

SENATE BILL 871

J2

8lr2329

By: **Senator Mathias**

Introduced and read first time: February 5, 2018

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Physicians – Discipline for Alternative Treatments – Prohibition**

3 FOR the purpose of prohibiting a licensed physician from being subject to an investigation
4 by the State Board of Physicians or disciplinary action by a disciplinary panel based
5 solely on the fact that the physician recommended or provided a certain alternative
6 treatment to an individual; providing that this Act may not be construed to prohibit
7 the Board from denying a license or investigating a licensed physician, or a
8 disciplinary panel from taking certain disciplinary actions against a certain licensed
9 physician, for certain other purposes; defining a certain term; and generally relating
10 to the discipline of licensed physicians for alternative treatments.

11 BY adding to
12 Article – Health Occupations
13 Section 14–509
14 Annotated Code of Maryland
15 (2014 Replacement Volume and 2017 Supplement)

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

18 **Article – Health Occupations**

19 **14–509.**

20 (A) IN THIS SECTION, “ALTERNATIVE TREATMENT” MEANS A TREATMENT
21 PLAN THAT IS NOT UNIVERSALLY ACCEPTED BY THE MEDICAL PROFESSION IF THE
22 TREATMENT PLAN IS BASED ON THE OBSERVATION OF SYMPTOMS AND DIAGNOSIS
23 OF AN INDIVIDUAL BY A LICENSED PHYSICIAN AS DOCUMENTED IN THE
24 INDIVIDUAL’S MEDICAL RECORD.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(B) A LICENSED PHYSICIAN MAY NOT BE SUBJECT TO AN INVESTIGATION BY**
2 **THE BOARD OR DISCIPLINARY ACTION BY A DISCIPLINARY PANEL BASED SOLELY ON**
3 **THE FACT THAT THE PHYSICIAN RECOMMENDED OR PROVIDED AN ALTERNATIVE**
4 **TREATMENT TO AN INDIVIDUAL.**

5 **(C) NOTHING IN THIS SECTION MAY BE CONSTRUED TO PROHIBIT THE**
6 **BOARD FROM DENYING A LICENSE OR INVESTIGATING A LICENSED PHYSICIAN, OR A**
7 **DISCIPLINARY PANEL FROM REVOKING OR SUSPENDING A LICENSE OR TAKING ANY**
8 **OTHER DISCIPLINARY ACTION AGAINST A LICENSED PHYSICIAN, FOR REASONS**
9 **RELATED TO THE RECOMMENDATION OR PROVISION OF THE ALTERNATIVE**
10 **TREATMENT, INCLUDING:**

11 **(1) RECOMMENDING OR PROVIDING AN ALTERNATIVE TREATMENT**
12 **THAT IS NOT APPROPRIATE TO TREAT THE DIAGNOSED CONDITION OF THE**
13 **INDIVIDUAL OR FOR A PURPOSE THAT IS UNRELATED TO THE INDIVIDUAL'S**
14 **DIAGNOSIS;**

15 **(2) FAILING TO MONITOR THE ONGOING CARE OF AN INDIVIDUAL**
16 **RECEIVING AN ALTERNATIVE TREATMENT; OR**

17 **(3) FAILING TO KEEP COMPLETE AND ACCURATE RECORDS OF THE**
18 **CLINICAL DIAGNOSIS AND TREATMENT OF AN INDIVIDUAL RECEIVING AN**
19 **ALTERNATIVE TREATMENT.**

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2018.