

**Department of Legislative Services**  
 Maryland General Assembly  
 2013 Session

**FISCAL AND POLICY NOTE**

Senate Bill 747 (Senator Middleton, *et al.*)  
 Education, Health, and Environmental Affairs

**Rules of Interpretation - Interpretation of "Physician" - Inclusion of Advanced Practice Nurse and Physician Assistant**

This bill requires that the term “physician” be interpreted to include an “advanced practice nurse” and a “physician assistant” (PA) if a provision of State law (or a transmittal, notice, form, policy, procedure, or other document, as specified by the bill) requires or refers to a signature, certification, verification, affidavit, or any other endorsement by a physician. If the application of this interpretation is consistent with the scope of practice of the advanced practice nurse or PA, additional authorization from a State government unit to endorse the relevant document may not be required. However, the bill may not be construed to expand the scope of practice of an advanced practice nurse or PA.

The bill applies retroactively and must be interpreted to affect all documents prepared or written in accordance with State law before the bill’s effective date.

**Fiscal Summary**

**State Effect:** Transportation Trust Fund (TTF) expenditures increase by \$36,000 for the Motor Vehicle Administration (MVA) in FY 2014 for computer reprogramming by an external vendor. These expenditures are required to accommodate changes to the processing of applications for parking placards and special registration plates for individuals with a disability. Additional changes to forms required by the bill can be handled with existing resources. No effect on revenues.

(in dollars)	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018
Revenues	\$0	\$0	\$0	\$0	\$0
SF Expenditure	36,000	0	0	0	0
Net Effect	(\$36,000)	\$0	\$0	\$0	\$0

*Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect*

**Local Effect:** None.

**Small Business Effect:** Potential minimal.

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## **Analysis**

**Bill Summary:** The types of certifications and endorsements covered by the bill could be numerous, but SB 460/HB 723 of 2013 are instructive. Those bills would authorize a PA to (1) for purposes of authorizing an individual age 15, 16, or 17 to marry, complete a certificate stating that the PA has examined the individual and has found she is pregnant or has given birth to a child; (2) provide the date of birth and medical information required on a certificate of birth; (3) fill out and sign a certificate of death; (4) file a replacement death certificate; (5) serve as a witness to a written or oral advance directive; (6) if physically present on the scene with the patient, provide an oral emergency medical services “do not resuscitate order”; (7) update or complete a “Medical Orders for Life-Sustaining Treatment” form; (8) make a petition for an emergency evaluation of an individual; (9) certify certain medical conditions or disabilities for an applicant to qualify for a special disability registration number and plates from MVA; and (10) certify the existence of a permanent disability for an applicant for a temporary or permanent parking placard from MVA.

It is assumed that the present bill applies to documents as diverse as those described above, to the extent that such an application does not expand the scope of practice of a PA or an advanced practice nurse.

**Current Law:** A PA is not authorized to practice independent of a supervising physician. A PA may only be licensed to practice medical acts after the Physician Assistant Advisory Committee has approved a delegation agreement formed between a supervisory physician and a PA. To qualify for a license, a PA must have graduated from a PA training program, pass a board-approved national certifying exam, and have a bachelor’s degree or its equivalent if he or she graduated from a PA training program after October 1, 2003. A PA may not practice within the scope of any of the following health occupations: nursing, optometry, physical therapy, or psychology.

The State Board of Nursing certifies seven types of advanced practice nurses (registered nurses who receive a certification of advanced practice status in addition to their registered nurse licensure): nurse anesthetists, nurse midwives, nurse practitioners, infusion therapy nurses, sexual assault forensic examiner nurses, workers’ compensation medical case workers, and nurse psychotherapists. Each type of advanced practice certification has specific requirements set out in regulation.

**Background:** Nurse practitioners (one type of advanced practice nurse) are already authorized to complete numerous certifications. Likewise, nurse midwives may provide the date of birth and medical information on a certificate of birth. The bill expands the certification of such documents to all types of advanced practice nurses as well as PAs, to the extent such an application does not expand their scope of practice.

**State Expenditures:** TTF expenditures increase by an estimated \$36,000 for MVA in fiscal 2014 for computer reprogramming by an external vendor. These expenditures are required to accommodate changes to the processing of applications for parking placards and special registration plates for individuals with a disability. According to MVA, files will need to be processed and uploaded to the mainframe and database/workstation processes will need to be modified. This estimate was provided by MVA's external vendor. The Department of Legislative Services advises that, if other legislation is passed requiring computer reprogramming changes, economies of scale could be realized in the contract with the MVA information technology vendor; this would reduce the costs associated with this bill and the other legislation affecting MVA.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None designated; however, HB 630 (Delegate Nathan-Pulliam, *et al.* – Health and Government Operations) is identical.

**Information Source(s):** Department of Budget and Management, Department of Human Resources, Maryland State Department of Education, Department of Health and Mental Hygiene, Maryland Insurance Administration, Department of Juvenile Services, Department of Public Safety and Correctional Services, Workers' Compensation Commission, Maryland Department of Transportation, Department of Legislative Services

**Fiscal Note History:** First Reader - February 18, 2013  
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