

Article - Health - General

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§19-3B-01.

(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:

(i) Operates primarily for the purpose of providing surgical services to patients requiring a period of postoperative observation but not requiring overnight hospitalization; and

(ii) Seeks reimbursement from payors as an ambulatory surgery center.

(2) “Ambulatory surgical facility” does not include:

(i) The office of one or more health care practitioners seeking only professional reimbursement for the provisions of medical services, unless:

1. The office operates under contract or other agreement with a payor as an ambulatory surgical facility regardless of whether it is paid a technical or facility fee; or

2. The office is designated to receive ambulatory surgical referrals in accordance with utilization review or other policies adopted by a payor;

(ii) Any facility or service owned or operated by a hospital and regulated under Subtitle 2 of this title;

(iii) The office of a health care practitioner with not more than one operating room if:

1. The office does not receive a technical or facility fee; and

2. The operating room is used exclusively by the health care practitioner for patients of the health care practitioner;

(iv) The office of a group of health care practitioners with not more than one operating room if:

1. The office does not receive a technical or facility fee; and

2. The operating room is used exclusively by members of the group practice for patients of the group practice; or

(v) An office owned or operated by one or more dentists licensed under the Health Occupations Article.

(c) “Freestanding ambulatory care facility” means:

- (1) An ambulatory surgical facility;
- (2) A freestanding endoscopy facility;
- (3) A freestanding facility utilizing major medical equipment;
- (4) A kidney dialysis center; or
- (5) A freestanding birthing center.

(d) (1) “Freestanding birthing center” means a facility that provides nurse midwife services under Title 8, Subtitle 6 of the Health Occupations Article.

(2) “Freestanding birthing center” does not include:

- (i) A hospital regulated under Subtitle 2 of this title; or
- (ii) The private residence of the mother.

(e) (1) “Freestanding endoscopy facility” means a facility:

(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

(ii) That seeks reimbursement as a freestanding endoscopy facility from payors or Medicare.

(2) “Freestanding endoscopy facility” does not include:

(i) The office of one or more health care practitioners unless:

1. The office operates under a contract or other agreement with a payor as a freestanding endoscopy facility regardless of whether it is paid a technical or facility fee; or

2. The office is designated to receive endoscopic referrals in accordance with utilization review or other policies adopted by a payor; or

(ii) Any facility or service operated by a hospital and regulated under Subtitle 2 of this title.

(f) (1) “Freestanding facility operating major medical equipment” means a facility using major medical equipment.

(2) “Freestanding facility operating major medical equipment” does not include any facility or service owned or operated by a hospital and regulated under Subtitle 2 of this title.

(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.

(h) (1) “Kidney dialysis center” means a facility that provides hemodialysis or chronic peritoneal dialysis.

(2) “Kidney dialysis center” does not include any facility or service owned or operated by a hospital and regulated under Subtitle 2 of this title.

(i) “License” means a license issued by the Secretary under this subtitle.

(j) “Major medical equipment” means:

(1) Cardiac catheterization equipment;

(2) A computer tomography (CT) scanner;

(3) A lithotripter;

(4) Radiation therapy equipment, including a linear accelerator; or

(5) A magnetic resonance imager (MRI).

(k) “Payor” means:

(1) A health insurer, nonprofit health service plan, or health maintenance organization that holds a certificate of authority to offer health insurance policies or contracts in the State in accordance with this article or the Insurance Article;

(2) A third party administrator or any other entity under contract with a Maryland business to administer health benefits; or

(3) A self-insured group.

(l) “Surgical services” means any invasive procedure whether therapeutic or diagnostic involving the use of:

(1) Any cutting instrument;

(2) Microscopic, endoscopic, arthroscopic, or laparoscopic equipment; or

(3) A laser for the removal or repair of an organ or other tissue.

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