

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE

Senate Bill 894 (Senator Montgomery)
Judicial Proceedings

**Prosecution of Offenses Related to Practicing Medicine Without a License -
Statute of Limitations - Repeal**

This bill repeals the three-year statute of limitations on prosecution of practicing, attempting to practice, or offering to practice medicine without a license.

Fiscal Summary

State Effect: Potential minimal increase in general fund expenditures if the bill's elimination of the statute of limitations for prosecution of practicing medicine without a license results in an increase in incarcerations in State facilities.

Local Effect: Potential minimal increase in local revenues from fines imposed in circuit court cases.

Small Business Effect: None.

Analysis

Current Law: Section 14-601 of the Health Occupations Article prohibits a person from practicing, attempting to practice, or offering to practice medicine in the State unless licensed by the State Board of Physicians (MBP). A person who violates this prohibition is guilty of a felony and on conviction is subject to a fine of up to \$10,000 and/or imprisonment for up to five years. A prosecution for this offense must be instituted within three years after the offense was committed. Generally, there is no statute of limitations on prosecuting a felony. A person who violates the provisions of § 14-601 is also subject to a civil fine of up to \$50,000 payable to the State Board of Physicians Fund.

Generally, a person who violates most other provisions of the Maryland Medical Practice Act is guilty of a misdemeanor and on conviction is subject to a fine of up to \$5,000 and/or imprisonment for up to five years. Chapter 359 of 2007 (SB 851) modified the penalty for the unauthorized practice of medicine, changing it from a misdemeanor to a felony and doubling the amount of the fine that may be imposed.

Background: The mission of MBP is to assure quality health care in Maryland through the efficient licensure and effective discipline of health providers under its jurisdiction, by protecting and educating clients/customers and stakeholders and enforcing the Maryland Medical Practice Act. The board has regulatory authority over physicians, physician assistants, radiographers, radiation therapists, nuclear medicine technologists, radiologist assistants, respiratory care practitioners, polysomnographic technologists, athletic trainers, and perfusionists.

According to MBP, the bill is intended to protect public health by allowing prosecution of practicing medicine without a license whenever it is discovered.

Additional Information

Prior Introductions: None.

Cross File: HB 1263 (Delegate Frank) - Judiciary.

Information Source(s): Department of Health and Mental Hygiene, Department of Legislative Services

Fiscal Note History: First Reader - March 8, 2013
ncs/ljm

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