

HOUSE BILL 1278

J2, J3, J1

6lr3121

By: **Delegate Kelly**

Introduced and read first time: February 12, 2016

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Physicians – Offices or Facilities for Performing Surgical**
3 **Procedures**

4 FOR the purpose of authorizing the State Board of Physicians to discipline certain licensees
5 who perform certain surgical procedures in offices or facilities that are not accredited
6 by certain associations or organizations or certified to participate in a certain
7 program; making a stylistic change; and generally relating to the State Board of
8 Physicians and offices or facilities for performing surgical procedures.

9 BY repealing and reenacting, without amendments,
10 Article – Health Occupations
11 Section 14–101(a), (e), and (k)
12 Annotated Code of Maryland
13 (2014 Replacement Volume and 2015 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Health Occupations
16 Section 14–404(a)(41) and (42)
17 Annotated Code of Maryland
18 (2014 Replacement Volume and 2015 Supplement)

19 BY adding to
20 Article – Health Occupations
21 Section 14–404(a)(43)
22 Annotated Code of Maryland
23 (2014 Replacement Volume and 2015 Supplement)

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

26 **Article – Health Occupations**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 14–101.

2 (a) In this title the following words have the meanings indicated.

3 (e) (1) “Cosmetic surgical procedure” means the use of surgical services to
4 reshape the structure of a human body in order to change the appearance of an individual.

5 (2) Except as provided in paragraph (3) of this subsection, “cosmetic
6 surgical procedure” does not include:

7 (i) A procedure done under local anesthesia or mild sedation; or

8 (ii) Liposuction that removes less than 1,000 cubic centimeters of
9 aspirate.

10 (3) “Cosmetic surgical procedure” includes any procedure under paragraph
11 (2) of this subsection that, under the circumstances established by the Secretary in
12 regulations adopted under Title 19, Subtitle 3C of the Health – General Article, is a
13 cosmetic surgical procedure.

14 (k) “Mild sedation” means a drug–induced state during which:

15 (1) A patient is able to respond to verbal commands;

16 (2) A patient’s ventilatory and cardiovascular functions are not affected;
17 and

18 (3) A patient’s cognitive function and coordination may be impaired.

19 14–404.

20 (a) Subject to the hearing provisions of § 14–405 of this subtitle, a disciplinary
21 panel, on the affirmative vote of a majority of the quorum of the disciplinary panel, may
22 reprimand any licensee, place any licensee on probation, or suspend or revoke a license if
23 the licensee:

24 (41) Performs a cosmetic surgical procedure in an office or a facility that is
25 not:

26 (i) Accredited by:

27 1. The American Association for Accreditation of Ambulatory
28 Surgical Facilities;

29 2. The Accreditation Association for Ambulatory Health
30 Care; or

1 3. The Joint Commission on the Accreditation of Healthcare
2 Organizations; or

3 (ii) Certified to participate in the Medicare program;[, as enacted by
4 Title XVIII of the Social Security Act; or]

5 (42) Fails to submit to a criminal history records check under § 14–308.1 of
6 this title; OR

7 **(43) PERFORMS AND DOES NOT HAVE HOSPITAL PRIVILEGES TO**
8 **PERFORM A BREAST AUGMENTATION, A BREAST LIFT, A BREAST REDUCTION, AN**
9 **ABDOMINOPLASTY, OR A FACELIFT IN AN OFFICE OR FACILITY THAT IS NOT:**

10 **(I) ACCREDITED BY:**

11 **1. THE AMERICAN ASSOCIATION FOR ACCREDITATION**
12 **OF AMBULATORY SURGICAL FACILITIES;**

13 **2. THE ACCREDITATION ASSOCIATION FOR**
14 **AMBULATORY HEALTH CARE; OR**

15 **3. THE JOINT COMMISSION ON THE ACCREDITATION OF**
16 **HEALTHCARE ORGANIZATIONS; OR**

17 **(II) CERTIFIED TO PARTICIPATE IN THE MEDICARE PROGRAM.**

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2016.