

Section 751.2 – Operator Responsibilities (HBI Board of Directors)

751.2 Operator. The operator shall be responsible for the establishment of policies and the management and operation of the center in compliance with all applicable laws, rules and regulations, including the provisions of this Chapter. The operator shall not enter into any agreement limiting such responsibility. The operator shall be responsible for ensuring that all of the requirements of this Chapter applicable to the center are met. The responsibilities of the operator shall include but not be limited to:

- (a) the development of a written statement of the purpose and objectives of the center;
- (b) ensuring that all patients receive quality health care and services provided in accordance with generally accepted standards of professional practice;
- (c) with regard to not-for-profit and business corporate operators, the adoption of bylaws concerning the organization and management of the corporation, including but not limited to, the selection and the authority and responsibilities of members, directors and officers and the number of members and directors necessary to constitute a quorum for the transaction of business;
- (d) except with respect to sole proprietors, the establishment of committees, when appropriate, to assist the operator in meeting its functions and responsibilities;
- (e) except with respect to sole proprietors, the provision for regular meetings of the operator which shall occur at least quarterly;
- (f) ensuring that the following documents, as applicable, are retained on file in the administrative offices of the center:
 - (1) a current listing of all directors, officers and members or stockholders of a not-for-profit or business corporate operator and all partners of a partnership operator;
 - (2) the certificate of incorporation and any certificate of doing business;
 - (3) the current rules and bylaws of the operator;
 - (4) the current bylaws or policies and procedures of the medical and dental staff;
 - (5) the minutes of all meetings of the operator and committees, which shall be retained for a period of at least five years from the date of the meeting;
 - (6) the minutes of all meetings of the medical and dental staff and committees, which shall be retained for a period of at least five years from the date of the meeting;
 - (7) the applications for admission to staff privileges of all current medical and dental staff, which shall include for each applicant: a statement of training and experience, all supporting documents, satisfactory evidence of conformity with requisite professional licensing laws and records of actions and recommendations of staff committees of the respective professional staff

and of the governing authority; and

(8) the reports of health facility inspections and surveys of outside agencies with statements attached thereto specifying the steps taken to correct any hazards or deficiencies or to carry out the recommendations contained therein, which shall be retained for a period of at least five years from the date of inspection;

(g) the appointment of a medical director;

(h) the appointment of medical and dental staff, the assignment of their clinical privileges and reviews of such appointments at least every two years;

(i) ensuring that medical and dental services are provided at the center only by members of the medical or dental staff of the center;

(j) the appointment of an administrator;

(k) the approval of medical and dental staff bylaws or medical and dental policies and procedures which are kept current and maintained by the center;

(l) the adoption of the center's budgets and control of all assets and funds, including provision of annual audits;

(m) the adoption of the center's operational, management and patient care policies;

(n) establishing and maintaining oversight of the quality assurance program as set forth in section 751.8 of this Part;

(o) the approval of all written agreements and/or contracts;

(p) the adoption of policies for the handling of patient emergencies within the center;

(q) the provision of staff, space, facilities, supplies and equipment for all functions and services adequate to meet the health care and safety needs of its patient population and to facilitate the efficient operation of the center;

(r) ensuring that all equipment is maintained in safe and working order; and

(s) the prohibition of the splitting or sharing of fees between a referral agency and the center.