HOUSE BILL 23

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(PRE-FILED)

1lr0667

By: Delegates Eckardt and Beidle

Requested: November 22, 2010 Introduced and read first time: January 12, 2011 Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 Freestanding Ambulatory Care Facilities – Licensing – Abortion Services

- FOR the purpose of altering the definition of "ambulatory surgical facility" as it pertains to licensing to include entities that provide abortion through the use of surgical services; altering the definition of "surgical services" to include the use of certain instruments; and generally relating to licensing of 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 (2009 Replacement Volume and 2010 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) (1) "Ambulatory surgical facility" means any center, service, office 19 facility, or other entity that:

20 (i) **1.** Operates primarily for the purpose of providing 21 surgical services to patients requiring a period of postoperative observation but not 22 requiring overnight hospitalization; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law.



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$\frac{1}{2}$	[(ii)] 2. Seeks reimbursement from payors as an ambulatory surgery center; OR
$\frac{3}{4}$	(II) PROVIDES ABORTIONS THROUGH THE USE OF SURGICAL SERVICES.
5 6 7	(2) ["Ambulatory] EXCEPT FOR A FACILITY DESCRIBED IN PARAGRAPH (1)(II) OF THIS SUBSECTION, "AMBULATORY surgical facility" does not include:
8 9	(i) The office of one or more health care practitioners seeking only professional reimbursement for the provisions of medical services, unless:
$10 \\ 11 \\ 12$	1. The office operates under contract or other agreement with a payor as an ambulatory surgical facility regardless of whether it is paid a technical or facility fee; or
$\begin{array}{c} 13\\14\end{array}$	2. The office is designated to receive ambulatory surgical referrals in accordance with utilization review or other policies adopted by a payor;
$\begin{array}{c} 15\\ 16\end{array}$	(ii) Any facility or service owned or operated by a hospital and regulated under Subtitle 2 of this title;
17 18	(iii) The office of a health care practitioner with not more than one operating room if:
$\begin{array}{c} 19\\ 20 \end{array}$	1. The office does not receive a technical or facility fee; and
$\begin{array}{c} 21 \\ 22 \end{array}$	2. The operating room is used exclusively by the health care practitioner for patients of the health care practitioner;
$\begin{array}{c} 23\\ 24 \end{array}$	(iv) The office of a group of health care practitioners with not more than one operating room if:
$\frac{25}{26}$	1. The office does not receive a technical or facility fee; and
$\begin{array}{c} 27\\ 28 \end{array}$	2. The operating room is used exclusively by members of the group practice for patients of the group practice; or
$\begin{array}{c} 29\\ 30 \end{array}$	(v) An office owned or operated by one or more dentists licensed under the Health Occupations Article.
31	(c) "Freestanding ambulatory care facility" means:
32	(1) An ambulatory surgical facility;

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1	(2)	A free	standing endoscopy facility;			
2	(3)	A free	standing facility utilizing major medical equipment;			
3	(4)	A kidr	ney dialysis center; or			
4	(5)	A free	standing birthing center.			
$5 \\ 6$	(d) (1) midwife services u		tanding birthing center" means a facility that provides nurse tle 8, Subtitle 6 of the Health Occupations Article.			
7	(2)	"Frees	tanding birthing center" does not include:			
8		(i)	A hospital regulated under Subtitle 2 of this title; or			
9		(ii)	The private residence of the mother.			
10	(e) (1)	"Frees	tanding endoscopy facility" means a facility:			
11 12 13	(i) For the testing, diagnosis, or treatment of a medical disorder in conjunction with the use of microscopic, endoscopic, or laparoscopic equipment that is inserted in a naturally occurring orifice of the body; and					
$\begin{array}{c} 14 \\ 15 \end{array}$	facility from payor		That seeks reimbursement as a freestanding endoscopy edicare.			
16	(2)	"Frees	standing endoscopy facility" does not include:			
17		(i)	The office of one or more health care practitioners unless:			
18 19 20	agreement with a paid a technical or	payor a	1. The office operates under a contract or other s a freestanding endoscopy facility regardless of whether it is r fee; or			
$\begin{array}{c} 21 \\ 22 \end{array}$	in accordance with	utiliza	2. The office is designated to receive endoscopic referrals tion review or other policies adopted by a payor; or			
$\begin{array}{c} 23\\ 24 \end{array}$	under Subtitle 2 of		Any facility or service operated by a hospital and regulated tle.			
$\frac{25}{26}$	(f) (1) a facility using ma		standing facility operating major medical equipment" means lical equipment.			
$27 \\ 28 \\ 29$	(2) not include any fac Subtitle 2 of this t	eility or	standing facility operating major medical equipment" does service owned or operated by a hospital and regulated under			

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$egin{array}{c} 1 \\ 2 \\ 3 \end{array}$	(g) "Health care practitioner" means a person who is licensed, certified, or otherwise authorized under the Health Occupations Article to provide medical services in the ordinary course of business or practice of a profession.						
4 5	(h) (1) "Kidney dialysis center" means a facility that provides hemodialysis or chronic peritoneal dialysis.						
6 7	owned or op	(2) "Kidney dialysis center" does not include any facility or service erated by a hospital and regulated under Subtitle 2 of this title.					
8	(i)	"Licen	'License" means a license issued by the Secretary under this subtitle.				
9	(j)	"Majo	r medical equipment" means:				
10		(1)	Cardiac catheterization equipment;				
11		(2)	A computer tomography (CT) scanner;				
12		(3)	A lithotripter;				
13		(4)	Radiation therapy equipment, including a linear accelerator; or				
14		(5)	A magnetic resonance imager (MRI).				
15	(k)	"Payo	r" means:				
16 17 18 19	(1) A health insurer, nonprofit health service plan, or health maintenance organization that holds a certificate of authority to offer health insurance policies or contracts in the State in accordance with this article or the Insurance Article;						
$\begin{array}{c} 20\\ 21 \end{array}$	with a Mary	(2) vland by	A third party administrator or any other entity under contract usiness to administer health benefits; or				
22		(3)	A self–insured group.				
$\begin{array}{c} 23\\ 24 \end{array}$	(l) "Surgical services" means any invasive procedure whether therapeutic or diagnostic involving the use of:						
25		(1)	Any cutting instrument, INCLUDING A UTERINE CURETTE;				
$\begin{array}{c} 26\\ 27 \end{array}$	[or]	(2)	Microscopic, endoscopic, arthroscopic, or laparoscopic equipment;				

A laser for the removal or repair of an organ or other tissue; \mathbf{OR}

(3)

1 (4) A MANUAL VACUUM ASPIRATOR CURETTE INTRODUCED INTO 2 THE UTERUS FOR THE PURPOSE OF ABORTION.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2011.