

BY: Economic and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL NO. 654
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Senator Hollinger” and substitute “Senators Hollinger, Hafer, Munson, Green, Kelley, Blount, Astle, Ruben, Dorman, Hoffman, Fry, and Forehand”; strike line 2 in its entirety and substitute “State Board of Physician Quality Assurance and State Board of Dental Examiners - Discipline of Physicians and Dentists - Practice of Medicine and Dentistry - System of Delivery of Health Care Services”; strike beginning with “including” in line 3 down through “medicine” in line 6 and substitute “requiring the State Board of Physician Quality Assurance and the State Board of Dental Examiners to refer a certain allegation to a certain committee; authorizing these Boards to discipline physicians and dentists who have certain responsibilities relating to establishing or supervising protocols or procedures for a system of delivery of health care services and the protocols or procedures fail to meet certain standards; making certain exceptions; defining certain terms; and generally relating to the authority of the State Board of Physician Quality Assurance and the State Board of Dental Examiners to discipline physicians and dentists and the practice of medicine and dentistry”; and strike in their entirety lines 7 through 11, inclusive, and substitute:

“BY repealing and reenacting, with amendments,

Article - Health Occupations

Section 4-101(m), 4-315(a)(29) and (30), 14-101(k), and 14-404(a)(39) and (40)

Annotated Code of Maryland

(1994 Replacement Volume and 1997 Supplement)

BY repealing and reenacting, without amendments,

Article - Health Occupations

Section 14-401(a)

Annotated Code of Maryland

(1994 Replacement Volume and 1997 Supplement)

(Over)

BY adding to

Article - Health Occupations
Section 4-315(a)(31), 14-401(c)(5), and 14-404(a)(41)
Annotated Code of Maryland
(1994 Replacement Volume and 1997 Supplement)”.

AMENDMENT NO. 2

On page 1, after line 14, insert:

“4-101.

(m) “Practice dentistry” means to:

(1) Be a manager, a proprietor, or a conductor of or an operator in any place in which a dental service or dental operation is performed intraorally;

(2) Perform or attempt to perform any intraoral dental service or intraoral dental operation;

(3) Diagnose, treat, or attempt to diagnose or treat any disease, injury, malocclusion, or malposition of a tooth, gum, or jaw, or structures associated with a tooth, gum, or jaw if the service, operation, or procedure is included in the curricula of an accredited dental school or in an approved dental residency program of an accredited hospital or teaching institution;

(4) Perform or offer to perform dental laboratory work;

(5) Place or adjust a dental appliance in a human mouth; [or]

(6) Administer anesthesia for the purposes of dentistry and not as a medical specialty;

OR

(7) ESTABLISH OR SUPERVISE PROTOCOLS OR PROCEDURES FOR THE DELIVERY OF DENTAL SERVICES INCLUDING MAKING A DETERMINATION THAT A PROPOSED OR DELIVERED DENTAL CARE SERVICE IS NOT OR WAS NOT MEDICALLY

OR DENTALLY NECESSARY OR APPROPRIATE.

4-315.

(a) Subject to the hearing provisions of § 4-318 of this subtitle, the Board may deny a general license to practice dentistry, a limited license to practice dentistry, or a teacher's license to practice dentistry to any applicant, reprimand any licensed dentist, place any licensed dentist on probation, or suspend or revoke the license of any licensed dentist, if the applicant or licensee:

(29) Fails to display the notice required under § 4-313(d) of this title; [or]

(30) Fails to begin to fulfill a public service requirement within 1 year of when the assignment is to begin that was a condition of the applicant or licensee receiving State or federal loans or scholarships for the applicant's or licensee's dental education[.]; OR

(31) IS A DENTIST WHO IS RESPONSIBLE FOR ESTABLISHING OR SUPERVISING PROTOCOLS OR PROCEDURES FOR THE DELIVERY OF DENTAL CARE, IS FULLY COMPENSATED FOR THAT RESPONSIBILITY, AND THE PROTOCOLS OR PROCEDURES FAIL TO MEET APPROPRIATE STANDARDS FOR THE DELIVERY OF QUALITY DENTAL CARE AS DETERMINED BY APPROPRIATE PEER REVIEW, EXCEPT THAT A DENTIST MAY NOT BE DISCIPLINED BY THE BOARD FOR:

