

# SENATE BILL 505

J3, J1

11r0700

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By: **Senators Jacobs and DeGrange**

Introduced and read first time: February 4, 2011

Assigned to: Finance

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## 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

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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.