

# HOUSE BILL 1110

E4, J1, J2

9lr2531

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By: **Delegate Bromwell**

Introduced and read first time: February 13, 2009

Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Physicians – Discipline – Failure to Comply with Governor’s**  
3 **Order**

4 FOR the purpose of authorizing the State Board of Physicians to take certain  
5 disciplinary actions against certain licensees for failure to comply with certain  
6 orders of the Governor; providing a certain exception to a certain criminal  
7 penalty and a certain fine; prohibiting certain physicians from failing to comply  
8 with certain orders of the Governor; subjecting certain physicians to certain  
9 disciplinary actions; and generally relating to the discipline of a physician who  
10 fails to comply with an order of the Governor relating to a catastrophic health  
11 emergency.

12 BY repealing and reenacting, with amendments,  
13 Article – Health Occupations  
14 Section 14–404(a)(39) and (40)  
15 Annotated Code of Maryland  
16 (2005 Replacement Volume and 2008 Supplement)

17 BY adding to  
18 Article – Health Occupations  
19 Section 14–404(a)(41)  
20 Annotated Code of Maryland  
21 (2005 Replacement Volume and 2008 Supplement)

22 BY repealing and reenacting, without amendments,  
23 Article – Public Safety  
24 Section 14–3A–03(c)  
25 Annotated Code of Maryland  
26 (2003 Volume and 2008 Supplement)

27 BY repealing and reenacting, with amendments,

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Public Safety  
2 Section 14–3A–08  
3 Annotated Code of Maryland  
4 (2003 Volume and 2008 Supplement)

5 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
6 MARYLAND, That the Laws of Maryland read as follows:

7 **Article – Health Occupations**

8 14–404.

9 (a) Subject to the hearing provisions of § 14–405 of this subtitle, the Board,  
10 on the affirmative vote of a majority of the quorum, may reprimand any licensee, place  
11 any licensee on probation, or suspend or revoke a license if the licensee:

12 (39) Intentionally misrepresents credentials for the purpose of  
13 testifying or rendering an expert opinion in hearings or proceedings before the Board  
14 or those otherwise delegated to the Office of Administrative Hearings; [or]

15 (40) Fails to keep adequate medical records as determined by  
16 appropriate peer review; **OR**

17 **(41) FAILS TO COMPLY WITH § 14–3A–03(C) OF THE PUBLIC**  
18 **SAFETY ARTICLE.**

19 **Article – Public Safety**

20 14–3A–03.

21 (c) The Governor may order any health care provider, who does not  
22 voluntarily participate, to participate in disease surveillance, treatment, and  
23 suppression efforts or otherwise comply with the directives of the Secretary or other  
24 designated official.

25 14–3A–08.

26 (a) **(1) [A] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS**  
27 **SECTION, A** person may not knowingly and willfully fail to comply with an order,  
28 requirement, or directive issued under this subtitle.

29 **[(b)] (2)** A person who violates [subsection (a) of this section] **PARAGRAPH**  
30 **(1) OF THIS SUBSECTION** is guilty of a misdemeanor and on conviction is subject to  
31 imprisonment not exceeding 1 year or a fine not exceeding \$5,000 or both.

1           **(B) (1) A PHYSICIAN LICENSED UNDER TITLE 14 OF THE HEALTH**  
2 **OCCUPATIONS ARTICLE MAY NOT KNOWINGLY AND WILLFULLY FAIL TO**  
3 **COMPLY WITH § 14-3A-03(C) OF THIS SUBTITLE.**

4           **(2) A PHYSICIAN WHO FAILS TO COMPLY WITH PARAGRAPH (1) OF**  
5 **THIS SUBSECTION SHALL BE SUBJECT TO DISCIPLINE BY THE STATE BOARD OF**  
6 **PHYSICIANS IN ACCORDANCE WITH TITLE 14, SUBTITLE 4 OF THE HEALTH**  
7 **OCCUPATIONS ARTICLE.**

8           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
9 October 1, 2009.