

HB0323/106786/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 323

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “repealing” in line 5 down through “occupations;” in line 6; in lines 8, 10, 15, and 16, in each instance, strike “State;” strike beginning with “repealing” in line 11 down through “Committee;” in line 13 and substitute “altering the appointments and qualifications for members of the Physician Assistant Advisory Committee within the Board; authorizing the Board, rather than the Secretary of Health, to recommend the removal of certain members of the Committee; authorizing the Executive Director of the Board and certain agents or investigators to enter certain premises under certain circumstances; prohibiting a person from denying or interfering with the entry on premises under certain circumstances; providing for a certain criminal penalty;”; strike beginning with “limiting” in line 13 down through “repealing” in line 14 and substitute “altering”; strike beginning with “authorizing” in line 17 down through “days;” in line 23 and substitute “altering requirements for the content, review, and approval of certain delegation agreements; prohibiting under certain circumstances, the Board from requiring prior approval of delegation agreements that include certain advanced duties if the duties will be performed in certain hospitals or ambulatory surgical facilities; requiring certain prior approval of a delegation agreement if certain advanced duties are to be performed in certain settings or certain anesthesia is to be administered, monitored, or maintained; increasing the number of physician assistants a primary supervising physician may supervise at one time in certain settings; requiring a new delegation agreement to be submitted within a certain period of time under certain circumstances;”; strike beginning with “requiring” in line 25 down through “manner;” in line 26; in lines 27 and 28, strike “or alternate”; and in line 30, strike “or alternate”.

On page 2, in line 2, strike “prepare and”; in the same line, after “dispense” insert “a sample or”; strike beginning with “authorizing” in line 5 down through

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“status;” in line 6; in line 6, after “licenses” insert “and delegation agreements”; in lines 7, 11, and 17, in each instance, strike “State”; strike beginning with “authorizing” in line 7 down through “circumstances;” in line 10 and substitute “establishing a certain administrative penalty for failure to report certain changes;”; strike beginning with “authorizing” in line 13 down through “circumstances;” in line 15 and substitute “authorizing certain physician assistants to perform under certain supervision during certain disasters without being required to maintain certain documentation;”; in line 24, strike “15-102;”; in the same line, after “15-103,” insert “15-202, 15-203;”; in the same line, after “15-302,” insert “15-302.1;”; in the same line, after “15-302.2,” insert “15-302.3;”; in line 25, strike “15-305;”; in line 26, strike “15-314;”; strike in its entirety line 31 and substitute “Section 15-305 and 15-314”; after line 33, insert:

“BY repealing and reenacting, without amendments,

Article - Health Occupations

Section 15-102, 15-201, and 15-204

Annotated Code of Maryland

(2009 Replacement Volume)”;

in line 36, strike “15-308.1 and 15-316” and substitute “15-305, 15-316, 15-317, and 15-402.1”.

AMENDMENT NO. 2

On page 3, after line 5, insert:

“(C) “AMBULATORY SURGICAL FACILITY” MEANS A FACILITY:

(1) ACCREDITED BY:

(I) THE AMERICAN ASSOCIATION FOR ACCREDITATION OF AMBULATORY SURGICAL FACILITIES;

(II) THE ACCREDITATION ASSOCIATION FOR AMBULATORY HEALTH CARE; OR

(III) THE JOINT COMMISSION ON THE ACCREDITATION OF HEALTH CARE ORGANIZATIONS; OR

(2) CERTIFIED TO PARTICIPATE IN THE MEDICARE PROGRAM, AS ENACTED BY TITLE XVIII OF THE SOCIAL SECURITY ACT.”;

in line 6, strike “(c)” and substitute “**(D)**”; in line 9, after “title.” insert a closing bracket; in lines 10, 11, 13, 14, 16, and 18, in each instance, strike the brackets; in lines 11, 13, 14, and 16, strike “**(D)**”, “**(E)**”, “**(F)**”, and “**(G)**”, respectively; in line 18, strike “**§§ 15-302 AND 15-302.1**”; after line 26, insert:

“(J) “DISPENSE” MEANS TO DISPENSE DRUG SAMPLES OR STARTER DOSAGES.

“(K) “DRUG SAMPLE” MEANS A UNIT OF A PRESCRIPTION DRUG THAT IS INTENDED TO PROMOTE THE SALE OF THE DRUG AND IS NOT INTENDED FOR SALE.”;

and in line 27, strike “**(H)**” and substitute “**(L)**”.

On page 4, in lines 9, 11, 16, 19, and 27, strike “**(I)**”, “**(J)**”, “**(K)**”, “**(L)**”, and “**(M)**”, respectively, and substitute “**(M)**”, “**(N)**”, “**(O)**”, “**(P)**”, and “**(Q)**”, respectively; in line 15, after “**ASSISTANTS**” insert “**OR ITS SUCCESSOR**”; in lines 21 and 23, in each instance, strike “**PRIMARY OR ALTERNATE**”; in line 26, strike “**AS DETERMINED BY THE PRIMARY SUPERVISING PHYSICIAN**”.

