

**SB0728/817770/1**

BY: Finance Committee

AMENDMENTS TO SENATE BILL 728  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “a” in line 5 down through “resources” in line 6 and substitute “an anesthesia practitioner is not precluded from providing a certain level of support to treat certain patients in a certain manner; defining certain terms”; in line 11, after “Section” insert “19-3B-01 and”; and after line 16, insert:

“19-3B-01.

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

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

(i) Operates exclusively for the purpose of providing surgical services to patients requiring a period of postoperative observation but not requiring hospitalization and in which the expected duration of services would not exceed 24 hours following admission; and

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

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

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

(Over)

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

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

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

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

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

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

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

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

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

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

(c) “Freestanding ambulatory care facility” means:

- (1)    An ambulatory surgical facility;
- (2)    A freestanding endoscopy facility;
- (3)    A freestanding facility utilizing major medical equipment;
- (4)    A kidney dialysis center; or
- (5)    A freestanding birthing center.

(d)    (1)    “Freestanding birthing center” means a facility that provides nurse midwife services under Title 8, Subtitle 6 of the Health Occupations Article.

(2)    “Freestanding birthing center” does not include:

- (i)    A hospital regulated under Subtitle 2 of this title; or
- (ii)   The private residence of the mother.

(e)    (1)    “Freestanding endoscopy facility” means a facility:

(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

(ii)   That seeks reimbursement as a freestanding endoscopy facility from payors or Medicare.

(2)    “Freestanding endoscopy facility” does not include:

- (i)    The office of one or more health care practitioners unless:

1. The office operates under a contract or other agreement with a payor as a freestanding endoscopy facility regardless of whether it is paid a technical or facility fee; or

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

(ii) Any facility or service operated by a hospital and regulated under Subtitle 2 of this title.

(f) (1) “Freestanding facility operating major medical equipment” means a facility using major medical equipment.

(2) “Freestanding facility operating major medical equipment” does not include any facility or service owned or operated by a hospital and regulated under Subtitle 2 of this title.

(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.

(h) (1) “Kidney dialysis center” means a facility that provides hemodialysis or chronic peritoneal dialysis.

(2) “Kidney dialysis center” does not include any facility or service owned or operated by a hospital and regulated under Subtitle 2 of this title.

(i) “License” means a license issued by the Secretary under this subtitle.

(j) “Major medical equipment” means:

- (1) Cardiac catheterization equipment;
- (2) A computer tomography (CT) scanner;
- (3) A lithotripter;
- (4) Radiation therapy equipment, including a linear accelerator; or
- (5) A magnetic resonance imager (MRI).

**(K) “NONSTERILE PROCEDURE ROOM” MEANS A ROOM:**

**(1) IN WHICH MINOR SURGICAL PROCEDURES ARE PERFORMED, INCLUDING ENDOSCOPY AND ENDOSCOPIC PROCEDURES REQUIRING DEEP SEDATION;**

**(2) THAT CAN ONLY BE ACCESSED FROM A SEMI-RESTRICTED CORRIDOR OR AN UNRESTRICTED CORRIDOR;**

**(3) THAT IS NOT USED FOR OPEN SURGICAL PROCEDURES THAT:**

**(I) ENTER THE THORAX, ABDOMEN, PELVIS, CRANIUM, OR SPINE; OR**

**(II) ROUTINELY REQUIRE INDUCTION OF DEEP SEDATION OR GENERAL ANESTHESIA FOR THE ENTIRETY OF THE SURGICAL PROCEDURE; AND**

**(4) IN WHICH DEEP SEDATION OR GENERAL ANESTHESIA MAY BE INDUCED IF:**

**(I) WARRANTED BY THE CLINICAL SITUATION; AND**

**(II) THE ROOM IS EQUIPPED TO SAFELY CONDUCT THE  
REQUIRED LEVEL OF ANESTHESIA.**

**[(k)] (L)** “Payor” means:

(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;

(2) A third party administrator or any other entity under contract with a Maryland business to administer health benefits; or

(3) A self-insured group.

**(M) “STERILE OPERATING ROOM” MEANS A ROOM IN A SURGICAL SUITE THAT MEETS THE REQUIREMENTS OF A RESTRICTED AREA AND IS DESIGNATED AND EQUIPPED FOR PERFORMING SURGICAL OPERATIONS OR OTHER INVASIVE PROCEDURES THAT MAY REQUIRE AN ASEPTIC FIELD.**

**[(O)] (N)** “Surgical services” has the meaning incorporated in the Centers for Medicare and Medicaid Services State Operations Manual – Guidance for Surveyors: Ambulatory Surgical Centers.”.

**AMENDMENT NO. 2**

On page 2, strike beginning with “A” in line 12 down through “PROCEDURE” in line 16 and substitute **“AN ANESTHESIA PRACTITIONER IS NOT PRECLUDED FROM PROVIDING THE HIGHEST LEVEL OF ANESTHESIA SUPPORT THAT MAY BE REQUIRED TO SAFELY TREAT PATIENTS UNDERGOING PROCEDURES IN A**

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**FREESTANDING AMBULATORY SURGICAL FACILITY PERFORMED IN A  
NONSTERILE PROCEDURE ROOM OR A STERILE OPERATING ROOM**".