

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2025

Legislative Document

No. 1254

H.P. 829

House of Representatives, March 25, 2025

An Act to Expand the Licensing of Outpatient Surgical Facilities

Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in cursive script, reading "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative COLLINS of Sidney.
Cosponsored by Senator BRADSTREET of Kennebec and
Representatives: FLYNN of Albion, GRIFFIN of Levant, HAGGAN of Hampden,
HENDERSON of Rumford, PAUL of Winterport.

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 22 MRSA §328, sub-§2, as enacted by PL 2001, c. 664, §2, is amended to read:

2. Ambulatory surgical facility. "Ambulatory surgical facility" means a facility, not part of a hospital, that provides surgical treatment to patients not requiring hospitalization. ~~"Ambulatory surgical facility" does not include the offices of private physicians or dentists, whether in individual or group practice.~~

Sec. 2. 22 MRSA §1812-E, sub-§1, as amended by PL 1991, c. 752, §1, is further amended to read:

1. Definition. As used in this chapter, unless the context otherwise indicates, "ambulatory surgical facility" means a facility with a primary purpose of providing elective surgical care to a patient who is admitted to and discharged from the facility within the same day. In order to meet this primary purpose, a facility must at least administer anesthetic agents, maintain a sterile environment in a surgical suite and charge a facility fee separate from the professional fee. "Ambulatory surgical facility" does not include:

A. A facility that is licensed as part of a hospital; or

B. A facility that provides services or accommodations for patients who stay overnight;

~~C. A facility existing for the primary purpose of performing terminations of pregnancies; or~~

~~D. The private office of a physician or dentist in individual or group practice, unless that facility or office is certified as a Medicare ambulatory surgical center.~~

Sec. 3. 22 MRSA §7932, sub-§9, as enacted by PL 1999, c. 384, §13, is amended to read:

9. Ambulatory surgical facility. "Ambulatory surgical facility" means a facility with the primary purpose of providing elective surgical care to a patient who is admitted to and discharged from the facility within the same day. In order to meet this primary purpose, a facility must at least administer anesthetic agents, maintain a sterile environment in a surgical suite and ~~share charge~~ charge a facility fee separate from the professional ~~license~~ fee. "Ambulatory surgical facility" does not include:

A. A facility that is licensed as part of a hospital; or

B. A facility that provides services or accommodations for patients who stay overnight.

~~C. A facility existing for the primary purpose of performing terminations of pregnancies; or~~

~~D. The private office of a physician or dentist in individual or group practice, unless the office is certified as a Medicare ambulatory surgical center.~~

SUMMARY

This bill modifies the definition of "ambulatory surgical facility" by removing language that excludes the private office of a physician or dentist and a facility existing for the

1 primary purpose of performing terminations of pregnancies. Under the bill, such a facility
2 is considered an ambulatory surgical facility and would be required to be licensed as such
3 if that facility's primary purpose is providing outpatient elective surgical care.