

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 282

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after the first “of” insert “authorizing certain regulatory boards to investigate certain claims;”; and strike beginning with “requiring” in line 11 down through “received;” in line 23.

On page 2, strike beginning with “requiring” in line 1 down through “information;” in line 7 and substitute “altering the persons with which the Board must contract for peer review services; requiring the Board to obtain a certain number of peer review reports for certain allegations; altering certain qualifications a peer reviewer must meet; authorizing the Board to consult with certain societies to establish a list of physicians qualified to provide peer review services; authorizing the Board to use sole source procurement under certain circumstances;”; strike beginning with “requiring” in line 9 down through “rehabilitation;” in line 10 and substitute “requiring the Board to issue a request for proposals and enter into a certain contract with a nonprofit entity to provide certain rehabilitation services on or before a certain date; requiring the Board to directly provide certain rehabilitation services under certain circumstances;”; in line 12, strike “further investigation and physician peer review” and substitute “investigatory, mediation, and related services”; in line 14, after “activities;” insert “establishing separate grounds for disciplinary action for immoral conduct and unprofessional conduct;”; strike beginning with “requiring” in line 18 down through “reporting;” in line 23; in line 25, strike “entities” and substitute “individual”; in line 26, strike “contract” and substitute “contracts”; strike beginning with “providing” in line 34 down through “referral;” in line 36; and in line 42, after “experience;” insert “authorizing the Board to adopt certain regulations to qualify certain physicians to practice certain opioid addiction therapy; repealing certain provisions of law relating to the use of peer reviewers by a certain entity or entities and the Board;”.

(Over)

On page 3, in line 2, after “date;” insert “requiring the Department of Health and Mental Hygiene and the Office of the Attorney General to review a certain process for investigating self-referral cases and make certain recommendations on or before a certain date;”; in line 7, after “Section” insert “1-306”; in lines 7 and 8, strike “14-307(a) and (f), 14-309(a), 14-313,”; in line 8, after “14-402,” insert “14-404(a)(3)”; in line 9, strike “14-413(b), 14-414(b),”; in line 21, strike “14-307.1, 14-322, 14-411.2,”; strike in their entirety lines 25 through 29, inclusive; and after line 37, insert:

“BY repealing

Chapter 252 of the Acts of the General Assembly of 2003

Section 8”.

AMENDMENT NO. 2

On page 4, after line 3, insert:

“1-306.

(A) A health care practitioner who fails to comply with the provisions of this subtitle shall be subject to disciplinary action by the appropriate regulatory board.

(B) THE APPROPRIATE REGULATORY BOARD MAY INVESTIGATE A CLAIM UNDER THIS SUBTITLE IN ACCORDANCE WITH THE INVESTIGATIVE AUTHORITY GRANTED UNDER THIS ARTICLE.”;

in line 27, after “THE” insert “NONPROFIT”; and in the same line, strike “or entities with whom” and substitute “WITH WHICH”.

On page 5, in line 2, strike “in need of” and substitute “WHO ARE DIRECTED BY THE BOARD TO RECEIVE”.

AMENDMENT NO. 3

On pages 8 through 10, strike in their entirety the lines beginning with line 14 on page 8 through line 16 on page 10, inclusive.

AMENDMENT NO. 4

On pages 11 and 12, strike in their entirety the lines beginning with line 5 on page 11 through line 2 on page 12, inclusive.

AMENDMENT NO. 5

On page 13, strike beginning with “The” in line 20 down through “county” in line 22 and substitute “**COUNTY**”; in line 25, after “(1)” insert “**(I)**”; in the same line, strike “Except as provided in” and substitute “**IN ACCORDANCE WITH**”; in line 26, strike “entities” and substitute “**INDIVIDUAL**”; in the same line, strike “further”; in line 27, strike “**INVESTIGATION** and” and substitute “**CONFIDENTIAL**”; after line 28, insert:

“(II) THE BOARD SHALL OBTAIN TWO PEER REVIEW REPORTS FOR EACH ALLEGATION IT REFERS FOR PEER REVIEW.”;

strike line 29 in its entirety and substitute:

“(2) A PEER REVIEWER SHALL:”;

and in line 30, strike “Are” and substitute “**BE**”.

