Unofficial Copy J2

Annotated Code of Maryland

(1994 Replacement Volume and 1997 Supplement)

21 MARYLAND, That the Laws of Maryland read as follows:

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

18

19

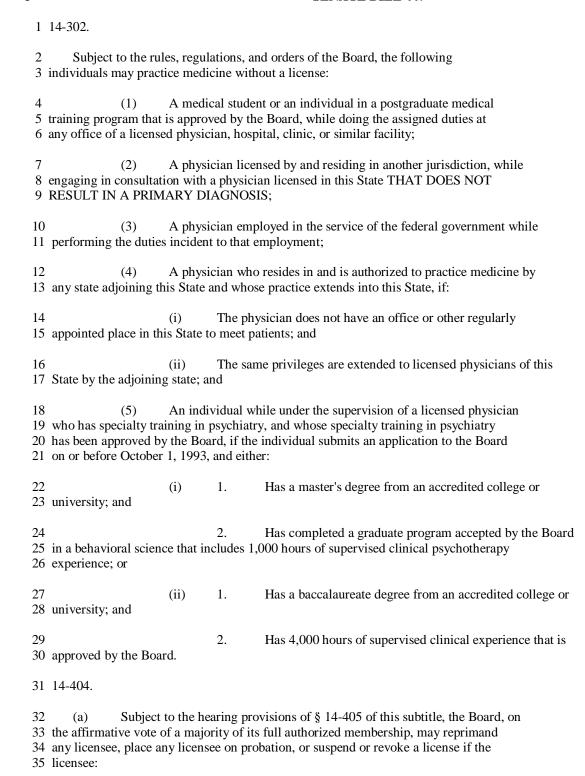
20

1998 Regular Session 8lr0502

By: Senator Hollinger (Chairman, Health Subcommittee) and the Economic and Environmental Affairs Committee and Senators Craig, Pinsky, Sfikas, and Conway Introduced and read first time: February 6, 1998 Assigned to: Economic and Environmental Affairs Committee Report: Favorable with amendments Senate action: Adopted Read second time: March 24, 1998 CHAPTER 1 AN ACT concerning 2 State Board of Physician Quality Assurance - Licensure of Out-of-State 3 Physicians - "Telemedicine" FOR the purpose of altering the definition of "practice medicine"; altering a certain 4 ground for discipline; altering certain requirements for an out-of-state 5 physician who practices medicine across state lines; defining certain terms; and 6 generally relating to the licensure of out-of-state physicians who practice 7 medicine across state lines through electronic transmission or other specified 8 9 mechanisms into the State. 10 BY repealing and reenacting, with amendments, Article - Health Occupations 11 12 Section 14-101(k), 14-302, and 14-404(a)(22) 13 Annotated Code of Maryland (1994 Replacement Volume and 1997 Supplement) 14 15 BY adding to Article - Health Occupations 16 17 Section 14-101(k-1)

1 **Article - Health Occupations** 2 14-101. 3 (k) (1) "Practice medicine" means to engage, with or without compensation, 4 in medical: 5 (i) Diagnosis; (ii) 6 Healing; 7 (iii) Treatment; or 8 (iv) Surgery. 9 "Practice medicine" includes doing, undertaking, professing to do, 10 [and] attempting TO DO, OR, THROUGH ELECTRONIC TRANSMISSION OR OTHER 11 MECHANISMS OF INTERSTATE COMMERCE INTO THE STATE, PROVIDING any of the 12 following: 13 Diagnosing, healing, treating, preventing, prescribing for, or 14 removing any physical, mental, or emotional ailment or supposed ailment of an 15 individual: By physical, mental, emotional, or other process that is 16 1. 17 exercised or invoked by the practitioner, the patient, or both; or 2. 18 By appliance, test, drug, operation, or treatment; 19 (ii) Ending of a human pregnancy; and 20 (iii) Performing acupuncture. 21 (3) "Practice medicine" does not include: 22 (i) Selling any nonprescription drug or medicine; (ii) 23 Practicing as an optician; or 24 (iii) Performing a massage or other manipulation by hand, but by no 25 other means. "PRIMARY DIAGNOSIS" MEANS THE DIAGNOSIS UPON WHICH 26 (K-1)(1) 27 TREATMENT, THERAPY, OR PROGNOSIS IS BASED. 28 "PRIMARY DIAGNOSIS" DOES NOT INCLUDE THE PERFORMANCE OR 29 REFERRAL OF A LABORATORY TEST, OTHER THAN ANATOMICAL PATHOLOGY, BY A

30 CLINICAL LABORATORY LICENSED IN THE STATE.



- 1 (22) Fails to meet appropriate standards as determined by appropriate 2 peer review for the delivery of quality medical and surgical care performed in an 3 outpatient surgical facility, office, hospital, or any other location [in this State];

- SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 4
- 5 October 1, 1998.