(I) THE INDEPENDENT JUDGMENT ERROR OF A DENTAL CARE PROVIDER WHO PROVIDES DIRECT PATIENT CARE IN CONTRADICTION TO ESTABLISHED PROTOCOLS OR PROCEDURES FOR A SYSTEM OF DELIVERY OF QUALITY DENTAL CARE; OR

(II) ESTABLISHING OR DIRECTING PROTOCOLS OR PROCEDURES IN A HEALTH FACILITY AS DEFINED IN TITLE 19, SUBTITLES 3, 3A, AND 3B OF THE HEALTH - GENERAL ARTICLE IF THE PROTOCOLS OR PROCEDURES HAVE BEEN APPROVED BY THE HEALTH CARE FACILITY'S DENTAL STAFF OR DENTAL STAFF COMMITTEE.”.

(Over)

AMENDMENT NO. 3

On page 2, strike in their entirety lines 9 through 15, inclusive, and substitute:

“(IV) MAKING A DETERMINATION THAT A PROPOSED OR DELIVERED HEALTH CARE SERVICE IS NOT OR WAS NOT MEDICALLY NECESSARY OR MEDICALLY APPROPRIATE.”;

and after line 20 insert:

“14-401.

(a) The Board shall perform any necessary preliminary investigation before the Board refers to an investigatory body an allegation of grounds for disciplinary or other action brought to its attention.

(c)(5) AFTER PERFORMING ANY NECESSARY PRELIMINARY INVESTIGATION OF AN ALLEGATION OF GROUNDS FOR DISCIPLINARY OR OTHER ACTION, THE BOARD SHALL REFER ANY ALLEGATION BASED ON § 14-404(A)(41) OF THIS SUBTITLE TO A COMMITTEE THAT SHALL INCLUDE PHYSICIANS WHO ARE RESPONSIBLE FOR ESTABLISHING OR SUPERVISING PROTOCOLS OR PROCEDURES FOR THE DELIVERY OF HEALTH CARE SERVICES AND, IF APPROPRIATE, A PHYSICIAN WHO HAS A MEDICAL SPECIALTY RELATED TO THE CARE UNDER REVIEW.

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:

(39) Intentionally misrepresents credentials for the purpose of testifying or rendering an expert opinion in hearings or proceedings before the Board or those otherwise delegated to the Office of Administrative Hearings[.]; [or]

(40) Fails to keep adequate medical records as determined by appropriate peer review;

OR

(41) IS A PHYSICIAN WHO IS RESPONSIBLE FOR ESTABLISHING OR SUPERVISING PROTOCOLS OR PROCEDURES FOR THE DELIVERY OF HEALTH CARE SERVICES AND THE PROTOCOLS OR PROCEDURES FAIL TO MEET APPROPRIATE STANDARDS FOR THE DELIVERY OF QUALITY MEDICAL CARE AS DETERMINED BY APPROPRIATE REVIEW, EXCEPT THAT A PHYSICIAN MAY NOT BE DISCIPLINED BY THE BOARD FOR:

(I) THE INDEPENDENT JUDGMENT ERROR OF A HEALTH CARE PROVIDER WHO IS PROVIDING DIRECT PATIENT CARE IN CONTRADICTION TO ESTABLISHED PROTOCOLS OR PROCEDURES FOR A SYSTEM OF DELIVERY OF QUALITY CARE; OR

(II) ESTABLISHING OR SUPERVISING PROTOCOLS OR PROCEDURES IN A HEALTH CARE FACILITY AS DEFINED IN TITLE 19, SUBTITLES 3, 3A, AND 3B OF THE HEALTH - GENERAL ARTICLE, OR FOR EMERGENCY MEDICAL SERVICES AS DEFINED IN §13-516(A)(5) OF THE EDUCATION ARTICLE, IF THE PROTOCOLS OR PROCEDURES HAVE BEEN APPROVED BY THE HEALTH CARE FACILITY'S MEDICAL STAFF OR MEDICAL STAFF COMMITTEE OR, IN THE CASE OF EMERGENCY MEDICAL SERVICES, IF THE PROTOCOLS OR PROCEDURES HAVE BEEN ADOPTED IN ACCORDANCE WITH THE REQUIREMENTS OF §13-516(D) OF THE EDUCATION ARTICLE.”.