

# HOUSE BILL 327

J3

(5lr0037)

## ENROLLED BILL

— Health and Government Operations/Finance —

Introduced by **Delegate Kelly**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
Speaker.

### CHAPTER \_\_\_\_\_

1 AN ACT concerning

#### 2 **Health – Ambulatory Surgical Facility – ~~Definition~~ Definitions**

3 FOR the purpose of altering the ~~definition~~ definitions of ~~an ambulatory surgical facility~~  
4 “ambulatory surgical facility” and “surgical services” under provisions of law  
5 governing freestanding ambulatory care facilities in the State to conform with  
6 federal Centers for Medicare and Medicaid Services regulations; and generally  
7 relating to ambulatory surgical facilities.

8 BY repealing and reenacting, without amendments,

9 Article – Health – General

10 Section 19–3B–01(a)

11 Annotated Code of Maryland

12 (2009 Replacement Volume and 2014 Supplement)

13 BY repealing and reenacting, with amendments,

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#### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

*Italics indicate opposite chamber/conference committee amendments.*



1 Article – Health – General  
2 Section 19–3B–01(b) and (l)  
3 Annotated Code of Maryland  
4 (2009 Replacement Volume and 2014 Supplement)

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

7 **Article – Health – General**

8 19–3B–01.

9 (a) In this subtitle the following words have the meanings indicated.

10 (b) (1) “Ambulatory surgical facility” means any center, service, office facility,  
11 or other entity that:

12 (i) Operates ~~primarily~~ **EXCLUSIVELY** for the purpose of providing  
13 surgical services to patients requiring a period of postoperative observation but not  
14 requiring [overnight] hospitalization **AND IN WHICH THE EXPECTED DURATION OF**  
15 **SERVICES WOULD NOT EXCEED 24 HOURS FOLLOWING ADMISSION;** and

16 (ii) Seeks reimbursement from payors as an ambulatory surgery  
17 center.

18 (2) “Ambulatory surgical facility” does not include:

19 (i) The office of one or more health care practitioners seeking only  
20 professional reimbursement for the provisions of medical services, unless:

21 1. The office operates under contract or other agreement  
22 with a payor as an ambulatory surgical facility regardless of whether it is paid a technical  
23 or facility fee; or

24 2. The office is designated to receive ambulatory surgical  
25 referrals in accordance with utilization review or other policies adopted by a payor;

26 (ii) Any facility or service owned or operated by a hospital and  
27 regulated under Subtitle 2 of this title;

28 (iii) The office of a health care practitioner with not more than one  
29 operating room if:

30 1. The office does not receive a technical or facility fee; and

1                                   2.     The operating room is used exclusively by the health care  
2 practitioner for patients of the health care practitioner;

3                                   (iv)   The office of a group of health care practitioners with not more  
4 than one operating room if:

5                                   1.     The office does not receive a technical or facility fee; and

6                                   2.     The operating room is used exclusively by members of the  
7 group practice for patients of the group practice; or

8                                   (v)   An office owned or operated by one or more dentists licensed  
9 under the Health Occupations Article.

10           (1)    “Surgical services” [means any invasive procedure whether therapeutic or  
11 diagnostic involving the use of:

12                                   (1)    Any cutting instrument;

13                                   (2)    Microscopic, endoscopic, arthroscopic, or laparoscopic equipment; or

14                                   (3)    A laser for the removal or repair of an organ or other tissue] HAS THE  
15 MEANING DEVELOPED BY THE AMERICAN COLLEGE OF SURGEONS AND  
16 INCORPORATED IN THE CENTERS FOR MEDICARE AND MEDICAID SERVICES STATE  
17 OPERATIONS MANUAL – GUIDANCE FOR SURVEYORS: AMBULATORY SURGICAL  
18 CENTERS.

19           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
20 October 1, 2015.

Approved:

\_\_\_\_\_  
Governor.

\_\_\_\_\_  
Speaker of the House of Delegates.

\_\_\_\_\_  
President of the Senate.