

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulations
Department of Health and Mental Hygiene
(DLS Control No. 15-263)**

Overview and Legal and Fiscal Impact

The regulations repeal a requirement that a patient being treated regularly for certain conditions be seen initially by a supervising physician on a certain basis and adds specified language to be included in a delegation agreement related to a physician plan of care.

The regulations present no legal issues of concern.

There is no fiscal impact on State or local agencies.

Regulations of COMAR Affected

Department of Health and Mental Hygiene:

Board of Physicians: Delegation of Duties by a Licensed Physician-Physician Assistant:
COMAR 10.32.03.05 and .07

Legal Analysis

Background

Chapters 241 and 242 of 2012 repealed a requirement that a patient being treated regularly for certain conditions be seen initially by a supervising physician and as frequently as the patient's condition requires. The Acts also added specified language to be included in a delegation agreement related to a physician plan of care. The regulations reflect the statutory changes made in Chapters 241 and 242.

Summary of Regulations

The regulations repeal the requirement that a patient being treated regularly for a life-threatening, chronic, degenerative, or disabling condition be seen initially by the supervising physician and as frequently as the patient's condition requires, but no less than within every five appointments or within 180 days, whichever occurs first. The regulations require a delegation agreement filed with the Board of Physicians to include the following statement: "The primary supervising physician and the physician assistant shall attest that: (i) They will establish a plan for the types of cases that require a physician plan of care or require that the patient initially or periodically be seen by the supervising physician; and (ii) The patient will be provided access to the supervising physician on request."

Legal Issues

The regulations present no legal issues of concern.

Statutory Authority and Legislative Intent

The Department of Health and Mental Hygiene cites §§ 15-301 and 15-302 of the Health Occupations Article as statutory authority for the regulations. Section 15-301(b)(4) provides that a license issued to a physician assistant shall limit the physician assistant's scope of practice to medical acts consistent with the delegation agreement filed with the Board of Physicians. Section 15-302(b)(10) provides that a delegation agreement shall contain the following statement: "The primary supervising physician and the physician assistant shall attest that: (i) They will establish a plan for the types of cases that require a physician plan of care or require that the patient initially or periodically be seen by the supervising physician; and (ii) The patient will be provided access to the supervising physician on request."

This authority is correct and complete. The regulations comply with the legislative intent of the law.

Fiscal Analysis

There is no fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

The regulations implement provisions of Chapters 241 and 242 of 2012 (Senate Bill 479 and House Bill 584), which repealed a requirement that certain patients being treated by a physician assistant be seen by the supervising physician according to a specified frequency, and instead required additional attestation language in the delegation agreement between the physician assistant and the supervising physician. The board advises that the regulations have no impact on State or local governments. The Department of Legislative Services concurs and notes that the fiscal and policy notes for Senate Bill 479 and House Bill 584 estimated that the bills did not affect governmental finances.

Impact on Budget

There is no impact on the State operating or capital budget.

Agency Estimate of Projected Small Business Impact

The board advises that the regulations have minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

Contact Information

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