

Department of Legislative Services
 Maryland General Assembly
 2019 Session

FISCAL AND POLICY NOTE
 Third Reader

Senate Bill 733 (Senator Zucker, *et al.*)
 Education, Health, and Environmental Affairs Health and Government Operations

State Board of Physicians - Registered Cardiovascular Invasive Specialists

This bill authorizes a licensed physician to delegate duties to a “registered cardiovascular invasive specialist” (CIS) assisting in a fluoroscopy under specified conditions. The State Board of Physicians (MBP) may impose a civil penalty of up to \$5,000 for each instance of a hospital’s failure to comply with specified requirements. The Maryland Health Care Commission (MHCC) must conduct a review of hospital cardiac care catheterization laboratories in the State that includes specified information and submit its findings to the Governor and the General Assembly by October 1, 2023. **The bill terminates September 30, 2024.**

Fiscal Summary

State Effect: No effect in FY 2020 through 2022. Special fund expenditures increase by an estimated \$37,500 in FY 2023, and by \$12,500 in FY 2024 to conduct the required review, as discussed below. Revenues are not anticipated to be materially affected.

(in dollars)	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
Revenues	\$0	\$0	\$0	\$0	\$0
SF Expenditure	0	0	0	37,500	12,500
Net Effect	\$0	\$0	\$0	(\$37,500)	(\$12,500)

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

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary:

Delegation of Duties to a Registered Cardiovascular Invasive Specialist

“Registered cardiovascular invasive specialist” means an individual who is credentialed by Cardiovascular Credentialing International or another credentialing body approved by MBP to assist in cardiac catheterization procedures under the direct, in-person supervision of a licensed physician.

A CIS may assist a physician in the physician’s performance of a fluoroscopy if (1) the delegated duties are limited to a cardiac catheterization procedure performed in a hospital cardiac catheterization laboratory; (2) the physician is physically present and personally directs each act performed by the registered CIS; (3) the registered CIS has completed the training and education and has the experience required by MBP regulations; and (4) the hospital in which the cardiac catheterization laboratory is located has verified and documented that the registered CIS has completed the specified training and education and has the required experience required by MBP regulations.

It is the responsibility of the hospital, and the physician who is supervising the procedure, to ensure that specified requirements are met for each procedure.

Maryland Health Care Commission Review

MHCC’s review of hospital cardiac catheterization laboratories must include: (1) the number and nature of radiation injuries that have occurred in a hospital cardiac catheterization laboratory between October 1, 2016, and September 1, 2022; (2) the number and nature of instances in which MBP has imposed civil penalties on a hospital under the bill’s requirements since October 1, 2019; and (3) the number of registered CISs employed by hospitals and the number of vacant positions for technicians in hospital cardiac catheterization laboratory.

Current Law:

Delegation of Duties by a Physician

Under the Health Occupations Article, an individual without a license may perform specified duties when delegated by a physician including X-ray duties. However, certain X-ray duties may not be delegated to an individual without a license including fluoroscopy.

State Board of Physicians and Allied Health Professions

MBP is charged with enforcing the Maryland Medical Practice Act and the Maryland Physician Assistants Act. Among its duties, MBP must (1) adopt regulations to carry out the provisions of law for which it is responsible; (2) establish policies for board operations; (3) oversee licensing of physicians and allied health professionals; (4) review and investigate complaints; (5) report on all disciplinary actions, license denials, and license surrenders; (6) appoint members of the disciplinary panels; and (7) develop and approve an annual report. The board consists of 22 members; membership is drawn in accordance with statute.

Statutory provisions place several allied health professions under the jurisdiction of MBP and establish seven allied health advisory committees that assist MBP in its oversight role. These committees are composed of representatives of the regulated professions, physicians, and consumers. The allied health professions under the jurisdiction of MBP are (1) physician assistants; (2) radiographers, radiation therapists, nuclear medicine technologists, and radiologist assistants; (3) respiratory care practitioners; (4) polysomnographic technologists; (5) athletic trainers; (6) perfusionists; and (7) naturopathic doctors.

Maryland Health Care Commission

MHCC is an independent commission within the Maryland Department of Health. The stated mission of MHCC is to plan for health system needs, promote informed decision making, increase accountability, and improve access in a rapidly changing health care environment by providing timely and accurate information on availability, cost, and quality of services to policymakers, purchasers, providers, and the public.

Background:

Cardiovascular Invasive Specialists

According to the Mayo Clinic, cardiovascular invasive specialists are cardiovascular technologists who perform invasive procedures. They assist physicians with cardiac catheterization procedures in which a catheter is guided through a patient's blood vessels into the heart or cardiovascular system to determine whether there is a blockage in blood vessels; part of the procedure may involve balloon angioplasty or stenting. They also monitor blood pressure and heart rate using electrocardiogram (ECG or EKG) equipment during procedures and the implantation of pacemakers.

According to the U.S. Department of Labor's *May 2017 Occupational Employment and Wage Estimates*, there were 1,340 employed cardiovascular technologists and technicians

in Maryland in 2017. Pennsylvania had one of the highest employment levels of cardiovascular technologists and technicians (3,060) and West Virginia and Delaware had some of the highest concentrations of jobs in this field (0.72 and 0.57 employment per 1,000 jobs, respectively).

Cardiovascular Invasive Specialists Workgroup

During the 2018 legislative interim, MBP convened a CIS workgroup to study issues related to establishing a new licensure category. The workgroup had 14 members consisting of stakeholders and convened four times. The workgroup voted to recommend that there be an exception to licensure for a registered CIS that would allow a physician to delegate duties to a registered CIS assisting with the physician's performance of fluoroscopy in a hospital catheterization laboratory under specified circumstances. The workgroup further recommended that the license exception have a time limit of three years so that a study can be conducted and the legislature can reevaluate the exception.

State Expenditures: In order to complete the required review, MHCC advises it would need to contract with (1) a vendor consultant to gather information from and coordinate with both the Radiological Health Section within the Maryland Department of the Environment and MBP; and (2) a trade association to conduct a survey of hospital cardiac catheterization labs. The estimated total cost of these contracts is \$50,000.

As some of the data collected under the study must run through September 1, 2022, the Department of Legislative Services assumes that the study does not begin until July 1, 2022 (fiscal 2023). Thus, MHCC special fund expenditures increase by approximately \$37,500 in fiscal 2023, and by \$12,500 in fiscal 2024. This estimate reflects the cost to contract with a vendor consultant and a trade association to conduct the required review. A report on the findings of the review must be submitted by October 1, 2023.

Additional Information

Prior Introductions: SB 1087 of 2018, a similar bill, received a hearing in the Senate Education, Health, and Environmental Affairs Committee but was withdrawn. Its cross file, HB 1008, received a hearing in the House Health and Government Operations Committee but was withdrawn. HB 1025 of 2005, a similar bill, received a hearing in the House Health and Government Operations committee, but no further action was taken.

Cross File: HB 924 (Delegate Cullison, *et al.*) - Health and Government Operations.

Information Source(s): Maryland Department of Health; The Mayo Clinic; U.S. Department of Labor; Department of Legislative Services

Fiscal Note History: First Reader - February 21, 2019
sb/jc Third Reader - March 15, 2019

Analysis by: Amber R. Gundlach

Direct Inquiries to:
(410) 946-5510
(301) 970-5510