



TO: The Honorable Delores G. Kelley, Chair
Members, Senate Finance Committee
The Honorable Clarence K. Lam

FROM: Andrea Hyatt, President, MASA

DATE: March 5, 2020

RE: **SUPPORT WITH AMENDMENTS** – Senate Bill 728 – *Health Facilities –
Freestanding Ambulatory Care Facilities – Administration of Anesthesia*

The Maryland Ambulatory Surgery Association (MASA) represents the interests of 76 ambulatory surgery centers in the State of Maryland.

As introduced, Senate Bill 728 would require the Secretary of Health to adopt regulations that require ambulatory surgery centers to have procedures in place to ensure that a health care practitioner administering anesthesia has access to all medical resources necessary to adequately and safely care for patients, “as determined by the practitioner in consultation with the provider performing the procedure.”

Current regulations set certain requirements for ambulatory surgery centers, including allowing only certain health practitioners to administer anesthesia, see COMAR 10.05.05.07, and requiring that each operating room shall be designed and equipped to ensure that surgical procedures conducted can be performed in a manner that ensures the safety of all individuals in the area. COMAR 10.05.05.13. The State Health Plan sets forth further requirements for these facilities, COMAR 10.24.11, as do federal regulations. 42 CFR 416 Subpart B.

After a significant amount of discussion with the interested parties, MASA supports the amendments that have been discussed over the last several days and agreed to by all, and believes the amended language sets the proper statutory framework to move forward on this issue. MASA agrees we should ensure procedure rooms are properly equipped to deliver and monitor adequate levels of anesthesia to ensure patient safety, and we look forward to participating in the development of regulations on this issue.

Thank you for your consideration of our comments.