On page 5, in lines 3, 23, and 28, strike “(N)”, “(O)”, and “(P)”, respectively, and substitute “(R)”, “(S)”, and “(U)”, respectively; in lines 10 and 13, in each instance, strike “SEEKS TO ENSURE” and substitute “ENSURES”; after line 27, insert:

“(T) “STARTER DOSAGE” MEANS AN AMOUNT OF A DRUG SUFFICIENT TO BEGIN THERAPY:

(1) OF SHORT DURATION OF 72 HOURS OR LESS; OR

(2) PRIOR TO OBTAINING A LARGER QUANTITY OF THE DRUG TO COMPLETE THERAPY.”;

in line 28, strike the third bracket; and strike beginning with the bracket in line 30 down through “ASSISTANT” in line 32.

On page 6, in lines 1, 5, 10, and 16, in each instance, strike the bracket; strike beginning with “DOES” in line 5 down through “TELECOMMUNICATION” in line 8; and in line 27, strike “, ON THE FORM PRESCRIBED BY THE BOARD,”.

AMENDMENT NO. 3

On page 8, in lines 27, 29, and 30, in each instance, strike the bracket.

On page 9, in line 3, strike “certified” and substitute “LICENSED”; in line 7, strike “and”; in line 9, after “specialty” insert “;AND

(III) 1 SHALL BE A BOARD MEMBER”;

in lines 10 and 11, strike “: (i) Appoint” and substitute “APPOINT”; in lines 13 and 14, strike “1.” and “2.”, respectively, and substitute “(I)” and “(II)”, respectively; and strike beginning with the semicolon in line 15 down through “Committee” in line 19.

On page 10, in line 4, after “(c)” insert “**(1)**”; in the same line, strike “certified” and substitute “**LICENSED**”; in line 6, strike “(d)” and substitute “**(2)**”; after line 8, insert:

“(3) OF THE 3 PHYSICIAN ASSISTANT MEMBERS OF THE COMMITTEE:

(I) AT LEAST 1 SHALL BE CURRENTLY PRACTICING IN A HOSPITAL; AND

(II) AT LEAST 1 SHALL BE CURRENTLY PRACTICING IN A NONHOSPITAL SETTING.”

in lines 9 and 11, strike “(e)” and “(f)”, respectively, and substitute “**(D)**” and “**(E)**”, respectively; in lines 12, 13, 22, 23, 25, 26, and 27, in each instance, strike the brackets; in lines 20 and 21, in each instance, strike “Secretary” and substitute “**BOARD**”; in line 26, strike “15-201.”.

On page 11, in line 2, strike “certification” and substitute “**LICENSURE**”; in lines 8, 10, 13, 14, 15, 17, 19, and 26, in each instance, strike the brackets; in line 14, strike “(B)”; in lines 15, 17, and 19, strike “(1)”, “(2)”, and “(3)”, respectively; after line 25, insert:

“(4) IF THE ENTRY IS NECESSARY TO CARRY OUT A DUTY UNDER THIS SUBTITLE, INCLUDING AN INVESTIGATION OR DETERMINATION OF COMPLIANCE AS PROVIDED UNDER PARAGRAPH (3) OF THIS SUBSECTION AND AN AUDIT TO DETERMINE COMPLIANCE WITH THE BOARD’S REQUIREMENTS WITH RESPECT TO PHYSICIAN ASSISTANT PRACTICE, THE EXECUTIVE DIRECTOR OF THE BOARD OR OTHER DULY AUTHORIZED AGENT OR

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INVESTIGATOR MAY ENTER AT ANY REASONABLE HOUR A PLACE OF BUSINESS OF A LICENSED PHYSICIAN OR A LICENSED PHYSICIAN ASSISTANT OR PUBLIC PREMISES.

(5) (I) A PERSON MAY NOT DENY OR INTERFERE WITH AN ENTRY UNDER THIS SUBSECTION.

(II) A PERSON WHO VIOLATES ANY PROVISION OF THIS SUBSECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$100.”;

and in line 26, strike “15-202.”.

AMENDMENT NO. 4

On page 13, in line 4, strike “AS DETERMINED BY THE PRIMARY SUPERVISING PHYSICIAN”; in lines 9 and 31, in each instance, strike the bracket; in lines 16 and 29, in each instance, after “the” insert “PRIMARY OR ALTERNATE”; in line 23, after the first “the” insert “PRIMARY OR ALTERNATE”; in line 30, strike “an approved” and substitute “A”.

On page 14, in line 1, strike the brackets; in the same line, strike “(C)”.

On pages 14 and 15, strike in their entirety the lines beginning with line 13 on page 14 through line 23 on page 15, inclusive.

On page 15, in lines 24 and 28, in each instance, strike the brackets; and in the same lines, strike “(H)” and “(I)”, respectively.

On page 16, in lines 2 and 9, in each instance, after “ASSISTANT” insert “OR ITS SUCCESSOR”; in lines 5 and 10, in each instance, strike the first set of brackets; in

lines 5 and 10, strike “(J)” and “(K)”, respectively; strike beginning with the comma in line 14 down through “STATE” in line 20; in lines 23 and 27, in each instance, strike the bracket.

AMENDMENT NO. 5

On page 17, in line 3, after “BOARD” insert “; AND”

(2) ANY ADVANCED DUTIES HAVE BEEN AUTHORIZED AS REQUIRED UNDER SUBSECTION (C) OF THIS SECTION”;

strike beginning with “AS” in line 17 down through “PHYSICIAN” in line 18; in line 20, after the first “the” insert “PRIMARY”.

