

Chapter 240

(House Bill 327)

AN ACT concerning

**Health – Ambulatory Surgical Facility – ~~Definition~~ Definitions**

FOR the purpose of altering the ~~definition~~ definitions of ~~an ambulatory surgical facility~~ “ambulatory surgical facility” and “surgical services” under provisions of law governing freestanding ambulatory care facilities in the State to conform with federal Centers for Medicare and Medicaid Services regulations; and generally relating to ambulatory surgical facilities.

BY repealing and reenacting, without amendments,  
Article – Health – General  
Section 19–3B–01(a)  
Annotated Code of Maryland  
(2009 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,  
Article – Health – General  
Section 19–3B–01(b) and (l)  
Annotated Code of Maryland  
(2009 Replacement Volume and 2014 Supplement)

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

**Article – Health – General**

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 ~~primarily~~ **EXCLUSIVELY** for the purpose of providing surgical services to patients requiring a period of postoperative observation but not requiring [overnight] 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:

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.

(1) “Surgical services” [means any invasive procedure whether therapeutic or diagnostic involving the use of:

(1) Any cutting instrument;

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

(3) A laser for the removal or repair of an organ or other tissue] HAS THE MEANING DEVELOPED BY THE AMERICAN COLLEGE OF SURGEONS AND INCORPORATED IN THE CENTERS FOR MEDICARE AND MEDICAID SERVICES STATE OPERATIONS MANUAL – GUIDANCE FOR SURVEYORS: AMBULATORY SURGICAL CENTERS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

**Approved by the Governor, May 12, 2015.**