

[(e)](D) In the event of an adverse decision that affects its final decision, the Commission may apply within 30 days by writ of certiorari to the Court of Appeals for review where:

(1) Review is necessary to secure uniformity of decision, as where the same statute has been construed differently by 2 or more judges; or

(2) There are other special circumstances that render it desirable and in the public interest that the decision be reviewed.

SUBTITLE 3B. FREESTANDING AMBULATORY CARE FACILITIES.

19-3B-01.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) "FREESTANDING AMBULATORY CARE FACILITY" MEANS:

- (1) AN AMBULATORY SURGICAL FACILITY;
- (2) A FREESTANDING ENDOSCOPY FACILITY;
- (3) A FREESTANDING FACILITY UTILIZING MAJOR MEDICAL EQUIPMENT;
- (4) A KIDNEY DIALYSIS CENTER; OR
- (5) A FREESTANDING BIRTHING CENTER.

(C) (1) "AN AMBULATORY SURGICAL FACILITY" MEANS ANY CENTER, SERVICE, OFFICE FACILITY, OR OTHER ENTITY THAT:

(I) OPERATES PRIMARILY FOR THE PURPOSE OF PROVIDING SURGICAL SERVICES TO PATIENTS REQUIRING A PERIOD OF POSTOPERATIVE OBSERVATION BUT NOT REQUIRING OVERNIGHT HOSPITALIZATION; AND

(II) SEEKS REIMBURSEMENT FROM PAYORS AS AN AMBULATORY SURGERY CENTER.

(2) "AN 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;