

HOUSE BILL 870

J2, J3, J1

0lr2063

By: **Delegate Reznik**

Introduced and read first time: February 10, 2010

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Physicians – Facilities for Performing Elective Cosmetic**
3 **Surgical Procedures**

4 FOR the purpose of authorizing the State Board of Physicians to discipline certain
5 licensees that perform elective cosmetic surgical procedures in facilities that are
6 not accredited by certain associations or organizations or certified to participate
7 in a certain program; defining certain terms; and generally relating to the State
8 Board of Physicians and facilities for performing elective cosmetic surgical
9 procedures.

10 BY repealing and reenacting, with amendments,
11 Article – Health Occupations
12 Section 14–101 and 14–404(a)(39) and (40)
13 Annotated Code of Maryland
14 (2009 Replacement Volume)

15 BY adding to
16 Article – Health Occupations
17 Section 14–404(a)(41)
18 Annotated Code of Maryland
19 (2009 Replacement Volume)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
21 MARYLAND, That the Laws of Maryland read as follows:

22 **Article – Health Occupations**

23 14–101.

24 (a) In this title the following words have the meanings indicated.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) “Board” means the State Board of Physicians.

2 (c) “Civil action” includes a health care malpractice claim under Title 3,
3 Subtitle 2A of the Courts Article.

4 **(D) (1) “ELECTIVE COSMETIC SURGICAL PROCEDURE” MEANS THE**
5 **USE OF SURGICAL SERVICES TO RESHAPE THE STRUCTURE OF A HUMAN BODY**
6 **IN ORDER TO CHANGE THE APPEARANCE OF AN INDIVIDUAL.**

7 **(2) “ELECTIVE COSMETIC SURGICAL PROCEDURE” DOES NOT**
8 **INCLUDE:**

9 **(I) A PROCEDURE DONE UNDER LOCAL ANESTHESIA OR**
10 **MILD SEDATION; OR**

11 **(II) LIPOSUCTION THAT REMOVES LESS THAN 500 CUBIC**
12 **CENTIMETERS OF FAT.**

13 **[(d)] (E)** “Faculty” means the Medical and Chirurgical Faculty of the State
14 of Maryland.

15 **[(e)] (F)** “Hospital” has the meaning stated in § 19–301 of the Health –
16 General Article.

17 **[(f)] (G)** “License” means, unless the context requires otherwise, a license
18 issued by the Board to practice medicine.

19 **[(g)] (H)** “Licensed physician” means, unless the context requires otherwise,
20 a physician, including a doctor of osteopathy, who is licensed by the Board to practice
21 medicine.

22 **[(h)] (I)** “Licensee” means an individual to whom a license is issued,
23 including an individual practicing medicine within or as a professional corporation or
24 professional association.

25 **(J) “MILD SEDATION” MEANS A DRUG–INDUCED STATE DURING WHICH:**

26 **(1) A PATIENT IS ABLE TO RESPOND TO VERBAL COMMANDS;**

27 **(2) A PATIENT’S VENTILATORY AND CARDIOVASCULAR**
28 **FUNCTIONS ARE NOT AFFECTED; AND**

29 **(3) A PATIENT’S COGNITIVE FUNCTION AND COORDINATION MAY**
30 **BE IMPAIRED.**

1 (iii) Performing a massage or other manipulation by hand, but
2 by no other means.

3 **[(m)] (O)** “Related institution” has the meaning stated in § 19–301 of the
4 Health – General Article.
5 14–404.

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

9 (39) Intentionally misrepresents credentials for the purpose of
10 testifying or rendering an expert opinion in hearings or proceedings before the Board
11 or those otherwise delegated to the Office of Administrative Hearings; **[or]**

12 (40) Fails to keep adequate medical records as determined by
13 appropriate peer review; **OR**

14 **(41) PERFORMS AN ELECTIVE COSMETIC SURGICAL PROCEDURE**
15 **IN A FACILITY THAT IS NOT:**

16 **(I) ACCREDITED BY:**

17 **1. THE AMERICAN ASSOCIATION FOR**
18 **ACCREDITATION OF AMBULATORY SURGICAL FACILITIES;**

19 **2. THE ACCREDITATION ASSOCIATION FOR**
20 **AMBULATORY HEALTH CARE; OR**

21 **3. THE JOINT COMMISSION ON THE**
22 **ACCREDITATION OF HEALTH CARE ORGANIZATIONS; OR**

23 **(II) CERTIFIED TO PARTICIPATE IN THE MEDICARE**
24 **PROGRAM, AS ENACTED BY TITLE XVIII OF THE SOCIAL SECURITY ACT.**

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2010.