

HOUSE BILL 441

J2

4lr1005

By: **Delegate Haddaway–Riccio**

Introduced and read first time: January 27, 2014

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Anesthesia Services – Assignment of Billing Rights and Fees for Management**
3 **Services – Prohibition**

4 FOR the purpose of prohibiting the billing rights for anesthesia services provided in a
5 freestanding ambulatory care facility from being assigned to a person that has a
6 certain beneficial interest in the freestanding ambulatory care facility;
7 prohibiting a freestanding ambulatory care facility or a person that has a
8 certain beneficial interest in the freestanding ambulatory care facility from
9 charging, directly or indirectly, an anesthesia services provider a fee for
10 management services; prohibiting a person, with the intent to retaliate, from
11 knowingly taking any action harmful to an individual for providing certain
12 information to a law enforcement officer, the Department of Health and Mental
13 Hygiene, a health occupation board, or the Attorney General; establishing
14 certain penalties for a violation of certain provisions of this Act; authorizing a
15 disciplinary panel of the State Board of Physicians to take certain disciplinary
16 action against a licensee if the licensee accepts an assignment of certain billing
17 rights or charges a management services fee to certain practitioners in a
18 freestanding ambulatory care facility in which the licensee owns a beneficial
19 interest; defining a certain term; and generally relating to anesthesia services
20 and assignment of billing rights to and charging of management services fees by
21 persons that have a beneficial interest in freestanding ambulatory care
22 facilities.

23 BY renumbering

24 Article – Health Occupations

25 Section 1–307

26 to be Section 1–308

27 Annotated Code of Maryland

28 (2009 Replacement Volume and 2013 Supplement)

29 BY adding to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Health Occupations
2 Section 1–307 and 14–404(a)(15–a)
3 Annotated Code of Maryland
4 (2009 Replacement Volume and 2013 Supplement)

5 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
6 MARYLAND, That Section(s) 1–307 of Article – Health Occupations of the Annotated
7 Code of Maryland be renumbered to be Section(s) 1–308.

8 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
9 read as follows:

10 **Article – Health Occupations**

11 **1–307.**

12 **(A) IN THIS SECTION, “ANESTHESIA SERVICES” MEANS THE PROVISION**
13 **OF ANESTHESIA BY:**

14 **(1) A LICENSED PHYSICIAN WHO IS AN ANESTHESIOLOGIST; OR**

15 **(2) A LICENSED NURSE WHO IS A CERTIFIED REGISTERED NURSE**
16 **ANESTHETIST.**

17 **(B) THE BILLING RIGHTS FOR ANESTHESIA SERVICES PROVIDED IN A**
18 **FREESTANDING AMBULATORY CARE FACILITY MAY NOT BE ASSIGNED TO A**
19 **PERSON THAT HAS A BENEFICIAL INTEREST IN THE FREESTANDING**
20 **AMBULATORY CARE FACILITY.**

21 **(C) A FREESTANDING AMBULATORY CARE FACILITY OR A PERSON THAT**
22 **HAS A BENEFICIAL INTEREST IN THE FREESTANDING AMBULATORY CARE**
23 **FACILITY MAY NOT CHARGE, DIRECTLY OR INDIRECTLY, AN ANESTHESIA**
24 **SERVICES PROVIDER A FEE FOR MANAGEMENT SERVICES INCLUDING:**

25 **(1) PRE–OPERATIVE NURSING ASSESSMENTS;**

26 **(2) PROVIDING ADEQUATE SPACE FOR:**

27 **(I) THE ANESTHESIA SERVICES PROVIDERS; AND**

28 **(II) THE PERSONAL EFFECTS, MATERIALS, SUPPLIES,**
29 **EQUIPMENT, DOCUMENTS, AND RECORDS OF THE ANESTHESIA SERVICES**
30 **PROVIDERS; AND**

1 **(3) ASSISTANCE IN TRANSFERRING BILLING DOCUMENTATION TO**
2 **THE BILLING OFFICE OF THE ANESTHESIA SERVICES PROVIDER.**

3 **(D) A PERSON, WITH THE INTENT TO RETALIATE, MAY NOT KNOWINGLY**
4 **TAKE ANY ACTION HARMFUL TO AN INDIVIDUAL, INCLUDING INTERFERENCE**
5 **WITH THE LAWFUL EMPLOYMENT OR LIVELIHOOD OF THE INDIVIDUAL, FOR**
6 **PROVIDING TO A LAW ENFORCEMENT OFFICER, THE DEPARTMENT, A HEALTH**
7 **OCCUPATION BOARD, OR THE ATTORNEY GENERAL ANY TRUTHFUL**
8 **INFORMATION RELATING TO THE COMMISSION OR POSSIBLE COMMISSION OF A**
9 **VIOLATION OF THIS SECTION.**

10 **(E) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A**
11 **MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING**
12 **\$10,000 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.**

13 14-404.

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

18 **(15-A) ACCEPTS THE ASSIGNMENT OF BILLING RIGHTS FOR**
19 **ANESTHESIA SERVICES PROVIDED BY ANOTHER HEALTH CARE PRACTITIONER**
20 **OR CHARGES, DIRECTLY OR INDIRECTLY, A FEE FOR MANAGEMENT SERVICES**
21 **TO ANOTHER HEALTH CARE PRACTITIONER WHO PROVIDES ANESTHESIA**
22 **SERVICES IN A FREESTANDING AMBULATORY CARE FACILITY IN WHICH THE**
23 **LICENSEE OWNS A BENEFICIAL INTEREST, AS DEFINED IN § 1-301 OF THIS**
24 **ARTICLE;**

25 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2014.