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July 30, 2014

**By email:** [Deborah.Harvey@state.de.us](mailto:Deborah.Harvey@state.de.us)

Delaware Department of Health and Social Services  
Division of Public Health  
Attn: Deborah Harvey  
417 Federal Street  
Dover, Delaware 19901

Re: Proposed revisions to the regulations governing Free Standing Surgical Centers  
16 DE Admin. Code 4405

Dear Division of Public Health:

AORN represents the interests of 160,000 perioperative registered nurses in the United States and abroad who facilitate the management, teaching, and practice of perioperative nursing, are engaged in perioperative research, are enrolled in nursing education, and perioperative nurses who work in related business and industry sectors. AORN estimates that 40% of its 42,000 perioperative nurse members work in hospital outpatient and free standing ambulatory surgical center environments.

In 2012 AORN submitted comments for proposed revisions to the regulations governing Free Standing Surgical Centers 16 DE Admin. Code 4405 requesting the Delaware Division of Public Health retain its requirement that a qualified registered nurse serve in the role of circulator in Delaware free standing surgical centers or, at the very least, retain its registered nurse circulator requirement for patients undergoing procedures under general anesthesia and moderate and deep sedation.

In the operating room, patients are powerless to make decisions on their own behalf. The registered nurse circulator provides high-quality nursing care through patient assessment, diagnosis, outcome identification, planning, implementation and evaluation. In this role, the registered nurse circulator is often the single advocate for the patient's safety during surgery. No other person is more knowledgeable or qualified to handle the multiple critical issues surrounding patient safety in the operating room than the registered nurse who is specifically trained in perioperative nursing.

AORN is supportive of the proposed rule changes published on July 1, 2014. We appreciate the Delaware Division of Public Health's choice to keep patient safety first and follow best practices by retaining its requirement that a registered nurse be present as a circulating nurse in each operating room where moderate/deep/general anesthesia/sedation is administered during operative procedures.

AORN  
July 30, 2014

Thank you for the opportunity to comment on the proposed rule. Should you have any questions, please feel free to contact me at (303) 755-6304, ext. 220 or [lgroah@aorn.org](mailto:lgroah@aorn.org).

Sincerely,



Linda Groah, MSN RN CNOR NEA-BC FAAN  
CEO/Executive Director  
Association of periOperative Registered Nurses