# **SENATE BILL 505**

By: **Senators Jacobs and DeGrange** Introduced and read first time: February 4, 2011 Assigned to: Finance

## A BILL ENTITLED

#### 1 AN ACT concerning

#### 2 Freestanding Ambulatory Care Facilities – Licensing – Abortion Services

- FOR the purpose of altering the definition of "ambulatory surgical facility" as it
  pertains to licensing to include entities that provide abortion through the use of
  surgical services; altering the definition of "surgical services" to include the use
  of certain instruments; and generally relating to licensing of freestanding
  ambulatory care facilities.
- 8 BY repealing and reenacting, with amendments,
- 9 Article Health General
- 10 Section 19–3B–01
- 11 Annotated Code of Maryland
- 12 (2009 Replacement Volume and 2010 Supplement)
- 13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF 14 MARYLAND, That the Laws of Maryland read as follows:
- 15

### Article – Health – General

- 16 19–3B–01.
- 17 (a) In this subtitle the following words have the meanings indicated.
- (b) (1) "Ambulatory surgical facility" means any center, service, office
   facility, or other entity that:
- 20 (i) **1.** Operates primarily for the purpose of providing 21 surgical services to patients requiring a period of postoperative observation but not 22 requiring overnight hospitalization; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law.



1 (ii) **2**. Seeks reimbursement from payors as an ambulatory  $\mathbf{2}$ surgery center; OR 3 **PROVIDES** USE OF **(II)** ABORTIONS THROUGH THE 4 SURGICAL SERVICES.  $\mathbf{5}$ (2)["Ambulatory] EXCEPT FOR A FACILITY DESCRIBED IN 6 PARAGRAPH (1)(II) OF THIS SUBSECTION, "AMBULATORY surgical facility" does not include: 7 8 The office of one or more health care practitioners seeking (i) 9 only professional reimbursement for the provisions of medical services, unless: 10 1. The office operates under contract or other agreement with a payor as an ambulatory surgical facility regardless of whether it is paid a 11 technical or facility fee; or 12132. The office is designated to receive ambulatory surgical 14referrals in accordance with utilization review or other policies adopted by a payor; 15Any facility or service owned or operated by a hospital and (ii) regulated under Subtitle 2 of this title; 16 17 (iii) The office of a health care practitioner with not more than 18one operating room if: 19 1. The office does not receive a technical or facility fee; 20and 212.The operating room is used exclusively by the health care practitioner for patients of the health care practitioner; 2223The office of a group of health care practitioners with not (iv) 24more than one operating room if: 251. The office does not receive a technical or facility fee; 26and 272 The operating room is used exclusively by members of 28the group practice for patients of the group practice; or 29An office owned or operated by one or more dentists licensed (v) under the Health Occupations Article. 30 "Freestanding ambulatory care facility" means: 31 (c) 32(1)An ambulatory surgical facility;

 $\mathbf{2}$ 

#### SENATE BILL 505

1	(2)	A free	standing endoscopy facility;
2	(3)	A free	standing facility utilizing major medical equipment;
3	(4)	A kidr	ney dialysis center; or
4	(5)	A free	standing birthing center.
$5 \\ 6$	(d) (1) "Freestanding birthing center" means a facility that provides nurse midwife services under Title 8, Subtitle 6 of the Health Occupations Article.		
7	(2)	"Frees	tanding birthing center" does not include:
8		(i)	A hospital regulated under Subtitle 2 of this title; or
9		(ii)	The private residence of the mother.
10	(e) (1)	"Frees	tanding endoscopy facility" means a facility:
11 12 13	(i) For the testing, diagnosis, or treatment of a medical disorder in conjunction with the use of microscopic, endoscopic, or laparoscopic equipment that is inserted in a naturally occurring orifice of the body; and		
$\begin{array}{c} 14 \\ 15 \end{array}$	(ii) That seeks reimbursement as a freestanding endoscopy facility from payors or Medicare.		
16	(2)	"Frees	tanding endoscopy facility" does not include:
17		(i)	The office of one or more health care practitioners unless:
18 19 20	agreement with a paid a technical or		1. The office operates under a contract or other s a freestanding endoscopy facility regardless of whether it is fee; or
$\begin{array}{c} 21 \\ 22 \end{array}$	in accordance with	utiliza	2. The office is designated to receive endoscopic referrals tion review or other policies adopted by a payor; or
$\begin{array}{c} 23\\ 24 \end{array}$	under Subtitle 2 of		Any facility or service operated by a hospital and regulated the.
$\frac{25}{26}$	(f) (1) a facility using ma		tanding facility operating major medical equipment" means lical equipment.
$27 \\ 28 \\ 29$	(2) not include any fac Subtitle 2 of this ti	eility or	tanding facility operating major medical equipment" does service owned or operated by a hospital and regulated under

#### **SENATE BILL 505**

$egin{array}{c} 1 \\ 2 \\ 3 \end{array}$	(g) "Health care practitioner" means a person who is licensed, certified, or otherwise authorized under the Health Occupations Article to provide medical services in the ordinary course of business or practice of a profession.				
$\frac{4}{5}$	(h) (1) "Kidney dialysis center" means a facility that provides hemodialysis or chronic peritoneal dialysis.				
$6 \\ 7$	owned or op	(2) "Kidney dialysis center" does not include any facility or service berated by a hospital and regulated under Subtitle 2 of this title.			
8	(i)	"License" means a license issued by the Secretary under this subtitle.			
9	(j)	"Major medical equipment" means:			
10		(1) Cardiac catheterization equipment;			
11		(2) A computer tomography (CT) scanner;			
12		(3) A lithotripter;			
13		(4) Radiation therapy equipment, including a linear accelerator; or			
14		(5) A magnetic resonance imager (MRI).			
15	(k)	"Payor" means:			
16 17 18 19		(1) A health insurer, nonprofit health service plan, or health tenance organization that holds a certificate of authority to offer health insurance es or contracts in the State in accordance with this article or the Insurance le;			
$\begin{array}{c} 20\\ 21 \end{array}$	with a Mar	(2) A third party administrator or any other entity under contract yland business to administer health benefits; or			
22		(3) A self–insured group.			
$\begin{array}{c} 23\\ 24 \end{array}$	(l) "Surgical services" means any invasive procedure whether therapeutic of diagnostic involving the use of:				
25		(1) Any cutting instrument, INCLUDING A UTERINE CURETTE;			
$\frac{26}{27}$	[or]	(2) Microscopic, endoscopic, arthroscopic, or laparoscopic equipment;			
28		(3) A laser for the removal or repair of an organ or other tissue; <b>OR</b>			

# 1(4)A MANUAL VACUUM ASPIRATOR CURETTE INTRODUCED INTO2THE UTERUS FOR THE PURPOSE OF ABORTION.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 4 October 1, 2011.