

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE

House Bill 1198 (Delegate Reznik)
Health and Government Operations

Physicians - Outpatient Surgical Services - Hospital Privileges

This bill prohibits a freestanding ambulatory care facility from employing a physician to provide a surgical service if the physician does not have current hospital privileges to provide the service at a hospital accredited by the Joint Commission on Accreditation of Health Care Organizations (JCAHCO). Surgical services are redefined so that outpatient services limited to the skin and mucous membranes and performed with local or topical anesthesia are exempt from the prohibition. The bill authorizes the Board of Physicians to discipline any licensed physician who violates the bill's prohibition.

Fiscal Summary

State Effect: The bill does not materially affect governmental finances assuming there are very few, if any, violations.

Local Effect: None.

Small Business Effect: Potential minimal.

Analysis

Current Law: Health care practitioners working in freestanding ambulatory care facilities must be licensed or certified by the appropriate occupational licensing board. The Department of Health and Mental Hygiene (DHMH) licenses freestanding ambulatory care facilities. A freestanding ambulatory care facility includes an ambulatory surgical facility, a freestanding endoscopy facility, a freestanding facility utilizing major medical equipment, a kidney dialysis center, or a freestanding birthing center.

The Secretary of Health and Mental Hygiene may investigate complaints concerning freestanding ambulatory care facilities. If the complaint concerns health care practitioner performance or standards of medical practice, the complaint must be referred to the board that licenses, certifies, or otherwise authorizes the health care practitioners.

A person who violates any law or regulation regarding ambulatory care facilities is guilty of a misdemeanor and on conviction is subject to a penalty of up to \$1,000 and/or imprisonment for up to one year. The Secretary may also impose an administrative penalty of up to \$1,000 for a violation.

Surgical service means any invasive procedure whether therapeutic or diagnostic involving the use of any cutting instrument; microscopic, endoscopic, arthroscopic, or laparoscopic equipment; or a laser for the removal or repair of an organ or other tissue.

Background: JCAHCO is a private nonprofit agency that accredits hospitals and other health care facilities in the United States.

Additional Information

Prior Introductions: None.

Cross File: SB 993 (Senator Klausmeier) – Finance.

Information Source(s): Department of Health and Mental Hygiene, Department of Legislative Services

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mlm/mwc

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