

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
SENATE  
115TH LEGISLATURE  
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 833, L.D. 2137, Bill, "An Act to Amend the Definition of Ambulatory Surgical Facilities"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'Sec. 1. 22 MRSA §1812-E, as enacted by PL 1989, c. 572, §2, is amended to read:

**§1812-E. Ambulatory surgical facility**

**1. Definition.** As used in this chapter, unless the context otherwise indicates, "ambulatory surgical facility" ~~has-the-same meaning-as-in-section-303~~ 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;

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.

2. **Standards.** The department shall establish standards for the licensure of ambulatory surgical facilities effective January 1, 1990 July 1, 1992. The standards shall must provide that ambulatory surgical facilities that are certified for the federal Medicare and Medicaid programs ~~are deemed to be eligible~~ meet the requirements for state licensure.

3. **Annual inspection.** The department shall inspect annually ambulatory surgical facilities, except that state inspections need not be performed during a year when a Medicare inspection is performed.

Sec. 2. 22 MRSA §1815, as repealed and replaced by PL 1989, c. 878, Pt. A, §60, is amended to read:

**§1815. Fees**

Each application for a license to operate a hospital, convalescent home or nursing home shall must be accompanied by a nonrefundable fee of \$10 for each bed contained within the facility. Each application for a license to operate an ambulatory surgical facility shall must be accompanied by the fee established by the department. The department shall establish the fee for an ambulatory surgical facility, not to exceed \$250 \$500, on the basis of a sliding scale representing size, number of employees and scope of operations. All licenses issued shall must be renewed annually upon payment of a like fee. The State's share of all fees received by the department under this chapter shall must be deposited in the General Fund. No A license granted may not be assignable or transferable. State hospitals are not required to pay licensing fees.

**FISCAL NOTE**

The Division of Licensing and Certification within the Department of Human Services can absorb the costs associated with inspecting ambulatory surgical facilities within its budgeted resources.

An increase in the license fee for ambulatory surgical facilities will increase General Fund revenue and dedicated revenue to the Department of Human Services by minor amounts.'

COMMITTEE AMENDMENT "A" to S.P. 833, L.D. 2137

### STATEMENT OF FACT

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The amendment clarifies the original bill and adds a section authorizing the Department of Human Services to increase the licensing fee for an ambulatory surgical facility from a maximum of \$250 to a maximum of \$500. The amendment also adds a fiscal note to the bill.

Reported by Senator Conley for the Committee on Human Resources.  
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