On pages 17 and 18, strike in their entirety the lines beginning with line 32 on page 17 through line 5 on page 18, inclusive, and substitute:

“(C) (1) THE BOARD MAY NOT REQUIRE PRIOR APPROVAL OF A DELEGATION AGREEMENT THAT INCLUDES ADVANCED DUTIES, IF AN ADVANCED DUTY WILL BE PERFORMED IN A HOSPITAL OR AMBULATORY SURGICAL FACILITY, PROVIDED THAT:

(I) A PHYSICIAN, WITH CREDENTIALS THAT HAVE BEEN REVIEWED BY THE HOSPITAL OR AMBULATORY SURGICAL FACILITY AS A CONDITION OF EMPLOYMENT, AS AN INDEPENDENT CONTRACTOR, OR AS A MEMBER OF THE MEDICAL STAFF, SUPERVISES THE PHYSICIAN ASSISTANT;

(II) THE PHYSICIAN ASSISTANT HAS CREDENTIALS THAT HAVE BEEN REVIEWED BY THE HOSPITAL OR AMBULATORY SURGICAL FACILITY AS A CONDITION OF EMPLOYMENT, AS AN INDEPENDENT CONTRACTOR, OR AS A MEMBER OF THE MEDICAL STAFF; AND

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(III) EACH ADVANCED DUTY TO BE DELEGATED TO THE PHYSICIAN ASSISTANT IS REVIEWED AND APPROVED WITHIN A PROCESS APPROVED BY THE GOVERNING BODY OF THE HEALTH CARE FACILITY BEFORE THE PHYSICIAN ASSISTANT PERFORMS THE ADVANCED DUTIES.

(2) IN ANY SETTING THAT DOES NOT MEET THE REQUIREMENTS OF PARAGRAPH (1) OF THIS SUBSECTION, A PRIMARY SUPERVISING PHYSICIAN SHALL OBTAIN THE BOARD'S APPROVAL OF A DELEGATION AGREEMENT THAT INCLUDES ADVANCED DUTIES, BEFORE THE PHYSICIAN ASSISTANT PERFORMS THE ADVANCED DUTIES.

(3) NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION, A PRIMARY SUPERVISING PHYSICIAN SHALL OBTAIN THE BOARD'S APPROVAL OF A DELEGATION AGREEMENT BEFORE THE PHYSICIAN ASSISTANT MAY ADMINISTER, MONITOR, OR MAINTAIN GENERAL ANESTHESIA OR NEUROAXIAL ANESTHESIA, INCLUDING SPINAL AND EPIDURAL TECHNIQUES, UNDER THE AGREEMENT."

On page 18, in lines 6, 23, 24, 26, 27, and 28, in each instance, strike the brackets; in line 6, strike "The" and substitute "FOR A DELEGATION AGREEMENT CONTAINING ADVANCED DUTIES THAT REQUIRE BOARD APPROVAL, THE"; in line 9, after "the" insert "PRIMARY"; in line 11, after "(f)" insert "(1)"; in the same line, after "a" insert "PRIMARY"; in line 12, strike "medical acts" and substitute "ADVANCED DUTIES"; in lines 14 and 15, strike "(1)" and "(2)", respectively, and substitute "(I)" and "(II)", respectively; in lines 15, 18, 19, and 22, strike "(i)", "(ii)", "1.", and "2.", respectively, and substitute "1.", "2.", "A.", and "B.", respectively; in line 19, after the first "the" insert "PRIMARY"; after line 23, insert:

“(2) TO THE EXTENT PRACTICABLE, THE BOARD SHALL APPROVE A DELEGATION AGREEMENT OR TAKE OTHER ACTION AUTHORIZED UNDER THIS SUBSECTION WITHIN 90 DAYS AFTER RECEIVING A COMPLETED DELEGATION AGREEMENT INCLUDING ANY INFORMATION FROM THE PHYSICIAN ASSISTANT AND PRIMARY SUPERVISING PHYSICIAN NECESSARY TO APPROVE OR TAKE ACTION.”;

in line 24, strike “(D)”; and in the same line, after “PRIMARY” insert “OR ALTERNATE”.

On page 19, after line 6, insert:

“(H) A PRIMARY SUPERVISING PHYSICIAN MAY NOT DELEGATE MEDICAL ACTS UNDER A DELEGATION AGREEMENT TO MORE THAN FOUR PHYSICIAN ASSISTANTS AT ANY ONE TIME, EXCEPT IN A HOSPITAL OR IN THE FOLLOWING NONHOSPITAL SETTINGS:

- (1) A CORRECTIONAL FACILITY;
- (2) A DETENTION CENTER; OR
- (3) A PUBLIC HEALTH FACILITY.”;

in line 7, strike “(E)” and substitute “(I)”; in lines 9 and 31, in each instance, strike the brackets; in line 9, strike “(k)” and substitute “(J)”; in line 10, strike “In” and substitute “AS A PRIMARY SUPERVISING PHYSICIAN IN”; in line 27, after the second “the” insert “PRIMARY SUPERVISING PHYSICIAN AND”; and after line 28, insert:

“(K) IN THE EVENT OF A SUDDEN DEPARTURE, INCAPACITY, OR DEATH OF A PRIMARY SUPERVISING PHYSICIAN, A DESIGNATED ALTERNATE

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SUPERVISING PHYSICIAN MAY ASSUME THE ROLE OF THE PRIMARY SUPERVISING PHYSICIAN BY SUBMITTING A NEW DELEGATION AGREEMENT TO THE BOARD WITHIN 15 DAYS.”.

