surgeries unless both  
7 the site and surgeon meet a minimum threshold; and

8 WHEREAS, the Military Health System chose not to adopt surgical minimums after  
9 an extensive review in 2019; and

10 WHEREAS, many hospitals in the country are voluntarily reporting their surgical  
11 volumes to the Leapfrog Group, a not-for-profit, nonpartisan consortium of some of the  
12 country's largest employers and health insurance purchasers; and

13 WHEREAS, increased hospital volume is associated with lower complication rates,  
14 lower reoperation rates, lower readmission rates, lower mortality rates, and lower costs;  
15 and

16 WHEREAS, deaths due to medical error have been estimated with great variation,  
17 with one study estimating it as the third leading cause of death in the United States; and

18 WHEREAS, a 2019 study by Dr. Jacob Sunshine and others, titled "Association of  
19 Adverse Effects of Medical Treatment in the United States: A Secondary Analysis of the  
20 Global Burden of Diseases, Injuries and Risk Factors Study," ranked Kentucky 47 out of  
21 50 states in adverse medical events and showed Kentucky's ranking as little improved  
22 since 1990;

23 NOW, THEREFORE,

24 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

25 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 216B IS CREATED TO  
26 READ AS FOLLOWS:

27 **(1) The Cabinet for Health and Family Services shall promulgate administrative**

1 regulations to establish and enforce minimum volume requirements for  
2 performing surgeries as follows:

3 (a) Hospital minimum number for each surgery per year:

- 4 1. Forty (40) bariatric staple surgeries;
- 5 2. Twenty (20) esophagus cancer surgeries;
- 6 3. Forty (40) lung cancer surgeries;
- 7 4. Twenty (20) pancreas surgeries;
- 8 5. Fifteen (15) rectum surgeries;
- 9 6. Ten (10) carotid artery stenting surgeries;
- 10 7. Twenty (20) complex abdominal aortic aneurysm repair surgeries;
- 11 8. Twenty (20) mitral valve repair surgeries;
- 12 9. Fifty (50) hip replacement surgeries;
- 13 10. Fifty (50) knee replacement surgeries; and

14 (b) Surgeon minimum number of surgeries where the surgeon performs at least  
15 one (1) of the following surgeries per year:

- 16 1. Twenty (20) bariatric staple surgeries;
- 17 2. Five (5) esophagus cancer surgeries;
- 18 3. Twenty (20) lung cancer surgeries;
- 19 4. Five (5) pancreas surgeries;
- 20 5. Six (6) rectum surgeries;
- 21 6. Five (5) carotid artery stenting surgeries;
- 22 7. Eight (8) complex abdominal aortic aneurysm repair surgeries;
- 23 8. Ten (10) mitral valve repair surgeries;
- 24 9. Twenty-five (25) hip replacement surgeries; and
- 25 10. Twenty-five (25) knee replacement surgeries.

26 (2) Hospitals in the Commonwealth shall report quarterly to the cabinet the number  
27 of procedures being performed on their premises which are listed in the low-

1 volume requirement for hospitals and surgeons established in subsection (1) of  
2 this section. The cabinet shall maintain a registry of all reports.

3 (3) The cabinet shall publish annually on its website, a list of surgeons and hospitals  
4 that fail to meet the minimum volume requirements established in subsection (1)  
5 of this section.

6 (4) The cabinet shall promulgate administrative regulations to impose penalties upon  
7 hospitals and surgeons that are in violation of the minimum volume requirement  
8 established in subsection (1) of this section.