

SENATE BILL 993

J3, J2

9lr3326
CF HB 1198

By: **Senator Klausmeier**

Introduced and read first time: February 25, 2009

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Physicians – Outpatient Surgical Services – Hospital Privileges**

3 FOR the purpose of prohibiting certain freestanding ambulatory care facilities from
4 employing physicians to provide certain surgical services if the physicians do
5 not have certain privileges at certain accredited hospitals; authorizing the State
6 Board of Physicians to impose certain penalties if certain licensees provide
7 certain outpatient surgical services and do not have certain privileges at certain
8 accredited hospitals; altering certain terms; defining a certain term; and
9 generally relating to physicians, outpatient surgical services, and hospital
10 privileges.

11 BY repealing and reenacting, without amendments,
12 Article – Health – General
13 Section 19-3B-01(c)
14 Annotated Code of Maryland
15 (2005 Replacement Volume and 2008 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – Health – General
18 Section 19-3B-01(l)
19 Annotated Code of Maryland
20 (2005 Replacement Volume and 2008 Supplement)

21 BY adding to
22 Article – Health – General
23 Section 19-3B-03(e)
24 Annotated Code of Maryland
25 (2005 Replacement Volume and 2008 Supplement)

26 BY repealing and reenacting, with amendments,
27 Article – Health Occupations

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Section 14–404(a)(39) and (40)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY adding to
Article – Health Occupations
Section 14-404(a)(41)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

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

Article – Health – General

12 19-3B-01.

13 (c) "Freestanding ambulatory care facility" means:

14 (1) An ambulatory surgical facility;

15 (2) A freestanding endoscopy facility:

16 (3) A freestanding facility utilizing major medical equipment;

17 (4) A kidney dialysis center; or

18 (5) A freestanding birthing center.

22 (1) Any cutting instrument;

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

26 19-3B-03.

27 (E) (1) IN THIS SUBSECTION, "SURGICAL SERVICES" DOES NOT
28 INCLUDE OUTPATIENT SERVICES THAT:

(D) ARE LIMITED TO THE SKIN AND MUCOUS MEMBRANES:

(II) DO NOT EXTEND DEEPER THAN THE SKIN AND MUCOUS MEMBRANES; AND

(III) ARE PERFORMED WITH LOCAL OR TOPICAL ANESTHESIA.

(2) IF A PHYSICIAN DOES NOT HAVE CURRENT HOSPITAL PRIVILEGES TO PROVIDE A SPECIFIC SURGICAL SERVICE AT A HOSPITAL ACCREDITED BY THE JOINT COMMISSION ON ACCREDITATION OF HEALTHCARE ORGANIZATIONS, A FREESTANDING AMBULATORY CARE FACILITY MAY NOT EMPLOY THE PHYSICIAN TO PROVIDE THE SURGICAL SERVICE.

Article – Health Occupations

14-404.

(a) Subject to the hearing provisions of § 14–405 of this subtitle, the Board, on the affirmative vote of a majority of the quorum, may reprimand any licensee, place any licensee on probation, or suspend or revoke a license if the licensee:

(39) Intentionally misrepresents credentials for the purpose of testifying or rendering an expert opinion in hearings or proceedings before the Board or those otherwise delegated to the Office of Administrative Hearings; [or]

(40) Fails to keep adequate medical records as determined by appropriate peer review[.]; OR

(41) EXCEPT FOR OUTPATIENT SURGICAL SERVICES THAT ARE LIMITED TO AND DO NOT EXTEND DEEPER THAN THE SKIN AND MUCOUS MEMBRANES AND THAT ARE PERFORMED WITH LOCAL OR TOPICAL ANESTHESIA:

(I) PROVIDES AN OUTPATIENT SURGICAL SERVICE; AND

(II) DOES NOT HAVE CURRENT HOSPITAL PRIVILEGES TO PROVIDE THE SPECIFIC SURGICAL SERVICE AT A HOSPITAL ACCREDITED BY THE JOINT COMMISSION ON ACCREDITATION OF HEALTHCARE ORGANIZATIONS.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2009.