AMENDMENT NO. 6

On page 20, in line 1, strike “(F)” and substitute “(M)”; in lines 3, 21, and 22, in each instance, strike the brackets; after line 3, insert:

“(A) IF A DELEGATION AGREEMENT DOES NOT INCLUDE ADVANCED DUTIES OR THE ADVANCED DUTIES HAVE BEEN APPROVED UNDER § 15-302(C)(1) OF THIS SUBTITLE, A PHYSICIAN ASSISTANT MAY ASSUME THE DUTIES UNDER A DELEGATION AGREEMENT ON THE DATE OF RECEIPT BY THE BOARD OF THE DELEGATION AGREEMENT.”;

in lines 4, 9, and 18, strike “(a)”, “(b)”, and “(c)”, respectively, and substitute “(B)”, “(C)”, and “(D)”, respectively; in line 4, after “agreement” insert “THAT INCLUDES DELEGATION OF ADVANCED DUTIES IN A SETTING THAT DOES NOT MEET THE REQUIREMENTS UNDER § 15-302(C)(1) OF THIS SUBTITLE”; in line 5, strike “Committee for review” and substitute “BOARD FOR ITS APPROVAL”; in line 9, strike “(c)” and substitute “(D)”; in line 11, strike “practice in accordance with the pending delegation agreement” and substitute “PERFORM THE ADVANCED DUTY”; in line 13, after “The” insert “PRIMARY”; strike beginning with “proposed” in line 14 down through “practice” in line 15 and substitute “PERFORMANCE OF THE ADVANCED DUTY”; strike beginning with “for” in line 16 down through “setting” in line 17 and substitute “BY THE BOARD TO PERFORM THE ADVANCED DUTY”; in line 19, after the third “the” insert “PRIMARY SUPERVISING”; strike beginning with “practice” in line 20 down through “agreement” in line 21 and substitute “PERFORM THE ADVANCED DUTY THAT HAS NOT RECEIVED THE APPROVAL OF THE BOARD”; after line 21, insert:

“(E) THE BOARD MAY DISAPPROVE ANY DELEGATION AGREEMENT IF IT BELIEVES THAT:

(1) THE AGREEMENT DOES NOT MEET THE REQUIREMENTS OF THIS SUBTITLE; OR

(2) THE PHYSICIAN ASSISTANT IS UNABLE TO PERFORM SAFELY THE DELEGATED DUTIES.

(F) IF THE BOARD DISAPPROVES A DELEGATION AGREEMENT OR THE DELEGATION OF ANY FUNCTION UNDER AN AGREEMENT, THE BOARD SHALL PROVIDE THE PRIMARY SUPERVISING PHYSICIAN AND THE PHYSICIAN ASSISTANT WITH WRITTEN NOTICE OF THE DISAPPROVAL.

(G) A PHYSICIAN ASSISTANT WHO RECEIVES NOTICE THAT THE BOARD HAS DISAPPROVED A DELEGATION AGREEMENT OR AN ADVANCED FUNCTION UNDER THE DELEGATION AGREEMENT SHALL IMMEDIATELY CEASE TO PRACTICE UNDER THE AGREEMENT OR TO PERFORM THE DISAPPROVED FUNCTION.”;

and strike beginning with “**15-302.1.**” in line 22 down through “**PATIENT.**” in line 30.

On page 21, strike in their entirety lines 1 through 5, inclusive; in line 6, strike the brackets; in the same line, strike “**(B)**”; in the same line, after “A” insert “**PRIMARY**”; in line 16, strike “**AND**”; in lines 20 and 26, in each instance, strike “Evidence demonstrating” and substitute “**AN ATTESTATION THAT THE PHYSICIAN ASSISTANT HAS**”; in line 21, strike “Passage of” and substitute “**PASSED**”; in line 24, strike “Successful completion of” and substitute “**SUCCESSFULLY COMPLETED**”; in line 27, after “equivalent;” insert “**OR**”; in line 28, before “2” insert “**SUCCESSFULLY**”

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COMPLETED"; strike beginning with "; or" in line 28 down through the bracket in line 30.

On page 22, in line 1, strike the brackets; in the same line, strike "(C)"; in lines 1, 4, and 9, in each instance, strike "OR ALTERNATE"; in lines 14, 26, and 31, strike "(D)", "(E)", and "(F)", respectively, and substitute "(C)", "(D)", and "(E)", respectively; in line 14, strike "PREPARE AND"; in line 15, after "DOSAGE" insert "OR DISPENSE DRUG SAMPLES"; strike beginning with "(I)" in line 17 down through "(2)" in line 21; in line 21, after "DOSAGE" insert "OR DRUG SAMPLE"; in line 22, strike "§ 12-509" and substitute "§ 12-505"; in lines 23 and 24, strike "(3)" and "(4)", respectively, and substitute "(2)" and "(3)", respectively; in line 26, strike "PREPARES AND"; in line 27, after "DRUG" insert "SAMPLE OR STARTER DOSAGE"; and in line 28, strike "(B)" and substitute "(C)".

