
By: **Chairman, Environmental Matters Committee (Departmental - Health and Mental Hygiene)**

Introduced and read first time: January 20, 1999

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Freestanding Ambulatory Care Facilities - Inspections**

3 FOR the purpose of authorizing the Secretary of Health and Mental Hygiene to
4 inspect an ambulatory care facility for the purpose of determining whether it
5 meets certain licensure requirements; clarifying the authority of the Secretary
6 of Health and Mental Hygiene to delegate the inspection of kidney dialysis
7 facilities to the Kidney Disease Commission; and generally relating to the
8 inspection of ambulatory care facilities and kidney dialysis centers.

9 BY repealing and reenacting, with amendments,
10 Article - Health - General
11 Section 19-3B-03
12 Annotated Code of Maryland
13 (1996 Replacement Volume and 1998 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article - Health - General**

17 19-3B-03.

18 (a) After consultation with representatives of payors, health care
19 practitioners, and ambulatory care facilities, the Secretary shall by regulation
20 establish:

- 21 (1) Procedures to implement the provisions of this subtitle; and
- 22 (2) Standards to ensure quality of care and patient safety that shall
23 include:
- 24 (i) Procedures for credentialing and peer review;
- 25 (ii) Qualifications of health care practitioners and support
26 personnel;

- 1 (iii) Procedures to be followed in the event of an emergency,
2 including a requirement that in the event of an emergency the patient be transported
3 to the nearest appropriate emergency care facility;
- 4 (iv) Procedures for quality control of any biomedical equipment;
- 5 (v) Procedures for postoperative recovery;
- 6 (vi) Procedures for discharge; and
- 7 (vii) Any other procedures that the Secretary considers necessary for
8 quality of care and patient safety.

9 (b) If appropriate certification by Medicare is available, obtaining the
10 certification shall be a condition of licensure for:

11 (1) An ambulatory surgical facility; and

12 (2) A kidney dialysis center.

13 (c) Each freestanding ambulatory care facility shall provide assurances
14 satisfactory to the Secretary that the freestanding ambulatory care facility does not
15 discriminate against patients, including discrimination based on ability to pay for
16 nonelective procedures.

17 (d) (1) A freestanding ambulatory care facility accredited by an organization
18 approved by the Secretary shall be deemed to meet State licensing requirements.

19 (2) (i) The freestanding ambulatory care facility shall submit the
20 report of the accreditation organization to the Secretary within 30 days of its receipt.

21 (ii) All reports submitted under this paragraph shall be available
22 for public inspection.

23 [(3)] (E) The Secretary may:

24 [(i)] (1) Inspect a freestanding ambulatory care facility for the
25 purpose of a complaint investigation;

26 [(ii)] (2) Inspect a freestanding ambulatory care facility to follow
27 up on a serious problem identified in an accreditation report; [and]

28 (3) **INSPECT A FREESTANDING AMBULATORY CARE FACILITY FOR THE**
29 **PURPOSE OF DETERMINING WHETHER IT MEETS LICENSURE REQUIREMENTS; AND**

30 [(iii)] (4) Annually conduct a survey to validate the findings of
31 accreditation reports.

32 [(4)] (F) The Secretary may delegate to the Kidney Disease Commission
33 the Secretary's authority [under paragraph (3) of this subsection] to inspect kidney
34 dialysis centers.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
2 effect October 1, 1999.