

Title 10

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 24 MARYLAND HEALTH CARE COMMISSION

Chapter 11 State Health Plan for Facilities and Services: General Surgical Services

Authority: Health-General Articles, §§19-109(a)(1) [and 19-118], 19-114(b)(2) and (d)(1)(iv) and (viii), 19-118(a)(2)(i), and 19-120(j)(2)(iv), (k)(9), and (o)(1) and (3), Annotated Code of Maryland

NOTICE OF PROPOSED ACTION

The Maryland Health Care Commission proposes to repeal existing Regulation **.01** under **COMAR 10.24.11 State Health Plan for Facilities and Services: General Surgical Services** and adopt new Regulation **.01**. This action was considered by the Commission at an open meeting held on September 19, 2017, notice of which was given through publication in the *Maryland Register*, under General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to establish COMAR 10.24.11 (Surgical Services Chapter), a replacement chapter in the State Health Plan for Facilities and Services that governs the establishment and relocation of surgical services. COMAR 10.24.11 was last updated in 2012. Subsequent legislative changes (Chapter 420 of 2016) and input that resulted in regulations proposed as COMAR 10.24.19, the Freestanding Medical Facility Chapter of the State Health Plan, permit the establishment of a freestanding medical facility that may include surgical services. In addition, the replacement Surgical Services Chapter creates a new process for exemption from CON review for the establishment of an ambulatory surgery facility (ASF) with two operating rooms, under circumstances that include: expanding an existing POSC,

establishing a new ASF with two operating rooms, relocation of two operating rooms from a hospital to an ASF; or the establishment of an ASF with no more than two operating rooms at a freestanding medical facility established through the conversion of a general hospital. COMAR 10.24.11 also contains policies and standards that will guide the Certificate of Need review process for a general hospital that seeks to add surgical capacity, or relocate surgical capacity when an exemption is not an option, as well as for an applicant seeking to expand an existing ASF or establish an ASF with more than two operating rooms.