On page 23, after line 3, insert:

"15-302.3.

(a) On a quarterly basis, the Board shall provide to the Board of Pharmacy a list of physician assistants whose delegation agreements include the delegation of [authority to exercise] prescriptive authority.

(b) The list required under subsection (a) of this section shall specify whether each physician assistant has been delegated the authority to prescribe controlled dangerous substances, prescription drugs, or medical devices.

(c) If a PRIMARY supervising physician who has delegated authority to exercise prescriptive authority to a physician assistant subsequently restricts or removes the delegation, the PRIMARY supervising physician shall notify the Board of the restriction or removal within 5 business days."

in line 5, strike “be”; in line 6, strike “Of” and substitute “BE OF”; in line 7, strike “Fluent in the English language” and substitute “DEMONSTRATE ORAL AND WRITTEN COMPETENCY IN THE ENGLISH LANGUAGE AS REQUIRED BY THE BOARD”; in line 8, strike “At” and substitute “BE AT”; in line 9, strike “A” and substitute “(I) BE A”; in lines 9 and 10, in each instance, strike the brackets; in line 9, strike “EDUCATIONAL”; strike beginning with “ACCREDITED” in line 10 down through “PROGRAMS” in line 14 and substitute “; OR”

(II) HAVE PASSED THE PHYSICIAN ASSISTANT NATIONAL CERTIFYING EXAMINATION ADMINISTERED BY THE NATIONAL COMMISSION ON CERTIFICATION OF PHYSICIAN ASSISTANTS PRIOR TO 1986, MAINTAINED ALL CONTINUING EDUCATION AND RECERTIFICATION REQUIREMENTS, AND BEEN IN CONTINUOUS PRACTICE SINCE PASSAGE OF THE EXAMINATION”;

in lines 15 and 16, in each instance, strike the brackets; in line 15, strike “THE”; strike beginning with “THE” in line 16 down through “ASSISTANTS” in line 18; and strike in their entirety, lines 25 through 31, inclusive.

On page 24, strike in their entirety, lines 5 through 18, inclusive, and substitute:

“15-305.

THE BOARD SHALL ISSUE A LICENSE TO AN APPLICANT WHO MEETS THE REQUIREMENTS OF THIS TITLE.”;

and in line 21, after “assistant” insert “UNDER A DELEGATION AGREEMENT”.

AMENDMENT NO. 7

On page 25, in line 12, strike “and”; in line 18, after “section” insert “; AND”

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(4) MEETS ANY ADDITIONAL REQUIREMENTS SET BY THE BOARD FOR RENEWAL OF A LICENSE.

On page 26, after line 2, insert:

“(F) FOR THE FAILURE OF A LICENSEE TO OBTAIN CONTINUING MEDICAL EDUCATION CREDITS AS REQUIRED BY THE BOARD, THE BOARD MAY IMPOSE A CIVIL PENALTY NOT TO EXCEED \$100 FOR EACH MEDICAL EDUCATION CREDIT NOT OBTAINED BY THE LICENSEE.”;

in line 8, strike “and”; in line 11, after “reinstatements” insert “**;** **AND**”

(4) MEETS ANY ADDITIONAL REQUIREMENTS SET BY THE BOARD FOR REINSTATEMENT;

and strike in their entirety, lines 12 through 25, inclusive.

On page 27, in line 1, after “LICENSE” insert “**AND DELEGATION AGREEMENT**”; in line 3, after “(b)” insert “**(1)**”; after line 4, insert:

“(2) A LICENSEE WHO FAILS TO COMPLY WITH THIS SUBSECTION IS SUBJECT TO AN ADMINISTRATIVE PENALTY OF \$100.”;

in line 7, strike the brackets; in line 8, strike “**PHYSICIAN ASSISTANT REHABILITATION PROGRAM**”; in line 17, after “assistant” insert “**OR APPLICANT**”; and strike beginning with the comma in line 21 down through “**ASSISTANT**” in line 22.

On page 28, in line 7, strike “its members then serving” and substitute “**A QUORUM**”; strike beginning with the colon in line 8 down through “Any” in line 11 and

substitute “ANY”; in line 23, after “LICENSE” insert “OR TO REJECT OR MODIFY A DELEGATION AGREEMENT OR ADVANCED DUTY”.

On page 29, in line 3, after “LICENSE” insert “OR REJECTING OR MODIFYING A DELEGATION AGREEMENT OR ADVANCED DUTY”.

AMENDMENT NO. 8

On pages 29 and 30, strike in their entirety the lines beginning with line 7 on page 29 through line 29 on page 30, inclusive, and substitute:

“15-314.

