
By: **Delegates D. Davis and Brown**
Introduced and read first time: February 20, 2002
Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Ambulatory Surgical Facilities - Definition**

3 FOR the purpose of altering the definition of an "ambulatory surgical facility" to
4 include certain facilities that operate primarily for the purpose of providing
5 surgical services to patients requiring a period of postoperative observation not
6 exceeding a certain number of hours, for licensing and oversight purposes;
7 requiring the Office of Health Care Quality in the Department of Health and
8 Mental Hygiene to annually submit a report to certain committees regarding
9 certain information on or before a certain date; and generally relating to the
10 definition of ambulatory surgical facilities.

11 BY repealing and reenacting, with amendments,
12 Article - Health - General
13 Section 19-3B-01(c)
14 Annotated Code of Maryland
15 (2000 Replacement Volume and 2001 Supplement)

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

18 **Article - Health - General**

19 19-3B-01.

20 (c) (1) "Ambulatory surgical facility" means any center, service, office
21 facility, or other entity that:

22 (i) Operates primarily for the purpose of providing surgical
23 services to patients requiring a period of postoperative observation [but not requiring
24 overnight hospitalization] NOT EXCEEDING 23 HOURS; and

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

27 (2) "Ambulatory surgical facility" does not include:

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

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

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

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

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

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

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

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

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

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

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

22 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before September
23 30 of each year, the Office of Health Care Quality within the Department of Health
24 and Mental Hygiene shall submit to the Senate Finance Committee and the House
25 Environmental Matters Committee, subject to § 2-1246 of the State Government
26 Article, a report regarding the number of facilities providing 23 hour recovery care in
27 the State.

28 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2002.