

HOUSE BILL 23

J3, J1

11r0667

(PRE-FILED)

By: **Delegates Eckardt and Beidle**

Requested: November 22, 2010

Introduced and read first time: January 12, 2011

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Freestanding Ambulatory Care Facilities – Licensing – Abortion Services**

3 FOR the purpose of altering the definition of “ambulatory surgical facility” as it
4 pertains to licensing to include entities that provide abortion through the use of
5 surgical services; altering the definition of “surgical services” to include the use
6 of certain instruments; and generally relating to licensing of freestanding
7 ambulatory care facilities.

8 BY repealing and reenacting, with amendments,
9 Article – Health – General
10 Section 19–3B–01
11 Annotated Code of Maryland
12 (2009 Replacement Volume and 2010 Supplement)

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

15 **Article – Health – General**

16 19–3B–01.

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

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

20 (i) **1.** Operates primarily for the purpose of providing
21 surgical services to patients requiring a period of postoperative observation but not
22 requiring overnight hospitalization; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

11 (i) For the testing, diagnosis, or treatment of a medical disorder
12 in conjunction with the use of microscopic, endoscopic, or laparoscopic equipment that
13 is inserted in a naturally occurring orifice of the body; and

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

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

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

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

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

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

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

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

1 (g) "Health care practitioner" means a person who is licensed, certified, or
2 otherwise authorized under the Health Occupations Article to provide medical services
3 in the ordinary course of business or practice of a profession.

4 (h) (1) "Kidney dialysis center" means a facility that provides
5 hemodialysis or chronic peritoneal dialysis.

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

8 (i) "License" means a license issued by the Secretary under this subtitle.

9 (j) "Major medical equipment" means:

10 (1) Cardiac catheterization equipment;

11 (2) A computer tomography (CT) scanner;

12 (3) A lithotripter;

13 (4) Radiation therapy equipment, including a linear accelerator; or

14 (5) A magnetic resonance imager (MRI).

15 (k) "Payor" means:

16 (1) A health insurer, nonprofit health service plan, or health
17 maintenance organization that holds a certificate of authority to offer health insurance
18 policies or contracts in the State in accordance with this article or the Insurance
19 Article;

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

22 (3) A self-insured group.

23 (l) "Surgical services" means any invasive procedure whether therapeutic or
24 diagnostic involving the use of:

25 (1) Any cutting instrument, **INCLUDING A UTERINE CURETTE**;

26 (2) Microscopic, endoscopic, arthroscopic, or laparoscopic equipment;

27 **[or]**

28 (3) A laser for the removal or repair of an organ or other tissue; **OR**

1 (4) A MANUAL VACUUM ASPIRATOR CURETTE INTRODUCED INTO
2 THE UTERUS FOR THE PURPOSE OF ABORTION.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2011.