



# 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 that reads "R 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## 38 SUMMARY

39 This bill modifies the definition of "ambulatory surgical facility" by removing language  
40 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.