
By: **Delegates K. Kelly, Amedori, R. Baker, Barkley, Bartlett, Barve, Benson, Billings, Bobo, Boschert, Boutin, Bozman, Branch, Brinkley, Burns, Cadden, Cane, Carlson, Clagett, Cole, Conroy, Conway, Cryor, D'Amato, C. Davis, DeCarlo, Dembrow, Dobson, Donoghue, Doory, Dypski, Edwards, Elliott, Finifter, Flanagan, Franchot, Frush, Fulton, Getty, Giannetti, Gladden, Glassman, Goldwater, Griffith, Grosfeld, Harrison, Healey, Hecht, Heller, Hixson, Howard, Hubbard, Hubers, Hutchins, A. Jones, Kagan, Kirk, Kittleman, Klima, Kopp, Krysiak, Love, Malone, Mandel, Marriott, McClenahan, McIntosh, McKee, Menes, Minnick, Montague, Morhaim, Nathan-Pulliam, Oaks, Paige, Parrott, Petzold, Phillips, Pitkin, Riley, Rosso, Rzepkowski, Shank, Sher, Shriver, Snodgrass, Sophocleus, Stern, Stocksdale, Stull, Swain, Turner, Valderrama, Walkup, and Zirkin**

Introduced and read first time: February 7, 2001
Assigned to: Environmental Matters and Economic Matters

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 (2000 Replacement Volume)

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:

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

30 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 2001.