

**Department of Legislative Services**  
Maryland General Assembly  
2007 Session

**FISCAL AND POLICY NOTE**

House Bill 343 (Delegate Pendergrass)  
Health and Government Operations Finance

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**Department of Health and Mental Hygiene - Laboratories - Letter of Exception**

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This bill alters the requirement that “limited medical laboratory tests or examinations” must be *simple* procedures for the laboratory to receive a letter of exception to the State’s licensing requirement by repealing the word “simple.”

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**Fiscal Summary**

**State Effect:** None. The change would not directly affect governmental finances.

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** A person must have a license issued by the Department of Health and Mental Hygiene (DHMH) before the person may: offer or perform medical laboratory tests or examinations in Maryland; offer or perform medical laboratory tests or examinations on specimens acquired from health care providers in Maryland at a medical laboratory outside of Maryland; or represent or service in Maryland a medical laboratory regardless of the laboratory’s location.

The Secretary of Health and Mental Hygiene must issue a letter of exception to a laboratory that performs only limited medical laboratory tests or examinations and meets the exception requirements in regulations. “Limited medical laboratory tests or examinations” are *simple* medical laboratory procedures as defined in DHMH regulations.

**Background:** DHMH advises that there are a growing number of rare and unusual tests being requested by physicians that are not performed by any large reference laboratories in Maryland. This bill would give the Secretary of Health and Mental Hygiene the authority to grant a letter of exception to out-of-state laboratories performing these tests so that Maryland health care providers would not be denied access to these tests.

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## **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Health and Mental Hygiene, Department of Legislative Services

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Analysis by: Lisa A. Daigle

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510