(A) SUBJECT TO THE HEARING PROVISIONS OF § 15-315 OF THIS SUBTITLE, THE BOARD, ON THE AFFIRMATIVE VOTE OF A MAJORITY OF THE QUORUM, MAY REPRIMAND ANY PHYSICIAN ASSISTANT, PLACE ANY PHYSICIAN ASSISTANT ON PROBATION, OR SUSPEND OR REVOKE A LICENSE IF THE PHYSICIAN ASSISTANT:

(1) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO OBTAIN A LICENSE FOR THE APPLICANT OR LICENSEE OR FOR ANOTHER;

(2) FRAUDULENTLY OR DECEPTIVELY USES A LICENSE;

(3) IS GUILTY OF:

(I) IMMORAL CONDUCT IN THE PRACTICE OF MEDICINE;

OR

(II) UNPROFESSIONAL CONDUCT IN THE PRACTICE OF MEDICINE;

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(4) IS PROFESSIONALLY, PHYSICALLY, OR MENTALLY INCOMPETENT;

(5) SOLICITS OR ADVERTISES IN VIOLATION OF § 14-503 OF THIS TITLE;

(6) ABANDONS A PATIENT;

(7) HABITUALLY IS INTOXICATED;

(8) IS ADDICTED TO, OR HABITUALLY ABUSES, ANY NARCOTIC OR CONTROLLED DANGEROUS SUBSTANCE AS DEFINED IN § 5-101 OF THE CRIMINAL LAW ARTICLE;

(9) PROVIDES PROFESSIONAL SERVICES:

(i) WHILE UNDER THE INFLUENCE OF ALCOHOL; OR

(ii) WHILE USING ANY NARCOTIC OR CONTROLLED DANGEROUS SUBSTANCE, AS DEFINED IN § 5-101 OF THE CRIMINAL LAW ARTICLE, OR OTHER DRUG THAT IS IN EXCESS OF THERAPEUTIC AMOUNTS OR WITHOUT VALID MEDICAL INDICATION;

(10) PROMOTES THE SALE OF DRUGS, DEVICES, APPLIANCES, OR GOODS TO A PATIENT SO AS TO EXPLOIT THE PATIENT FOR FINANCIAL GAIN;

(11) WILLFULLY MAKES OR FILES A FALSE REPORT OR RECORD IN THE PRACTICE OF MEDICINE;

(12) WILLFULLY FAILS TO FILE OR RECORD ANY MEDICAL REPORT AS REQUIRED UNDER LAW, WILLFULLY IMPEDES OR OBSTRUCTS THE FILING OR RECORDING OF THE REPORT, OR INDUCES ANOTHER TO FAIL TO FILE OR RECORD THE REPORT;

(13) ON PROPER REQUEST, AND IN ACCORDANCE WITH THE PROVISIONS OF TITLE 4, SUBTITLE 3 OF THE HEALTH – GENERAL ARTICLE, FAILS TO PROVIDE DETAILS OF A PATIENT’S MEDICAL RECORD TO THE PATIENT, ANOTHER PHYSICIAN, OR HOSPITAL;

(14) SOLICITS PROFESSIONAL PATRONAGE THROUGH AN AGENT OR OTHER PERSON OR PROFITS FROM THE ACTS OF A PERSON WHO IS REPRESENTED AS AN AGENT OF THE PHYSICIAN;

(15) PAYS OR AGREES TO PAY ANY SUM TO ANY PERSON FOR BRINGING OR REFERRING A PATIENT OR ACCEPTS OR AGREES TO ACCEPT ANY SUM FROM ANY PERSON FOR BRINGING OR REFERRING A PATIENT;

(16) AGREES WITH A CLINICAL OR BIOANALYTICAL LABORATORY TO MAKE PAYMENTS TO THE LABORATORY FOR A TEST OR TEST SERIES FOR A PATIENT, UNLESS THE LICENSED PHYSICIAN ASSISTANT DISCLOSES ON THE BILL TO THE PATIENT OR THIRD-PARTY PAYOR:

(I) THE NAME OF THE LABORATORY;

(II) THE AMOUNT PAID TO THE LABORATORY FOR THE TEST OR TEST SERIES; AND

(III) THE AMOUNT OF PROCUREMENT OR PROCESSING CHARGE OF THE LICENSED PHYSICIAN, IF ANY, FOR EACH SPECIMEN TAKEN;

(17) MAKES A WILLFUL MISREPRESENTATION IN TREATMENT;

(18) PRACTICES MEDICINE WITH AN UNAUTHORIZED PERSON OR AIDS AN UNAUTHORIZED PERSON IN THE PRACTICE OF MEDICINE;

(19) GROSSLY OVERUTILIZES HEALTH CARE SERVICES;

(20) OFFERS, UNDERTAKES, OR AGREES TO CURE OR TREAT DISEASE BY A SECRET METHOD, TREATMENT, OR MEDICINE;

(21) IS DISCIPLINED BY A LICENSING OR DISCIPLINARY AUTHORITY OR CONVICTED OR DISCIPLINED BY A COURT OF ANY STATE OR COUNTRY OR DISCIPLINED BY ANY BRANCH OF THE UNITED STATES UNIFORMED SERVICES OR THE VETERANS' ADMINISTRATION FOR AN ACT THAT WOULD BE GROUNDS FOR DISCIPLINARY ACTION UNDER THIS SECTION;

