

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 232

(Chair, Health and Government Operations
Committee)(By Request - Departmental - Health)

Health and Government Operations

Finance

Physicians and Allied Health Professions - Reorganization and Revisions

This departmental bill generally consolidates provisions regarding physician assistants with those relating to physicians and reorganizes provisions relating to allied health professions regulated by the Maryland Board of Physicians (MBP). The bill also (1) alters the grounds for discipline for MBP licensees; (2) renames specified programs and committees; (3) requires that fees generated by a profession be used by MBP to provide associated services and licensing for that particular profession; (4) expands the authority of MBP to issue regulations regarding committees; (5) requires that a disciplinary panel vote by a majority of the quorum to reinstate a license; (6) defines what constitutes a quorum for specified allied health advisory committees; (7) repeals the requirement that MBP provide a specified data sheet with license renewal notices; and (8) generally corrects cross-references. The bill further authorizes additional corrections throughout the Maryland Code as needed.

Fiscal Summary

State Effect: The bill does not materially affect State operations or finances.

Local Effect: None.

Small Business Effect: The Maryland Department of Health has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services (DLS) concurs with this assessment. (The attached assessment does not reflect amendments to the bill.)

Analysis

Bill Summary: The bill consolidates the provisions of Titles 14 and 15 of the Health Occupations Article that apply to all health occupations regulated by MBP into Subtitles 1 through 4 and Subtitle 7 of the Health Occupations Article and retains the provisions that only apply to one occupation in the relevant subtitle regulating that occupation. Provisions of Title 15 (which governs physician assistants) are moved to Title 14 (which governs physicians and allied health professions) or to a new Subtitle 5H, while duplicative provisions are repealed.

In addition to these organizational changes, the bill:

- authorizes MBP to adopt regulations regarding committees established under Title 14, including terms of office for members, procedures for filling vacancies, removal of members, and the duties of each officer;
- requires fees generated by a specific profession regulated by MBP to be used to maintain the licensing program and services provided to that particular profession;
- requires a disciplinary panel to vote by a majority of a quorum to reinstate a license, which is a new requirement for radiation therapy, radiography, nuclear medicine technology, radiologist assistant, athletic trainer, naturopathic doctor, and physician assistant licenses, and reflects a change from requiring a majority of the full authorized membership to reinstate a license for polysomnographic technologist, perfusionist, and genetic counselor licenses;
- repeals the requirement that MBP provide a blank panel data sheet supplied by the Health Care Alternative Dispute Resolution Office when it sends out license renewal notices;
- renames the Physician Rehabilitation Program to be the Rehabilitation Program, the Respiratory Care Professional Standards Committee to be the Respiratory Care Advisory Committee, and the Polysomnography Professional Standards Committee to be the Polysomnography Advisory Committee;
- defines what constitutes a quorum for the Respiratory Care Advisory Committee; the Radiation Therapy, Radiography, Nuclear Medicine Technology, and Radiology Assistance Advisory Committee; the Polysomnography Advisory Committee; the Athletic Trainer Advisory Committee; the Perfusion Advisory Committee; and the Naturopathic Medicine Advisory Committee;
- requires each advisory committee to (1) develop and recommend to MBP regulations to carry out the responsibilities of the relevant allied health profession(s); (2) on request, provide recommendations on the practice of an allied health profession and advise on any other matters related to allied health professions or practitioners; (3) keep a record of its proceedings; and (4) submit an annual report to MBP;

- prohibits MBP from releasing a list of applicants for licensure;
- requires (rather than permits) MBP to set reasonable fees for the issuance and renewal of licenses and other services *provided to physicians and allied health professionals*;
- requires MBP to issue a certificate of professional standing *and* a verification of licensure status to any *licensee* (rather than any licensed physician); and
- authorizes a health care practitioner who is regulated by MBP and employed in the service of the federal government to practice without a license (and an authorized supervisor to supervise an unlicensed individual) while the individual is practicing within the scope of employment on federal property.

The bill also authorizes a disciplinary panel to reprimand or place on probation any licensee or suspend or revoke a license (in addition to existing statutory authorizations) if the licensee is (1) professionally, physically, or mentally unable to carry out important professional activities (rather than if the licensee is incompetent as under current law); or (2) establishes a pattern of overutilization of health care services (rather than gross overutilization as under current law).

Current Law: MBP is charged with enforcing the Maryland Medical Practice Act (Title 14 of the Health Occupations Article, which also includes allied health professionals) and the Maryland Physician Assistants Act (Title 15 of the Health Occupations Article). Among its duties, MBP must (1) adopt regulations; (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 disciplinary panels; and (7) develop and approve an annual report.

Statutory provisions place several allied health professions under the jurisdiction of MBP and establish eight 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; (7) naturopathic doctors; and (8) genetic counselors (effective January 1, 2024).

Background: In December 2019, DLS completed a sunset review [evaluation](#) of MBP. During the evaluation, board staff made DLS aware of statutory provisions that have inconsistent language, typographical errors, obsolete references, or are redundant. Among its recommendations, DLS noted that statute should be amended to make nonsubstantive corrections and codify existing board practices.

MBP advises that the bill authorizes the board to consolidate common provisions that apply to all of the health occupations it licenses, remove repetitive language, standardize provisions, and make other nonsubstantive changes to improve clarity and consistency.

Additional Information

Recent Prior Introductions: Similar legislation has been introduced within the last three years. See HB 962 of 2023 and HB 1252 and SB 972 of 2022.

Designated Cross File: SB 218 (Chair, Finance Committee)(By Request - Departmental - Health) - Finance.

Information Source(s): Comptroller's Office; Maryland Department of Health; Department of Legislative Services

Fiscal Note History: First Reader - January 18, 2024
rh/jc Third Reader - March 13, 2024

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

Maryland Department of Health

Session 2024

BILL TITLE: **Physicians and Allied Health Professions - Reorganization and Revisions**

BILL NUMBER: HB0232

PREPARED

BY:

(Program\Unit): Maryland Board of Physicians

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS

The proposal has no economic impact.