
EMERGENCY RULE

TITLE 19 – DEPARTMENT OF HEALTH AND SENIOR SERVICES

Division 30 – Division of Regulation and Licensure Chapter 30 – Ambulatory Surgical Centers and Abortion Facilities

EMERGENCY AMENDMENT

19 CSR 30-30.030 General Design and Construction Standards for Ambulatory Surgical Centers The Department of Health and Senior Services is amending subsection (1)(B).

PURPOSE: This emergency amendment updates the planning and construction procedure utilized in the construction of ambulatory surgical centers. The emergency amendment removes the requirement that the plans submitted by the ambulatory surgical center operator or owner receive written approval.

*EMERGENCY STATEMENT: This emergency amendment removes the requirement that the plans submitted by the ambulatory surgical center (ASC) operator or owner receive written approval. The Fiscal Year 2027 budget reduces funding for the Department's Division of Regulation and Licensure (DHSS DRL). As a result, the Department is reducing activities that are not statutorily required, including the review and approval of plans for certain types of healthcare facilities. The Department's existing rules, which carry the force of law, mandate functions currently performed by the DHSS DRL's Engineering Consulting Unit, which are being eliminated, such as the approval of construction plans for ASCs. This creates an irresolvable legal conflict for both the Department and its stakeholders operating under these rules because the review and approval process will no longer be conducted. This conflict becomes operative July 1, 2026 – a date certain. The standard rulemaking process under section 536.021, RSMo cannot be completed before that date, leaving every healthcare facility with an active or planned construction project without a coherent, lawful regulatory framework. This emergency amendment satisfies both bases for emergency rulemaking under section 536.025, RSMo. First, leaving the existing rules intact after July 1, 2026 creates regulatory uncertainty for facilities, architects, engineers, and contractors operating under those rules – directly implicating public health and safety for facilities serving vulnerable patient populations. Second, there is a compelling governmental interest in maintaining a consistent regulatory framework that does not violate the Department's own binding rules. This amendment does not alter substantive ASC facility obligations; it conforms the Department's procedural role to its operational capacity. As a result, the department finds a compelling governmental interest, which requires this emergency action. A proposed amendment, which covers the same material, will be published in the September 1, 2026, issue of the **Missouri Register**. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the **Missouri** and **United States Constitutions**. The department believes this emergency amendment is fair to all interested persons and parties under the circumstances. Emergency amendment was filed July 23, 2026, becomes effective August 6, 2026, and expires February 1, 2027.*

(1) All new ambulatory surgical centers and additions to and remodeling of existing licensed ambulatory surgical centers shall be designed to provide all of the facilities required by this rule and fire-safety standards, arranged to accommodate with maximum convenience all of the functions required by this rule and arranged to provide comfortable, attractive,

sanitary, fire-safe, secure and durable facilities for the patients. This rule is applicable to ambulatory surgical centers which began operation or construction or renovation of a building to operate an ambulatory surgical center on any date after April 12, 1990. Existing ambulatory surgical centers licensed by the Department of Health prior to April 12, 1990 shall be maintained in compliance with the rules under which they were initially licensed and are not required to comply with the construction requirements for new ambulatory surgical centers until they are remodeled or expanded. The Department of Health, within its discretion and for good reason, may grant exceptions to this rule. These exceptions shall be in writing and shall be made a part of the Department of Health records for the facility.

(B) Planning and Construction Procedure.

1. Plans and specifications complying with 19 CSR 30-30.040 shall be prepared for the construction of all ambulatory surgical centers and any additions to and remodeling of ambulatory surgical centers. Plans for ambulatory surgical centers which in addition to other surgical procedures will offer abortion services shall incorporate facilities for patient counseling as required for licensed abortion facilities in 19 CSR 30-30.070(2)(Z). The plans and specifications shall be prepared by an architect or a professional engineer licensed to practice in Missouri. The plans and specifications shall *[have received written approval of]* **be provided to** the Department of Health prior to the submission of an application for licensure of the new facility. The license for a new ambulatory surgical center will not be issued prior to the facility being inspected and found in substantial compliance with this rule.

2. The Department of Health shall be notified within five (5) days after construction begins. If construction of the project is not started within one (1) year *[after the date of approval of the plans and specifications]*, the plans and specifications shall be amended if necessary to comply with the then current regulations before construction work commences (see 19 CSR 30-30.040 Preparation of Plans and Specifications for Ambulatory Surgical Centers).

*AUTHORITY: section 197.225, RSMo 1986. This rule was previously filed as 13 CSR 50-30.030. Original rule filed Dec. 2, 1975, effective Feb. 1, 1976. Amended: Filed Jan. 3, 1990, effective April 12, 1990. Emergency amendment filed July 23, 2026, effective Aug. 6, 2026, expires Feb. 1, 2027. An emergency and proposed amendment covering the same material will be published in the September 1, 2026, of the **Missouri Register**.*

PUBLIC COST: This emergency amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the time the emergency amendment is effective.

PRIVATE COST: This emergency amendment will not cost private entities more than five hundred dollars (\$500) in the time the emergency amendment is effective.