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

Introduced and read first time: February 3, 2000
Assigned to: Economic and Environmental Affairs

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 1999 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 nor may this Act be construed to apply to determinations
22 made by State personnel under Title 15, Subtitles 10A and 10B, of the Insurance
23 Article.

24 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2000.