

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 155

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Boteler” and substitute “, Boteler, Bromwell, Schuler, Barkley, Burns, Feldman, Haddaway, Harrison, Hecht, Impallaria, King, Krysiak, Manno, McHale, Minnick, Stifler, and Vaughn”.

AMENDMENT NO. 2

On page 1, in line 2, strike “Insurance”; in line 3, after “physicians” insert “who perform certain services in the State in certain settings”; in the same line, after “certain” insert “minimum”; in line 4, after “insurance” insert “or provide certification of certain coverage”; in line 5, after “insurance” insert “or coverage; exempting certain licensed physicians from certain requirements; authorizing the Board to adopt certain regulations”; in line 6, strike “proof” and substitute “certification”; in the same line, after “insurance” insert “or coverage”; in the same line, strike “within a certain time” and substitute “as required by this Act; authorizing the Board to conduct certain audits for certain purposes”; strike beginning with “establishing” in line 6 down through “coverage” in line 7 and substitute “defining certain terms; providing for the construction of certain provisions of this Act”; and in line 8, strike “insurance” and substitute “coverage for certain services”.

AMENDMENT NO. 3

On page 1, in line 23, after “(A)” insert “**(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**”

(2) “FREESTANDING AMBULATORY CARE FACILITY” HAS THE MEANING STATED IN § 19-3B-01 OF THE HEALTH – GENERAL ARTICLE.

(Over)

(3) (I) "SURGICAL SERVICES" MEANS ANY INVASIVE PROCEDURE, WHETHER THERAPEUTIC OR DIAGNOSTIC, INVOLVING THE USE OF:

- 1. ANY CUTTING INSTRUMENT;**
- 2. MICROSCOPIC, ENDOSCOPIC, ARTHROSCOPIC, OR LAPAROSCOPIC EQUIPMENT; OR**
- 3. A LASER FOR THE REMOVAL OR REPAIR OF AN ORGAN OR OTHER TISSUE.**

(II) "SURGICAL SERVICES" DOES NOT INCLUDE OUTPATIENT SERVICES THAT:

- 1. ARE LIMITED TO THE SKIN AND MUCOUS MEMBRANES;**
- 2. DO NOT EXTEND DEEPER THAN THE SKIN AND MUCOUS MEMBRANES; AND**
- 3. ARE PERFORMED WITH LOCAL OR TOPICAL ANESTHESIA.**

(B) (1) THIS SECTION APPLIES TO A LICENSED PHYSICIAN WHO PERFORMS OUTPATIENT SURGICAL SERVICES IN THE STATE, WHETHER IN A FREESTANDING AMBULATORY CARE FACILITY, AN OFFICE, OR ANY OTHER NONHOSPITAL LOCATION.

(2) THIS SECTION MAY NOT BE CONSTRUED TO APPLY TO, OR TO PREVENT THE RENDERING OF, EMERGENCY MEDICAL SERVICES BY A LICENSED PHYSICIAN IN ACCORDANCE WITH § 5-603 OF THE COURTS ARTICLE.

(C)”;

and in the same line, after “**PHYSICIAN**” insert “**SUBJECT TO THIS SECTION**”.

On page 2, in lines 8 and 12, strike “**(B)**” and “**(C)**”, respectively, and substitute “**(D)**” and “**(F)**”, respectively; in line 8, strike “**(A)**” and substitute “**(C)**”; and in line 9, strike “**THE SECRETARY OF**”.

AMENDMENT NO. 4

On page 1, in line 23, strike “**MAINTAIN**” and substitute “**:**”

(1) (I) MAINTAIN”.

On pages 1 and 2, strike beginning with the colon in line 24 on page 1 down through “**IN**” in line 1 on page 2 and substitute “**IN**”.

