

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.



1 Section 14-404(a)(39) and (40)
2 Annotated Code of Maryland
3 (2005 Replacement Volume and 2008 Supplement)

4 BY adding to
5 Article – Health Occupations
6 Section 14-404(a)(41)
7 Annotated Code of Maryland
8 (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:

11 **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.

19 (1) [“Surgical] **EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE,**
20 **“SURGICAL services”** means any invasive procedure whether therapeutic or diagnostic
21 involving the use of:

- 22 (1) Any cutting instrument;
23 (2) Microscopic, endoscopic, arthroscopic, or laparoscopic equipment;
24 or
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:**

29 **(I) ARE LIMITED TO THE SKIN AND MUCOUS MEMBRANES;**

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

3 **(III) ARE PERFORMED WITH LOCAL OR TOPICAL**
4 **ANESTHESIA.**

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

10 **Article – Health Occupations**

11 14–404.

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

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

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

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

24 **(I) PROVIDES AN OUTPATIENT SURGICAL SERVICE; AND**

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

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