



TO: The Honorable Delores G. Kelley, Chair  
Members, Senate Finance Committee

FROM: J. Steven Wise  
Pamela Metz Kasemeyer  
Danna L. Kauffman  
Richard A. Tabuteau

DATE: January 15, 2020

RE: **OPPOSE** – Senate Bill 106 – *Health Care Facilities – Certificate of Need – Exception for State-Owned Facilities*

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The Maryland Ambulatory Surgery Association (MASA) represents the interests of 76 ambulatory surgery centers in the State of Maryland. MASA has significant concerns with Senate Bill 106 as introduced and is therefore **opposed** to the bill.

As introduced, Senate Bill 106 would exempt all State facilities from the Certificate of Need (CON) process. While there are already specified exemptions in the law for certain State-owned facilities, Senate Bill 106 proposes an open-ended exemption for all State facilities. MASA is unclear what facilities that are to be proposed in the future would fall under this exemption, and why the fact that they are State-owned changes the need to consider all of the normal factors that are taken into account when new health care facilities are proposed or existing ones expanded, particularly any negative impact they might have on existing facilities. Rather than abandon the CON analysis entirely for all State facilities, MASA suggests that the bill be narrowed to address specific types of facilities that may be the impetus for this legislation.

Alternatively, MASA is not aware that the State is in or desires to be in the business of operating ambulatory surgery centers. Assuming that to be the case, an amendment that would still apply the CON process to any “State-owned” ambulatory surgery center would address MASA’s concern.

Thank you for your consideration of our comments on Senate Bill 106.

**For more information call:**

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