

Indiana Department of Health
Consumer Services and Health Care Regulatory Commission
Division of Acute Care and Continuing Care

Medical Staff Appointment/Re-appointment Time Period

IDOH CSHCRC: Program Advisory Letter

Number: **AC-2025-01 ASC**

Effective Date: July 01, 2025

Created: July 01, 2025

Cancels: None

Reviewed: n/a

Revised: n/a

PROGRAM ADVISORY SUMMARY

- **Effective Date: July 1, 2025**
- **SEA 473 (2025) made a statutory change to the timeframe for the granting of privileges and the appointment/re-appointment of medical staff. The statute provides for the timeframe to extend to but not exceed thirty-six (36) months:**

IC 16-21-1-7.2 Recommendations; clinical privileges; appointment of applicant to governing board

Sec. 7.2. (a) The medical staff of:

(1) a hospital (as described in IC 16-21-2-7); or

(2) an ambulatory outpatient surgical center;

may make recommendations on the granting of clinical privileges or the appointment or reappointment of an applicant to the governing board of the hospital or ambulatory outpatient surgical center for a period not to exceed thirty-six (36) months.

(b) The executive board may adopt rules under IC 4-22-2 to implement this section.

As added by P.L.190-2023, SEC.5. Amended by P.L.143-2025, SEC.19.

B) The statutory change resulted in a conflict with Indiana Administrative Code 410 IAC 15-2.5-4 (a)(3). When there is a conflict between Indiana Code and Indiana Administrative Code, Indiana Code supersedes. Therefore, the administrative code will not be used and compliance to the statutory language will be required.

Background:

Indiana Administrative Code 410 IAC 15-2.5-4(a)(3) states:

Sec. 4. (a) The medical staff of the center is accountable to the governing body of the center. The medical staff must be organized and operate under bylaws approved by the governing body. The medical staff is responsible to the governing board for the quality of medical care and surgical services provided to patients. The medical staff must be composed of one (1) physician, dentist, or podiatrist. The medical staff shall do the following:

(3) Make recommendations to the governing body on the appointment or reappointment of the applicant for a period not to exceed two (2) years.

SEA 473 (2025) changed the requirement to a period not to exceed thirty-six (36) months.

The change at IC 16-21-1-7.2 created a conflict with the Indiana Administrative Code.

Result:

When a conflict exists between Indiana Code and Indiana Administrative Code, the statute supersedes the administrative code until the agency can either make conforming changes to the rules or delete the applicable section of the rule and rely upon the statutory language for enforcement.

Effective July 1, 2025, ASCs may extend the period from the previous two years to no more than the maximum of thirty-six (36) months.

IDOH surveyors will use statutory language to determine compliance with tag Q0708 during the survey process.

Questions:

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Approved by:

/s/Jessica W Krug
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