(22) FAILS TO MEET APPROPRIATE STANDARDS FOR THE DELIVERY OF QUALITY MEDICAL AND SURGICAL CARE PERFORMED IN AN OUTPATIENT SURGICAL FACILITY, OFFICE, HOSPITAL, OR ANY OTHER LOCATION IN THIS STATE;

(23) WILLFULLY SUBMITS FALSE STATEMENTS TO COLLECT FEES FOR WHICH SERVICES ARE NOT PROVIDED;

(24) WAS SUBJECT TO INVESTIGATION OR DISCIPLINARY ACTION BY A LICENSING OR DISCIPLINARY AUTHORITY OR BY A COURT OF ANY STATE OR

COUNTRY FOR AN ACT THAT WOULD BE GROUNDS FOR DISCIPLINARY ACTION UNDER THIS SECTION AND THE LICENSEE:

(I) SURRENDERED THE LICENSE ISSUED BY THE STATE OR COUNTRY TO THE STATE OR COUNTRY; OR

(II) ALLOWED THE LICENSE ISSUED BY THE STATE OR COUNTRY TO EXPIRE OR LAPSE;

(25) KNOWINGLY FAILS TO REPORT SUSPECTED CHILD ABUSE IN VIOLATION OF § 5-704 OF THE FAMILY LAW ARTICLE;

(26) FAILS TO EDUCATE A PATIENT BEING TREATED FOR BREAST CANCER OF ALTERNATIVE METHODS OF TREATMENT AS REQUIRED BY § 20-113 OF THE HEALTH – GENERAL ARTICLE;

(27) SELLS, PRESCRIBES, GIVES AWAY, OR ADMINISTERS DRUGS FOR ILLEGAL OR ILLEGITIMATE MEDICAL PURPOSES;

(28) FAILS TO COMPLY WITH THE PROVISIONS OF § 12-102 OF THIS ARTICLE;

(29) REFUSES, WITHHOLDS FROM, DENIES, OR DISCRIMINATES AGAINST AN INDIVIDUAL WITH REGARD TO THE PROVISION OF PROFESSIONAL SERVICES FOR WHICH THE PHYSICIAN ASSISTANT IS LICENSED AND QUALIFIED TO RENDER BECAUSE THE INDIVIDUAL IS HIV POSITIVE;

(30) EXCEPT AS TO AN ASSOCIATION THAT HAS REMAINED IN CONTINUOUS EXISTENCE SINCE JULY 1, 1963:

(I) ASSOCIATES WITH A PHARMACIST AS A PARTNER OR CO-OWNER OF A PHARMACY FOR THE PURPOSE OF OPERATING A PHARMACY;

(II) EMPLOYS A PHARMACIST FOR THE PURPOSE OF OPERATING A PHARMACY; OR

(III) CONTRACTS WITH A PHARMACIST FOR THE PURPOSE OF OPERATING A PHARMACY;

(31) EXCEPT IN AN EMERGENCY LIFE-THREATENING SITUATION WHERE IT IS NOT FEASIBLE OR PRACTICABLE, FAILS TO COMPLY WITH THE CENTERS FOR DISEASE CONTROL AND PREVENTION'S GUIDELINES ON UNIVERSAL PRECAUTIONS;

(32) FAILS TO DISPLAY THE NOTICE REQUIRED UNDER § 14-415 OF THIS SUBTITLE;

(33) FAILS TO COOPERATE WITH A LAWFUL INVESTIGATION CONDUCTED BY THE BOARD;

(34) IS CONVICTED OF INSURANCE FRAUD AS DEFINED IN § 27-801 OF THE INSURANCE ARTICLE;

(35) IS IN BREACH OF A SERVICE OBLIGATION RESULTING FROM THE APPLICANT'S OR LICENSEE'S RECEIPT OF STATE OR FEDERAL FUNDING FOR THE PHYSICIAN ASSISTANT'S MEDICAL EDUCATION;

(36) WILLFULLY MAKES A FALSE REPRESENTATION WHEN SEEKING OR MAKING APPLICATION FOR LICENSURE OR ANY OTHER APPLICATION RELATED TO THE PRACTICE OF MEDICINE;

(37) BY CORRUPT MEANS, THREATS, OR FORCE, INTIMIDATES OR INFLUENCES, OR ATTEMPTS TO INTIMIDATE OR INFLUENCE, FOR THE PURPOSE OF CAUSING ANY PERSON TO WITHHOLD OR CHANGE TESTIMONY IN HEARINGS OR PROCEEDINGS BEFORE THE BOARD OR THOSE OTHERWISE DELEGATED TO THE OFFICE OF ADMINISTRATIVE HEARINGS;

(38) BY CORRUPT MEANS, THREATS, OR FORCE, HINDERS, PREVENTS, OR OTHERWISE DELAYS ANY PERSON FROM MAKING INFORMATION AVAILABLE TO THE BOARD IN FURTHERANCE OF ANY INVESTIGATION OF THE BOARD;

(39) INTENTIONALLY MISREPRESENTS CREDENTIALS FOR THE PURPOSE OF TESTIFYING OR RENDERING AN EXPERT OPINION IN HEARINGS OR PROCEEDINGS BEFORE THE BOARD OR THOSE OTHERWISE DELEGATED TO THE OFFICE OF ADMINISTRATIVE HEARINGS;

(40) FAILS TO KEEP ADEQUATE MEDICAL RECORDS;

(41) PERFORMS DELEGATED MEDICAL ACTS BEYOND THE SCOPE OF THE DELEGATION AGREEMENT FILED WITH THE BOARD OR AFTER NOTIFICATION FROM THE BOARD THAT AN ADVANCED DUTY HAS BEEN DISAPPROVED; OR

(42) PERFORMS DELEGATED MEDICAL ACTS WITHOUT THE SUPERVISION OF A PHYSICIAN.

