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Tennessee Board of Medical Examiners  
Private Advisory Opinion

May 12, 2008

Larry Arnold, M.D.  
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**RE: Private Advisory Ruling regarding discharge of patients at office based surgery suites.**

Issue: May a physician operating an office based surgical suite permit a discharged patient to spend the night at the practice site?

The Board of Medical Examiners received your request for an advisory ruling on the proper application of Rule 0880-2-.21(7)(d)(9)(iii)(III) governing discharge of patients. Rule 0880-2-.21(7)(d)(9)(iii)(III) states, "If a patient has not recovered sufficiently to be safely discharged within twelve (12) hours after the initial administration of anesthesia, the patient must be transferred to a hospital for continued postoperative care."

The Board of Medical Examiners believes that compliance with this rule requires that a patient must be discharged from the Surgical Suite. Rooms within the Surgical Suite cannot be used to house patients overnight after they have been discharged.

Adopted by the Board of Medical Examiners on May 13, 2008.