

19-3A-03.

(a) The Department shall issue a [certificate] LICENSE to a freestanding medical facility that:

(1) [meets the certification] MEETS THE LICENSURE requirements under this [section] SUBTITLE; AND

(2) RECEIVES APPROVAL FROM THE MARYLAND HEALTH CARE COMMISSION UNDER THE REGULATIONS REQUIRED UNDER § 19-131 OF THIS TITLE.

(b) A freestanding medical facility that uses in its title or advertising the [words] WORD "emergency"[, "urgent care", or parts of those words] or other language indicating to the public that medical treatment for immediately life-threatening medical conditions exist at that facility shall be [certified] LICENSED by the Department before it may operate in this State.

(C) NOTWITHSTANDING SUBSECTION (A)(2) OF THIS SECTION, THE DEPARTMENT MAY NOT REQUIRE A FREESTANDING MEDICAL FACILITY PILOT PROJECT TO BE APPROVED BY THE MARYLAND HEALTH CARE COMMISSION AS A CONDITION OF LICENSURE.

19-3A-04.

The governing body of any county may adopt rules and regulations governing freestanding medical facilities more restrictive than the regulations adopted by the Department.

19-3A-05.

(a) Except as provided in subsection (b) of this section, a person who violates any provision of this subtitle is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$5,000 or imprisonment not exceeding 1 year or both.

(b) (1) [If a freestanding medical facility fails to comply with the requirements of § 19-3A-02(9) and (10) of this subtitle, the department may impose a fine of up to \$500 per day per violation for each day a violation continues.] IN ADDITION TO OTHER PENALTIES AVAILABLE UNDER LAW, THE DEPARTMENT MAY IMPOSE SANCTIONS AGAINST A FREESTANDING MEDICAL FACILITY THAT FAILS TO COMPLY WITH THIS SUBTITLE OR REGULATIONS ADOPTED UNDER THIS SUBTITLE.

(2) THE SANCTIONS IMPOSED BY THE DEPARTMENT UNDER PARAGRAPH (1) OF THIS SUBSECTION INCLUDE:

(I) A CIVIL PENALTY NOT TO EXCEED \$10,000;

(II) RESTRICTIONS ON THE OPERATION OF THE FREESTANDING MEDICAL FACILITY;

(III) A DIRECTED PLAN OF CORRECTION; AND

(IV) SUSPENSION OR REVOCATION OF THE FREESTANDING MEDICAL FACILITY'S LICENSE.