

**HB0496/943414/2**

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BY: Delegate Morhaim

AMENDMENTS TO HOUSE BILL NO. 496, AS AMENDED  
(First Reading File Bill)

AMENDMENT NO. 1

On pages 1 and 2 of the Judiciary Committee Amendments (HB0496/072602/1), strike in their entirety Amendment Nos. 1 through 6, inclusive.

AMENDMENT NO. 2

On page 1 of the bill, in line 2, after "Prohibition" insert "- Health Care Professionals"; in line 3, strike beginning with "a" in line 3 down through "Act;" in line 9 and substitute "certain dentists, nurses, pharmacists, physicians, physician assistants, or podiatrists from engaging in certain repetitive acts or a pattern of behavior outside of a certain standard that assists another person to commit or attempt to commit suicide;"; in line 10, strike "defining certain terms;"; in the same line, strike "assisted suicide" and substitute "prohibiting health care professionals from assisting suicide"; and strike in their entirety lines 11 through 15, inclusive, and substitute:

"BY repealing and reenacting, with amendments,

Article - Health Occupations

Section 4-315(a)(29) and (30), 8-316 (a)(32) and (33), 12-313(b)(27) and (28), 14-404(a)(39) and (40), 15-314, and 16-312(a)(25) and (26)

Annotated Code of Maryland

(1994 Replacement Volume and 1998 Supplement)

BY adding to

Article - Health Occupations

Section 4-315(a)(31), 8-316(a)(34), 12-313(b)(29), 14-404(a)(41), and 16-312(a)(27)

Annotated Code of Maryland

(1994 Replacement Volume and 1998 Supplement)".

(Over)

AMENDMENT NO. 3

On pages 1 through 3 of the bill, strike beginning with line 18 on page 1 through line 33 on page 3, inclusive, and substitute:

“Article - Health Occupations

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) ENGAGES IN REPETITIVE ACTS OR A PATTERN OF BEHAVIOR OUTSIDE THE SCOPE OF ACCEPTED OR REASONABLE MEDICAL PRACTICES THAT ASSISTS ANOTHER PERSON TO COMMIT OR ATTEMPT TO COMMIT SUICIDE.

8-316.

(a) Subject to the hearing provisions of § 8-317 of this subtitle, the Board may deny a license to any applicant, reprimand any licensee, place any licensee on probation, or suspend or revoke the license of a licensee if the applicant or licensee:

(32) When acting in a supervisory position, directs another nurse to perform an act that is beyond the nurse's knowledge and skills; [or]

(33) When acting in a supervisory position, directs another nurse to delegate a nursing task to an individual when that nurse reasonably believes:

- (i) The individual lacks the knowledge and skills to perform the task; or
- (ii) The patient's condition does not allow delegation of the nursing task;

OR

(34) ENGAGES IN REPETITIVE ACTS OR A PATTERN OF BEHAVIOR OUTSIDE THE SCOPE OF ACCEPTED OR REASONABLE MEDICAL PRACTICES THAT ASSISTS ANOTHER PERSON TO COMMIT OR ATTEMPT TO COMMIT SUICIDE.

12-313.

(b) Subject to the hearing provisions of § 12-315 of this subtitle, the Board, on the affirmative vote of a majority of its members then serving, 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:

(27) Provides or causes to be provided confidential patient information to any person without first having obtained the patient's consent, as required by § 12-403(b)(13) of this title and by Title 4, Subtitle 3 of the Health - General Article; [or]

(28) Fails to cooperate with a lawful investigation conducted by the Board or the Division of Drug Control; OR

(29) ENGAGES IN REPETITIVE ACTS OR A PATTERN OF BEHAVIOR OUTSIDE THE SCOPE OF ACCEPTED OR REASONABLE MEDICAL PRACTICES THAT ASSISTS ANOTHER PERSON TO COMMIT OR ATTEMPT TO COMMIT SUICIDE.

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:

(Over)

(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) ENGAGES IN REPETITIVE ACTS OR A PATTERN OF BEHAVIOR OUTSIDE THE SCOPE OF ACCEPTED OR REASONABLE MEDICAL PRACTICES THAT ASSISTS ANOTHER PERSON TO COMMIT OR ATTEMPT TO COMMIT SUICIDE.

15-314.

Subject to the hearing provisions of § 15-315 of this subtitle, the Board, on the affirmative vote of a majority of its members then serving, may reprimand any certificate holder or suspend or revoke a certificate if the certificate holder:

(1) Fraudulently or deceptively obtains or attempts to obtain a certificate for the applicant or certificate holder or for another individual;

(2) Fraudulently or deceptively uses a certificate;

(3) Violates any provision of this title or any regulations adopted under this title or commits any act which could serve as the basis for disciplinary action against a physician under § 14-404 of this article;

(4) Performs delegated medical acts beyond the scope of the certificate not within a job description approved by the Board;

(5) Performs delegated medical acts without the supervision of a physician;

(6) 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;

(7) Except in an emergency life-threatening situation where it is not feasible or practicable, fails to comply with the Centers for Disease Control's guidelines on universal precautions; [or]

(8) Is in breach of a service obligation resulting from the applicant's or certificate holder's receipt of State or federal funding for the applicant's or certificate holder's physician assistant education; OR

(9) ENGAGES IN REPETITIVE ACTS OR A PATTERN OF BEHAVIOR OUTSIDE THE SCOPE OF ACCEPTED OR REASONABLE MEDICAL PRACTICES THAT ASSISTS ANOTHER PERSON TO COMMIT OR ATTEMPT TO COMMIT SUICIDE.

16-312.

(a) Subject to the hearing provisions of § 16-314 of this subtitle, the Board, on the affirmative vote of a majority of its members then serving, may deny a license or a limited license to any applicant, reprimand any licensee or holder of a limited license, impose an administrative monetary penalty not exceeding \$5,000 on any licensee or holder of a limited license, place any licensee or holder of a limited license on probation, or suspend or revoke a license or a limited license if the applicant, licensee, or holder:

(25) Except in an emergency life-threatening situation where it is not feasible or practicable, fails to comply with the Centers for Disease Control's guidelines on universal precautions; [or]

(26) Fails to display the notice required under § 16-404 of this title; OR

(27) ENGAGES IN REPETITIVE ACTS OR A PATTERN OF BEHAVIOR OUTSIDE THE SCOPE OF ACCEPTED OR REASONABLE MEDICAL PRACTICES THAT ASSISTS ANOTHER PERSON TO COMMIT OR ATTEMPT TO COMMIT SUICIDE.”.