

SENATE BILL 728

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CF 0lr2860

By: **Senator Lam**

Introduced and read first time: February 3, 2020

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Health Facilities – Freestanding Ambulatory Care Facilities – Administration of**
3 **Anesthesia**

4 FOR the purpose of requiring the Secretary of Health to establish in regulations a provision
5 requiring an ambulatory surgical facility to ensure that a health care practitioner
6 administering anesthesia for a procedure has access to certain medical resources;
7 and generally relating to the administration of anesthesia at freestanding
8 ambulatory care facilities.

9 BY repealing and reenacting, with amendments,
10 Article – Health – General
11 Section 19–3B–03
12 Annotated Code of Maryland
13 (2019 Replacement Volume)

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

16 **Article – Health – General**

17 19–3B–03.

18 (a) (1) After consultation with representatives of payors, health care
19 practitioners, and freestanding ambulatory care facilities, the Secretary shall by regulation
20 establish:

21 (i) Procedures to implement the provisions of this subtitle; and

22 (ii) Standards to ensure quality of care and patient safety that shall
23 include:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 1. Procedures for credentialing and practitioner performance
2 evaluation;

3 2. Qualifications of health care practitioners and support
4 personnel;

5 3. Procedures to be followed in the event of an emergency,
6 including a requirement that in the event of an emergency the patient be transported to
7 the nearest appropriate emergency care facility;

8 4. Procedures for quality control of any biomedical
9 equipment;

10 5. Procedures for postoperative recovery;

11 6. Procedures for discharge;

12 **7. PROCEDURES FOR ENSURING THAT A HEALTH CARE**
13 **PRACTITIONER ADMINISTERING ANESTHESIA FOR A PROCEDURE HAS ACCESS TO**
14 **ALL MEDICAL RESOURCES NECESSARY TO ADEQUATELY AND SAFELY CARE FOR THE**
15 **PATIENT, AS DETERMINED BY THE PRACTITIONER IN CONSULTATION WITH THE**
16 **HEALTH CARE PROVIDER PERFORMING THE PROCEDURE;**

17 [7.] 8. The use of ultrasound imaging in a freestanding birthing
18 center; and

19 [8.] 9. Any other procedures that the Secretary considers
20 necessary for quality of care and patient safety.

21 (2) The procedures for practitioner performance evaluation required under
22 paragraph (1)(ii)1 of this subsection shall include a review of care provided to patients at
23 the freestanding ambulatory care facility by members of the medical staff.

24 (3) The review of care shall:

25 (i) Be undertaken for cases chosen at random and for cases with
26 unexpected adverse outcomes;

27 (ii) Be based on objective review standards;

28 (iii) Include a review of the appropriateness of the plan of care for the
29 patient, particularly any medical procedures performed on the patient, in relation to the
30 patient's condition; and

31 (iv) Except as provided in paragraph (4) of this subsection, be
32 conducted by at least two members of the medical staff who:

1 1. As appropriate, are of the same specialty as the member
2 of the medical staff under review; and

3 2. Have been trained in the freestanding ambulatory care
4 facility's policies and procedures regarding practitioner performance evaluation.

5 (4) A review of the care provided by a member of the medical staff who is a
6 solo practitioner shall be conducted by an external reviewer.

7 (5) A freestanding ambulatory care facility shall take into account the
8 results of the practitioner performance evaluation process for a member of the medical staff
9 in the reappointment process.

10 (b) If appropriate certification by Medicare is available, obtaining the certification
11 shall be a condition of licensure for:

12 (1) An ambulatory surgical facility; and

13 (2) A kidney dialysis center.

14 (c) Each freestanding ambulatory care facility shall provide assurances
15 satisfactory to the Secretary that the freestanding ambulatory care facility does not
16 discriminate against patients, including discrimination based on ability to pay for
17 nonelective procedures.

18 (d) The Secretary may delegate to the Kidney Disease Commission the
19 Secretary's authority under § 19-3B-07 of this subtitle to inspect kidney dialysis centers.

20 (e) (1) Except as provided in paragraph (2) of this subsection, the Department
21 shall survey freestanding ambulatory care facilities in accordance with federal regulations.

22 (2) The Department shall survey each freestanding birthing center at least
23 once per calendar year.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2020.