

Article - Health - General
Section 19-101(b)
Annotated Code of Maryland
(1990 Replacement Volume and 1995 Supplement)

BY repealing and reenacting, with amendments,
Article - Health - General
Section 19-115(j)
Annotated Code of Maryland
(1990 Replacement Volume and 1995 Supplement)

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

Article - Health - General

19-101.

(b) (1) "Ambulatory surgical facility" means any center, service, office, facility, or office of one or more health care practitioners or a group practice, as defined in § 1-301 of the Health Occupations Article, that:

- (i) Has two or more operating rooms;
- (ii) Operates primarily for the purpose of providing surgical services to patients who do not require overnight hospitalization; and
- (iii) Seeks reimbursement from payors as an ambulatory surgical facility.

(2) For purposes of this subtitle, the office of one or more health care practitioners or a group practice with two operating rooms may be exempt from the certificate of need requirements under this subtitle if the Commission finds, in its sole discretion, that:

- (i) A second operating room is necessary to promote the efficiency, safety, and quality of the surgical services offered; and
- (ii) The office meets the criteria for exemption from the certificate of need requirements as an ambulatory surgical facility in accordance with regulations adopted by the Commission.

19-115.

(j) (1) A certificate of need is required before any of the following capital expenditures are made by or on behalf of a health care facility:

(i) Any expenditure that, under generally accepted accounting principles, is not properly chargeable as an operating or maintenance expense, if:

1. The expenditure is made as part of an acquisition, improvement, or expansion, and, after adjustment for inflation as provided in the