

Department of Legislative Services

Maryland General Assembly

2001 Session

FISCAL NOTE

Revised

House Bill 424

(Chairman, Environmental Matters Committee)

(Departmental – Health and Mental Hygiene)

Environmental Matters

Economic and Environmental Affairs

Respiratory Care Practitioners - Reporting Requirements, Practicing Without a License, and Disciplinary Grounds

This departmental bill authorizes the Board of Physician Quality Assurance (BPQA) to impose up to a \$5,000 fine on an uncertified individual who practices respiratory care. The BPQA must pay any penalty collected into the BPQA Fund. In addition, if a certificate holder is convicted of a crime involving moral turpitude, the BPQA must suspend the certificate holder. After all appeals are exhausted and if the conviction has not been reversed, the BPQA must revoke the certificate. The bill also specifies certain board and employer notification requirements when a certificate holder is being treated for a substance abuse problem.

Fiscal Summary

State Effect: BPQA special fund revenues could minimally increase from the fine provisions beginning in FY 2002. Any additional hearings could be handled with existing BPQA and Office of Administrative Hearings resources. Biennial audits performed by the Office of Legislative Audits could be handled with existing resources.

Local Effect: None.

Small Business Effect: The Department of Health and Mental Hygiene has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment. (The attached assessment does not reflect amendments to the bill.)

Analysis

Bill Summary: Hospitals and other related institutions must report to the BPQA, within ten days, when the institution limits, reduces, or otherwise changes, or terminates any certified respiratory care practitioner for any reasons that might be grounds for disciplinary action.

Current Law: Hospitals and related institutions are not currently required to report actions against or terminations of respiratory care practitioners. The BPQA does not have authority to fine an uncertified individual who practices respiratory care. There is no rehabilitation program available for respiratory care practitioners.

Background: There are approximately 2,330 respiratory care practitioners certified by the BPQA. The reporting requirements and disciplinary authority of the bill already apply to licensed physicians and certified physician assistants. The bill is meant to standardize the disciplinary requirements for all of the health care professionals that the BPQA regulates.

The bill stems in part from a BPQA investigation conducted in 2000 of a medical radiation technologist who left the employment of two different hospitals after his addiction to controlled dangerous substances was discovered. The BPQA was never notified of the medical radiation technologist's termination of employment because there is no hospital reporting requirement. The BPQA is attempting to prevent similar situations with respiratory care practitioners.

State Revenues: The BPQA also has authority to fine individuals who practice respiratory care without certification. The BPQA anticipates fining only one individual annually at the maximum fine of \$5,000. Future year special fund revenues are assumed to remain constant.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Health and Mental Hygiene (Board of Physicians Quality Assurance), Department of Legislative Services

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