

HOUSE BILL 243

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1999 Regular Session  
9r1874  
CF 9r1554

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By: **Delegates Owings, Morhaim, Barve, Mohorovic, Hubers, DeCarlo, and Weir**

Introduced and read first time: February 3, 1999

Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Practice of Medicine - Definition**

3 FOR the purpose of including within the definition of "practice medicine" under the  
4 State Medical Practice Act the making of a certain proposed determination that  
5 a health care service is not medically necessary or medically appropriate for a  
6 patient; specifying a certain exception; specifying a certain rule of construction  
7 for this Act; and generally relating to the practice of medicine.

8 BY repealing and reenacting, with amendments,  
9 Article - Health Occupations  
10 Section 14-101(k)  
11 Annotated Code of Maryland  
12 (1994 Replacement Volume and 1998 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article - Health Occupations**

16 14-101.

17 (k) (1) "Practice medicine" means to engage, with or without compensation,  
18 in medical:

- 19 (i) Diagnosis;
- 20 (ii) Healing;
- 21 (iii) Treatment; or
- 22 (iv) Surgery.

23 (2) "Practice medicine" includes doing, undertaking, professing to do,  
24 and attempting any of the following:

1 (i) Diagnosing, healing, treating, preventing, prescribing for, or  
2 removing any physical, mental, or emotional ailment or supposed ailment of an  
3 individual:

4 1. By physical, mental, emotional, or other process that is  
5 exercised or invoked by the practitioner, the patient, or both; or

6 2. By appliance, test, drug, operation, or treatment;

7 (ii) Ending of a human pregnancy; [and]

8 (iii) Performing acupuncture; AND

9 (IV) EXCEPT FOR A DETERMINATION MADE SOLELY FOR AN  
10 EDUCATIONAL PURPOSE, MAKING A DETERMINATION THAT A HEALTH CARE  
11 SERVICE, WHICH AN INDIVIDUAL LICENSED OR CERTIFIED UNDER THIS ARTICLE  
12 PROPOSES FOR A PATIENT, IS NOT MEDICALLY NECESSARY OR MEDICALLY  
13 APPROPRIATE.

14 (3) "Practice medicine" does not include:

15 (i) Selling any nonprescription drug or medicine;

16 (ii) Practicing as an optician; or

17 (iii) Performing a massage or other manipulation by hand, but by no  
18 other means.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not be  
20 construed to create a cause of action or to enlarge or limit a cause of action that may  
21 exist against any person.

22 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
23 October 1, 1999.