

(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; OR

(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.

(D) (1) "FREESTANDING ENDOSCOPY FACILITY" MEANS A FACILITY:

(I) FOR THE TESTING, DIAGNOSIS, OR TREATMENT OF A MEDICAL DISORDER IN CONJUNCTION WITH THE USE OF MICROSCOPIC, ENDOSCOPIC, ARTHROSCOPIC, OR LAPAROSCOPIC EQUIPMENT ~~THAT IS INSERTED IN A NATURALLY OCCURRING ORIFICE OF THE BODY~~ THAT IS INSERTED IN A NATURALLY OCCURRING ORIFICE OF THE BODY; AND

(II) THAT SEEKS REIMBURSEMENT AS A FREESTANDING ENDOSCOPY FACILITY FROM PAYORS OR MEDICARE.

(2) "FREESTANDING ENDOSCOPY FACILITY" DOES NOT INCLUDE:

(I) THE OFFICE OF ONE OR MORE HEALTH CARE PRACTITIONERS UNLESS:

1. THE OFFICE OPERATES UNDER A CONTRACT OR OTHER AGREEMENT WITH A PAYOR AS A FREESTANDING ENDOSCOPY FACILITY REGARDLESS OF WHETHER IT IS PAID A TECHNICAL OR FACILITY FEE; OR

2. THE OFFICE IS DESIGNATED TO RECEIVE ENDOSCOPIC REFERRALS IN ACCORDANCE WITH UTILIZATION REVIEW OR OTHER POLICIES ADOPTED BY A PAYOR; OR

(II) ANY FACILITY OR SERVICE OPERATED BY A HOSPITAL AND REGULATED UNDER SUBTITLE 2 OF THIS TITLE.

(E) (1) "FREESTANDING FACILITY OPERATING MAJOR MEDICAL EQUIPMENT" MEANS A FACILITY USING MAJOR MEDICAL EQUIPMENT.