On page 2, in lines 2 and 3, strike “**(I)**” and “**(II)**”, respectively, and substitute “**1.**” and “**2.**”, respectively; in line 3, after “**AGGREGATE;**” insert “**OR**”

(II) PROVIDE PROOF THAT THE LICENSED PHYSICIAN IS COVERED BY THE FEDERAL TORT CLAIMS ACT OR THE MARYLAND TORT CLAIMS ACT;”;

in line 4, strike “**WITH**” and substitute “**HAVE INSURANCE OR**”; in the same line, after “**COVERAGE**” insert “**DESCRIBED IN ITEM (1)(II) OF THIS SUBSECTION THAT**”

IS"; in line 6, strike "IN ACCORDANCE" and substitute "COMPLY"; in the same line, strike the first "THE" and substitute "ANY"; after line 11, insert:

"(E) A LICENSED PHYSICIAN IS EXEMPT FROM THE REQUIREMENTS OF THIS SECTION IF THE LICENSED PHYSICIAN IS:

(1) RETIRED FROM THE PRACTICE OF MEDICINE AND DOES NOT PROVIDE MEDICAL CARE OR TREATMENT TO PATIENTS; OR

(2) (I) ENGAGED IN MEDICAL RESEARCH THAT DOES NOT CONSTITUTE OR INVOLVE THE PROVISION OF MEDICAL CARE AND TREATMENT TO PATIENTS; AND

(II) DOES NOT PROVIDE MEDICAL CARE OR TREATMENT TO PATIENTS.”;

and in line 12, strike "SHALL" and substitute "MAY".

On page 2 in line 8, on page 3 in line 31, and on page 4 in line 1, in each instance, after "INSURANCE" insert "OR COVERAGE".

AMENDMENT NO. 5

On page 3, in line 30, strike "LICENSEE" and substitute "PHYSICIAN WHO IS SUBJECT TO § 14-312.1 OF THIS SUBTITLE"; in the same line, strike "THE SECRETARY OF"; in line 31, strike "PROOF OF" and substitute "CERTIFICATION THAT THE PHYSICIAN MAINTAINS THE"; and in line 32, strike "WITHIN 30 DAYS OF OBTAINING OR RENEWING THE INSURANCE" and substitute “:

(I) ON THE PHYSICIAN’S APPLICATION FOR AN INITIAL LICENSE UNDER § 14-309 OF THIS SUBTITLE AND FOR RENEWAL OR

**REINSTATEMENT OF A LICENSE UNDER THIS SECTION AND § 14-317 OF THIS
SUBTITLE; AND**

(II) AT ANY OTHER TIME ON REQUEST OF THE BOARD”.

On page 4, in line 1, strike “PROOF” and substitute “**CERTIFICATION OF MAINTENANCE**”; in line 2, strike “**THE SECRETARY OF**”; in the same line, strike “**WITHIN THE TIME**” and substitute “**AS**”; in the same line, after “**UNDER**” insert “**PARAGRAPH (I) OF**”; in line 3, strike “**SECTION**” and substitute “**SUBSECTION**”; and after line 4, insert:

“(3) IN ACCORDANCE WITH GUIDELINES ADOPTED BY THE BOARD, THE BOARD MAY ENFORCE THIS SUBSECTION BY RANDOMLY AUDITING A PORTION OF THE LICENSEES SUBJECT TO § 14-312.1 OF THIS SUBTITLE TO DETERMINE COMPLIANCE WITH THAT SECTION.

“(4) IN ADDITION TO ANY OTHER AVAILABLE PENALTY, AN APPLICANT FOR AN INITIAL LICENSE OR FOR RENEWAL OR REINSTATEMENT OF A LICENSE WHO PROVIDES FALSE CERTIFICATION OF INSURANCE OR COVERAGE IF REQUIRED FOR THE APPLICANT UNDER § 14-312.1 OF THIS SUBTITLE SHALL BE SUBJECT TO DISCIPLINE BY THE BOARD UNDER §§ 14-404 AND 14-405.1 OF THIS TITLE.”