

SENATE BILL 594

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1999 Regular Session
9r1554
CF 9r1874

By: **Senators Hollinger, Dorman, Exum, Collins, Della, Ruben, Blount,
DeGrange, Forehand, Stone, Van Hollen, Dyson, Sfikas, Astle, Hafer,
Middleton, Ferguson, Pinsky, Green, Harris, Hoffman, and Teitelbaum**

Introduced and read first time: February 5, 1999
Assigned to: Economic and Environmental Affairs

Committee Report: Favorable
Senate action: Adopted with floor amendments
Read second time: March 22, 1999

CHAPTER _____

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; requiring the Maryland Insurance Administration, in consultation
8 with the Department of Health and Mental Hygiene, to conduct a certain study
9 on certain potential impacts of this Act and to review certain practices of other
10 states; and generally relating to the practice of medicine.

11 BY repealing and reenacting, with amendments,
12 Article - Health Occupations
13 Section 14-101(k)
14 Annotated Code of Maryland
15 (1994 Replacement Volume and 1998 Supplement)

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

18 **Article - Health Occupations**

19 14-101.

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

- 1 (i) Diagnosis;
- 2 (ii) Healing;
- 3 (iii) Treatment; or
- 4 (iv) Surgery.

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

7 (i) Diagnosing, healing, treating, preventing, prescribing for, or
8 removing any physical, mental, or emotional ailment or supposed ailment of an
9 individual:

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

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

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

14 (iii) Performing acupuncture; AND

15 (IV) EXCEPT FOR A DETERMINATION MADE SOLELY FOR AN
16 EDUCATIONAL PURPOSE, MAKING A DETERMINATION THAT A HEALTH CARE
17 SERVICE, WHICH AN INDIVIDUAL LICENSED OR CERTIFIED UNDER THIS ARTICLE
18 PROPOSES FOR A PATIENT, IS NOT MEDICALLY NECESSARY OR MEDICALLY
19 APPROPRIATE.

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

21 (i) Selling any nonprescription drug or medicine;

22 (ii) Practicing as an optician; or

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

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

28 SECTION 3. AND BE IT FURTHER ENACTED, That the Maryland Insurance
29 Administration, in consultation with the Department of Health and Mental Hygiene,
30 shall:

31 (1) conduct a study on the potential impact of this Act on insurance
32 premiums and access to insurance;

1 (2) review the practices of other states to determine whether other states
2 allow the boards that license physicians to regulate:

3 (i) determinations of whether or not a health care service is
4 medically necessary or appropriate; and

5 (ii) other practices and procedures of health maintenance
6 organizations; and

7 (3) report the results of the study and review conducted under this
8 Section to the General Assembly, in accordance with § 2-1246 of the State
9 Government Article, on or before December 31, 1999.

10 SECTION ~~3~~.4. AND BE IT FURTHER ENACTED, That this Act shall take
11 effect October 1, 1999.