

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL NO. 264

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike line 2 in its entirety and substitute “Insurance Fraud”; in line 3, strike “reducing the cost of automobile insurance;”; in line 4, after “from” insert “employing or”; in the same line, after “soliciting” insert “or attempting to solicit”; in line 6, after “sue” insert “or to retain a lawyer”; strike beginning with “authorizing” in line 6 down through “circumstances” in line 7 and substitute “prohibiting a person from soliciting, for personal gain, another person to seek health care from a health care practitioner”; in line 8, after “boards” insert “or disciplinary bodies”; and in line 9, after “fraud” insert “or gross overutilization of health care services”.

On pages 1 and 2, strike beginning with “requiring” in line 9 on page 1 down through “terms;” in line 1 on page 2.

On page 2, in line 2, strike “efforts to reduce the costs of and reform automobile insurance” and substitute “insurance fraud”; in line 5, strike “230A,”; in the same line strike the second comma and substitute “and”; in the same line, strike “, 243L, 244D, 538, 539, 540, 541, and 543”; strike in their entirety lines 8 through 37, inclusive; and after line 37, insert:

“BY repealing and reenacting, with amendments,

Article - Health Occupations

Section 3-313(21) and (22), 13-316(20) and (21), and 14-404(a)(33) and (34)

Annotated Code of Maryland

(1994 Replacement Volume and 1995 Supplement)”.

On page 3, in line 3, strike “3-317” and substitute “3-313(22) and (23)”; in the same line, strike “8-320, 12-318, 13-320, 14-416, and 15-316” and substitute “13-316 (21) and (22), and 14-404 (34)”; and strike in their entirety lines 6 through 10, inclusive.

(Over)

AMENDMENT NO. 2

On page 3 through 6, strike in their entirety the lines beginning with line 13 on page 3 down through line 18 on page 6, inclusive.

On page 6, after line 31, insert:

“(4) THIS SUBSECTION MAY NOT BE CONSTRUED TO PROHIBIT PUBLIC COMMUNICATIONS OR ACTIVITY PERMITTED BY APPLICABLE RULES OF PROFESSIONAL CONDUCT, OR ANY ACTIVITY PROTECTED UNDER THE STATE OR FEDERAL CONSTITUTIONS.”.

On page 7, in line 27, strike “AND”; in line 30, after the semicolon, insert “AND

(III) NOTIFY THE APPROPRIATE PROFESSIONAL LICENSING BOARD OF EVIDENCE OF GROSS OVERUTILIZATION OF HEALTH CARE SERVICES;”.

On pages 8 through 41, strike in their entirety the lines beginning with line 4 on page 8 down through line 29 on page 41, inclusive.

On page 41, in line 30, strike “7.” and substitute “2.”; and in lines 30 and 31, strike “, except as provided in Section 5 of this Act,”; and after line 29, insert the following:

“Article - Health Occupations

3-313.

Subject to the hearing provisions of §3-315 of this subtitle, the Board may deny a license to any applicant, reprimand any licensee, place any licensee on probation, or suspend or revoke a license if the applicant or licensee:

(21) Commits an act of unprofessional conduct in the practice of chiropractic; [or]

(22) GROSSLY OVERUTILIZES HEALTH CARE SERVICES;

(23) IS CONVICTED OF INSURANCE FRAUD UNDER ARTICLE 48A, §233A OF THE CODE; OR

[(22)] (24) Refuses, withholds from, denies, or discriminates against an individual with regard to the provision of professional services for which the licensee is licensed and qualified to render because the individual is HIV positive.

13-316.

Subject to the hearing provisions of §13-317 of this subtitle, the Board may deny a license, temporary license, or restricted license to any applicant, reprimand any licensee or holder of a temporary license or restricted license, place any licensee or holder of a temporary license or restricted license on probation, or suspend or revoke a license, temporary license, or restricted license if the applicant, licensee, or holder:

(20) Commits an act of unprofessional conduct in the practice of physical therapy;

[or]

(21) GROSSLY OVERUTILIZES HEALTH CARE SERVICES;

(22) IS CONVICTED UNDER INSURANCE FRAUD UNDER ARTICLE 48A, §233A OF THE CODE; OR

[(21)] (23) Refuses, withholds from, denies, or discriminates against an individual with regard to the provision of professional services for which the licensee is licensed and qualified to render because the individual is HIV positive.

14-404.

(a) Subject to the hearing provisions of §14-405 of this subtitle, the Board, on the affirmative vote of a majority of its full authorized membership, may reprimand any licensee, place any licensee on probation, or suspend or revoke a license if the licensee:

(33) Fails to cooperate with a lawful investigation conducted by the Board; [or]

(34) IS CONVICTED OF INSURANCE FRAUD UNDER ARTICLE 48A, §233A

(Over)

OF THE CODE; OR

[(34)] (35) Is in breach of a service obligation resulting from the applicant's or licensee's receipt of State or federal funding for the licensee's medical education."