(Over)

(B) (1) ON THE FILING OF CERTIFIED DOCKET ENTRIES WITH THE BOARD BY THE OFFICE OF THE ATTORNEY GENERAL, THE BOARD SHALL ORDER THE SUSPENSION OF A LICENSE IF THE PHYSICIAN ASSISTANT IS CONVICTED OF OR PLEADS GUILTY OR NOLO CONTENDERE WITH RESPECT TO A CRIME INVOLVING MORAL TURPITUDE, WHETHER OR NOT ANY APPEAL OR OTHER PROCEEDING IS PENDING TO HAVE THE CONVICTION OR PLEA SET ASIDE.

(2) AFTER COMPLETION OF THE APPELLATE PROCESS IF THE CONVICTION HAS NOT BEEN REVERSED OR THE PLEA HAS NOT BEEN SET ASIDE WITH RESPECT TO A CRIME INVOLVING MORAL TURPITUDE, THE BOARD SHALL ORDER THE REVOCATION OF A LICENSE ON THE CERTIFICATION BY THE OFFICE OF THE ATTORNEY GENERAL.”.

On page 31, in line 2, strike “§ 15-314” and substitute “§ 15-314(A)”; strike in their entirety lines 22 through 31, inclusive, and substitute:

“(A) IF AFTER A HEARING UNDER § 15-315 OF THIS SUBTITLE, THE BOARD FINDS THAT THERE ARE GROUNDS FOR DISCIPLINE UNDER § 15-314(A) OF THIS SUBTITLE TO SUSPEND OR REVOKE A LICENSE OF A PHYSICIAN ASSISTANT OR TO DENY A LICENSE TO AN APPLICANT OR TO REPRIMAND A LICENSED PHYSICIAN ASSISTANT, THE BOARD MAY IMPOSE A FINE SUBJECT TO THE BOARD’S REGULATIONS INSTEAD OF OR IN ADDITION TO SUSPENDING OR REVOKING THE LICENSE OR REPRIMANDING THE LICENSEE.

(B) THE BOARD SHALL PAY ANY FINES COLLECTED UNDER THIS SECTION INTO THE GENERAL FUND OF THE STATE.

15-317.

(A) A PHYSICIAN ASSISTANT IN THIS STATE OR IN ANY OTHER STATE IS AUTHORIZED TO PERFORM ACTS, TASKS, OR FUNCTIONS AS A PHYSICIAN ASSISTANT UNDER THE SUPERVISION OF A PHYSICIAN LICENSED TO PRACTICE MEDICINE IN THE STATE DURING A DISASTER AS DEFINED BY THE GOVERNOR, WITHIN A COUNTY IN WHICH A STATE OF DISASTER HAS BEEN DECLARED, OR COUNTIES CONTIGUOUS TO A COUNTY IN WHICH A STATE OF DISASTER HAS BEEN DECLARED.

(B) THE PHYSICIAN ASSISTANT SHALL NOTIFY THE BOARD IN WRITING OF THE NAMES, PRACTICE LOCATIONS, AND TELEPHONE NUMBERS FOR THE PHYSICIAN ASSISTANT AND EACH PRIMARY SUPERVISING PHYSICIAN WITHIN 30 DAYS OF THE FIRST PERFORMANCE OF MEDICAL ACTS, TASKS, OR FUNCTIONS AS A PHYSICIAN ASSISTANT DURING THE DISASTER.

(C) A TEAM OF PHYSICIAN AND PHYSICIAN ASSISTANTS OR PHYSICIAN ASSISTANTS PRACTICING UNDER THIS SECTION MAY NOT BE REQUIRED TO MAINTAIN ON-SITE DOCUMENTATION DESCRIBING SUPERVISORY ARRANGEMENTS AS OTHERWISE REQUIRED UNDER THIS TITLE.”.

AMENDMENT NO. 9

On page 32, after line 15, insert:

“15-402.1.

(A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A LICENSED PHYSICIAN MAY NOT EMPLOY OR SUPERVISE AN INDIVIDUAL PRACTICING AS A PHYSICIAN ASSISTANT WHO DOES NOT HAVE A LICENSE.

(Over)

(B) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH CARE SYSTEM, OR EMPLOYER MAY NOT EMPLOY AN INDIVIDUAL PRACTICING AS A PHYSICIAN ASSISTANT WHO DOES NOT HAVE A LICENSE.

(C) THE BOARD MAY IMPOSE A CIVIL PENALTY IN AN AMOUNT NOT EXCEEDING \$1,000 FOR A VIOLATION OF THIS SECTION.

(D) THE BOARD SHALL REMIT ANY PENALTY COLLECTED UNDER THIS SUBSECTION INTO THE BOARD OF PHYSICIANS FUND.”.