

HOUSE BILL 327

J3

5lr0037

By: **Delegate Kelly**

Introduced and read first time: February 5, 2015

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Health – Ambulatory Surgical Facility – Definition**

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

7 BY repealing and reenacting, without amendments,
8 Article – Health – General
9 Section 19–3B–01(a)
10 Annotated Code of Maryland
11 (2009 Replacement Volume and 2014 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article – Health – General
14 Section 19–3B–01(b)
15 Annotated Code of Maryland
16 (2009 Replacement Volume and 2014 Supplement)

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

19 **Article – Health – General**

20 19–3B–01.

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (i) Operates primarily for the purpose of providing surgical services
2 to patients requiring a period of postoperative observation but not requiring [overnight]
3 hospitalization **IN WHICH THE EXPECTED DURATION OF SERVICES WOULD EXCEED 24**
4 **HOURS FOLLOWING ADMISSION**; and

5 (ii) Seeks reimbursement from payors as an ambulatory surgery
6 center.

7 (2) "Ambulatory surgical facility" does not include:

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

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

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

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

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

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

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

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

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

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

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

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