

# MARYLAND SOCIETY OF ANESTHESIOLOGISTS

**Date:** Thursday, March 5, 2020

**Bill:** Senate Bill 728 – Health Facilities – Freestanding Ambulatory Care Facilities – Administration of Anesthesia

**Committee:** Senate Finance Committee  
The Honorable Delores Kelley, Chairwoman

**Position:** Support

The Maryland Society of Anesthesiologists (MSA) is a State component society of the American Society of Anesthesiologists (ASA). The MSA represents physician anesthesiologists throughout the State of Maryland, and advocates policy that preserves the appropriateness and safety of the delivery of anesthesia care in Maryland. The Society is comprised of the physician anesthesiologists who practice within the State of Maryland. The MSA has an obligation to our members and more importantly our patients to play an active role in the upholding of the standard of quality medical care.

## THE ISSUE:

Medicine is evolving rapidly and many innovative procedures requiring anesthetic care are occurring outside of traditional operating rooms. More and more cases are being moved to outpatient settings due to a combination of factors including the Maryland-CMS Total Cost of Care hospital demonstration model.

Under current regulation under the State Health Plan for Facilities and Services: General Surgical Services (COMAR 10.24.11) there are definitions for “operating rooms (OR)” and “procedure rooms”. Based on definitions any form of anesthesia may be administered in an OR. A procedure room only allows for “topical, local, regional, or minimal intravenous sedation” with an exception for higher levels of intravenous sedation for endoscopy.

## RATIONALE:

**All sedation is a continuum with each patient reacting differently to the anesthetic agent used at any given time.** For this reason, it is in the best interest of patient safety that the anesthesia provider involved in the anesthetic care of a patient be able to have at their disposal the equipment, tools, drugs/pharmaceuticals and clinical resources to ensure best patient outcomes regardless of anesthetizing location.

**Some patients undergoing procedures otherwise suitable for a procedure room are placed at increased risk by the regulatory restriction on permitted type of anesthesia and equipment. This risk may be due to body habitus, positioning, or access to the airway.**

## SOLUTIONS:

- **Eliminate the use of anesthesia definitions as a means to define “procedure rooms” and “operating rooms” in ambulatory surgery centers:**

Sedation is a continuum and unique to any given patient at any given time no matter what room a procedure or surgery is conducted.

- **The level of anesthesia must be determined via clinical decision making:**

The anesthesia provider and health care provider performing the procedure and/or facility to come to an agreement that would allow the anesthesia provider to be able to utilize what best ensures safe patient care and optimal outcomes.

Many procedures involving anesthesia can be appropriately done in procedure rooms, this bill will ensure that all patients will have access to the fullest extent of safe anesthesia care.

**We urge a FAVORABLE Report on Senate Bill 728!**

***CURRENT REGULATION: STATE HEALTH PLAN FOR FACILITIES AND SERVICES:  
GENERAL SURGICAL SERVICES - COMAR 10.24.11***

### **.08 Definitions.**

(16) “Major surgery” means a surgical procedure that requires general or regional anesthesia and support of vital bodily functions. It also refers to a surgical procedure that is invasive and performed in conjunction with oral, parenteral, or intravenous sedation, or under analgesic or dissociative drugs.

(17) “Minor surgery” means a surgical procedure that involves little risk to the life of the patient and does not require general anesthesia and support of bodily functions.

**(19) “Operating room” or “OR”** means a sterile room in the surgical suite that meets the requirements of a restricted area and is designated and equipped for performing surgical operations or other invasive procedures that require an aseptic field. Any form of anesthesia may be administered in an OR.

**(26) “Procedure room”** means a non-sterile room in which minor surgical procedures are performed under only topical, local, regional anesthesia, or minimal intravenous sedation. A deeper level of intravenous sedation in a procedure room is only appropriate for a minor procedure, such as an endoscopy, that is minimally invasive. Minimal intravenous sedation is a drug-induced state during which a patient responds normally to verbal commands, and the patient’s airway reflexes, ventilator functions, and cardiovascular functions are unaffected. Spinal and epidural routes are appropriate only if those methods are used exclusively for closed pain management procedures and not in preparation for open surgical procedures. A procedure room shall be accessed only from a semi-restricted corridor or an unrestricted corridor.

(34) “Treatment room” means a non-sterile room in which only minor surgical procedures are performed. It is synonymous with the term “procedure room.”