



TO: The Honorable Shane Pendergrass, Chair
Members, House Health & Government Operations Committee
The Honorable Nicholas R. Kipke

FROM: Andrea Hyatt, President, MASA

DATE: March 2, 2020

RE: **SUPPORT** – House Bill 935 – *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.

House Bill 935 requires 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.

MASA understands the goal of this legislation to be addressing the use of *procedure* rooms in ambulatory surgery centers, which are different from operating rooms. The State Health Plan defines a “procedure room” (also referred to as a treatment room) as “a non-sterile room in which minor surgical procedures are performed under only topical, local, regional anesthesia, or minimal intravenous sedation.” There is increasing pressure on ambulatory surgery centers to handle greater caseloads in the operating rooms under the Total Cost of Care model, which in turns creates pressure on procedure rooms. MASA agrees we should ensure procedure rooms are properly equipped with adequate levels of anesthesia to ensure patient safety. House Bill 935 goes toward that goal, but this issue may require a more comprehensive look by the Maryland Health Care Commission and the Office of Health Care Quality to ensure that the many laws and regulations governing these issues are thoroughly addressed and that standards are set which are clear to all operators. MASA welcomes the opportunity to participate in that discussion.

MASA agrees we should ensure procedure rooms are properly equipped to deliver and monitor adequate levels of anesthesia to ensure patient safety.