

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

SECOND REGULAR SESSION-1992

Legislative Document

No. 2137

S.P. 833

In Senate, January 9, 1992

Submitted by the Department of Human Services pursuant to Joint Rule 24.
Reference to the Committee on Human Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator GILL of Cumberland

Cosponsored by Senator GAUVREAU of Androscoggin, Representative PENDLETON of Scarborough and Representative BOUTILIER of Lewiston.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-TWO

An Act to Amend the Definition of Ambulatory Surgical Facilities.



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

4 22 MRSA §1812-E, as enacted by PL 1989, c. 572, §2, is
amended to read:

6 **§1812-E. Ambulatory surgical facility**

8 1. **Definition.** As used in this chapter, unless the context
10 otherwise indicates, "ambulatory surgical facility" ~~has the same~~
12 meaning as in section 303, means a facility, the primary purpose
of which is to provide elective surgical care to a patient who is
admitted to and discharged from the facility within the same
day. "Ambulatory surgical facility" does not include:

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

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

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

24 D. The private office of a physician or dentist in
individual or group practice, unless that facility or office
26 is certified as a Medicare ambulatory surgical center
subject to the licensing provisions of this chapter.

28 1-A. Criteria governing the licensing of ambulatory
surgical facilities. The department shall consider the
30 administration of an anesthetic agent, the maintenance of a
sterile environment in a surgical suite and the charging of a
32 facility fee separate from the professional fee as criteria in
determining whether a facility meets its primary purpose.

34 2. **Standards.** The department shall establish standards for
36 the licensure of ambulatory surgical facilities effective January
17, 1990 ~~July 1, 1992~~. The standards shall must provide that
38 ambulatory surgical facilities that are certified for the federal
Medicare and Medicaid programs are ~~deemed to be~~ eligible for
40 state licensure.

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

48 **STATEMENT OF FACT**

50 This bill clarifies an ambulatory surgical facility for the
purpose of state licensure and regulation.