On page 14, in line 5, strike “and”; in line 6, after “reports” insert “**;AND**

(VII) TO THE EXTENT PRACTICABLE, BE LICENSED IN THE STATE”;

(Over)

strike beginning with “The” in line 7 down through “State” in line 8 and substitute “THE BOARD MAY CONSULT WITH THE APPROPRIATE SPECIALTY HEALTH CARE PROVIDER SOCIETIES IN THE STATE TO OBTAIN A LIST OF PHYSICIANS QUALIFIED TO PROVIDE PEER REVIEW SERVICES”;

after line 8, insert:

“(4) FOR PURPOSES OF PEER REVIEW, THE BOARD MAY USE SOLE SOURCE PROCUREMENT UNDER § 13-107 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

“(5) THE HEARING OF CHARGES MAY NOT BE STAYED OR CHALLENGED BECAUSE OF THE SELECTION OF PEER REVIEWERS UNDER THIS SUBSECTION BEFORE THE FILING OF CHARGES.”;

in lines 9 and 12, in each instance, strike “entities” and substitute “INDIVIDUAL PEER REVIEWER”; in lines 16 and 18, in each instance, after “entity” insert “OR INDIVIDUAL WHO MEETS THE REQUIREMENTS OF SUBSECTION (E)(2) OF THIS SECTION”; and strike in their entirety lines 22 through 25, inclusive, and substitute:

“(G) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, ON OR BEFORE JANUARY 1, 2008, THE BOARD SHALL ISSUE A REQUEST FOR PROPOSALS AND ENTER INTO A WRITTEN CONTRACT WITH A NONPROFIT ENTITY TO PROVIDE REHABILITATION SERVICES FOR PHYSICIANS OR OTHER ALLIED HEALTH PROFESSIONALS DIRECTED BY THE BOARD TO RECEIVE REHABILITATION SERVICES.

“(2) IF THE BOARD DOES NOT RECEIVE A RESPONSIVE PROPOSAL UNDER PARAGRAPH (1) OF THIS SUBSECTION OR IS NOT ABLE TO CONTRACT

WITH A NONPROFIT ENTITY, THE BOARD SHALL PROVIDE DIRECTLY REHABILITATION SERVICES FOR PHYSICIANS.".

AMENDMENT NO. 6

On page 17, after line 6, insert:

"14-404.

(a) Subject to the hearing provisions of § 14-405 of this subtitle, the Board, on the affirmative vote of a majority of the quorum, may reprimand any licensee, place any licensee on probation, or suspend or revoke a license if the licensee:

(3) Is guilty of:

(I) [immoral or unprofessional] IMMORAL conduct in the practice of medicine; OR

(II) UNPROFESSIONAL CONDUCT IN THE PRACTICE OF MEDICINE;".

AMENDMENT NO. 7

On page 18, in line 1, strike the brackets; in line 2, strike "§§ 14-411.1 AND 14-411.2"; in line 10, after "subtitle;" insert "OR"; strike in their entirety lines 11 and 12; in line 13, strike "(4)" and substitute "(3)"; and in line 23, strike the brackets.

On pages 18 and 19, strike in their entirety the lines beginning with line 25 on page 18 through line 25 on page 19, inclusive.

On page 20, in line 6, strike "ENTITIES" and substitute "INDIVIDUAL"; and in the same line, strike "CONTRACT" and substitute "CONTRACTS".

(Over)

AMENDMENT NO. 8

On pages 23 and 24, strike in their entirety the lines beginning with line 26 on page 23 through line 33 on page 24, inclusive.

AMENDMENT NO. 9

On page 26, after line 21, insert:

“(C) THE BOARD MAY ADOPT REGULATIONS REGARDING EXPERIENCE OR TRAINING QUALIFICATIONS REQUIRED TO QUALIFY A PHYSICIAN TO PRACTICE OFFICE-BASED, MEDICATION-ASSISTED OPIOID ADDICTION THERAPY.”

Chapter 252 of the Acts of 2003

[SECTION 8. AND BE IT FURTHER ENACTED, That the entity or entities with which the State Board of Physicians contracts under § 14-401(e) of the Health Occupations Article for further investigation and peer review of allegations based on § 14-404(a)(22) of the Health Occupations Article shall utilize two peer reviewers, and in the event of a lack of agreement between the two reviewers, the Board shall utilize a third reviewer to render a final peer review decision.]”.

AMENDMENT NO. 10

On page 26, after line 30, insert:

“SECTION 4. AND BE IT FURTHER ENACTED, That, on or before October 1, 2007, the Department of Health and Mental Hygiene and the Office of the Attorney General shall:

(1) review the process for the investigation of self-referral cases by the health occupations boards;

(2) recommend a revised investigative process for self-referral cases that includes the determination of investigative resources for the health occupations boards in the investigation of self-referral cases; and

(3) report to the Governor and, in accordance with § 2-1246 of the State Government Article, to the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee on their findings, recommendations, and any legislative or regulatory changes necessary to implement any recommended changes.”.

On page 27, in lines 1 and 4, strike “4.” and “5.” respectively, and substitute “5.” and “6.”, respectively.