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2004 Regular Session 4lr2507

By: Senators Harris, Brinkley, DeGrange, Haines, Jacobs, Mooney, Stoltzfus, and Stone

Introduced and read first time: February 6, 2004

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1	A TAT		<del>'</del>
1	AIN	ACI	concerning

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

- 3 FOR the purpose of altering the definition of "ambulatory surgical facility" as it
- 4 pertains to licensing of those facilities to include abortion as a surgical service;
- 5 altering the definition of "surgical services" to include the use of a certain
- 6 cutting instrument or a certain instrument for the purpose of abortion; and
- 7 generally relating to licensing 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 (2000 Replacement Volume and 2003 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

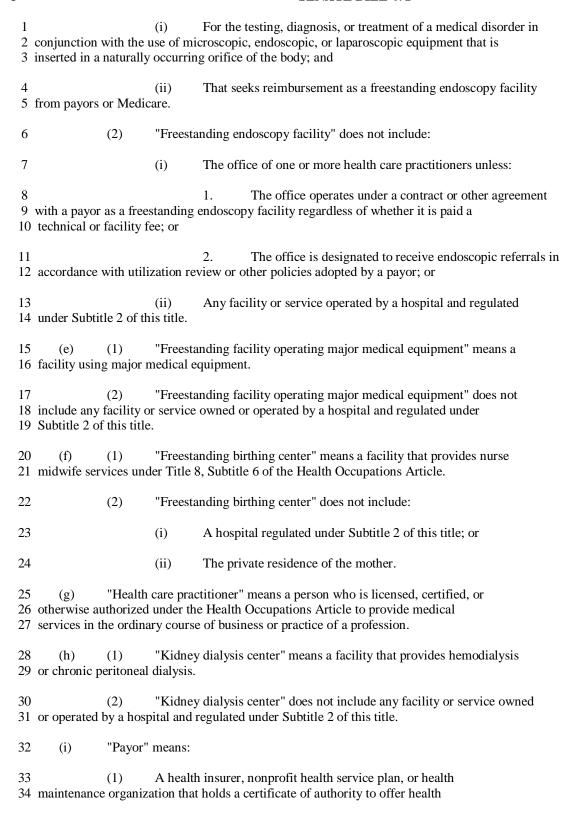
16 19-3B-01.

- 17 (a) In this subtitle the following words have the meanings indicated.
- 18 (b) "Freestanding ambulatory care facility" means:
- 19 (1) An ambulatory surgical facility;
- 20 (2) A freestanding endoscopy facility;
- 21 (3) A freestanding facility utilizing major medical equipment;
- 22 (4) A kidney dialysis center; or
- 23 (5) A freestanding birthing center.

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1 2	(c) (1) facility, or other entity		atory sur	gical facility" means any center, service, office
	services to patients re overnight hospitalizat		1. period o	Operates primarily for the purpose of providing surgical f postoperative observation but not requiring
6 7	surgery center; OR	[(ii)]	2.	Seeks reimbursement from payors as an ambulatory
8 9	SERVICES.	(II)	PROVII	DES ABORTIONS THROUGH THE USE OF SURGICAL
10	(2)	"Ambul	atory sur	gical facility" does not include:
11 12		(i) sement fo		ce of one or more health care practitioners seeking only visions of medical services, unless:
			1. surgical	The office operates under contract or other agreement facility regardless of whether it is paid a
16 17		ce with ut	2. filization	The office is designated to receive ambulatory surgical review or other policies adopted by a payor;
18 19	regulated under Subt	(ii) itle 2 of the		ility or service owned or operated by a hospital and
20 21	operating room if:	(iii)	The offi	ce of a health care practitioner with not more than one
22			1.	The office does not receive a technical or facility fee; and
23 24	practitioner for patien	nts of the	2. health ca	The operating room is used exclusively by the health care practitioner;
25 26	than one operating ro	(iv) oom if:	The offi	ce of a group of health care practitioners with not more
27			1.	The office does not receive a technical or facility fee; and
28 29	group practice for pa	tients of t	2. he group	The operating room is used exclusively by members of the practice; or
30 31	under the Health Occ	(v) supations		ee owned or operated by one or more dentists licensed
32	(d) (1)	"Freesta	nding en	doscopy facility" means a facility:

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1 insurance policies or contracts in the State in accordance with this article or the 2 Insurance Article; A third party administrator or any other entity under contract with a 4 Maryland business to administer health benefits; or 5 (3) A self-insured group. 6 "License" means a license issued by the Secretary under this subtitle. (j) 7 "Major medical equipment" means: (k) 8 (1) Cardiac catheterization equipment; 9 (2) A computer tomography (CT) scanner; 10 (3) A lithotripter; 11 (4) Radiation therapy equipment, including a linear accelerator; or 12 (5) A magnetic resonance imager (MRI). 13 "Surgical services" means any invasive procedure whether therapeutic or (1) 14 diagnostic involving the use of: 15 (1) Any cutting instrument, INCLUDING A UTERINE CURETTE; 16 (2) Microscopic, endoscopic, arthroscopic, or laparoscopic equipment; 17 [or] 18 (3) A laser for the removal or repair of an organ or other tissue; OR 19 (4) A MANUAL VACUUM ASPIRATOR CURETTE INTRODUCED INTO THE 20 UTERUS FOR THE PURPOSE OF ABORTION. SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 21