

Department of Legislative Services  
Maryland General Assembly  
2010 Session

FISCAL AND POLICY NOTE

House Bill 1190 (Delegate Bromwell)  
Health and Government Operations Education, Health, and Environmental Affairs

---

**Health Occupations Boards - Discipline of Health Care Providers - Failure to Comply with Governor's Order**

---

This bill exempts a licensed, certified, or otherwise authorized health care provider who knowingly and willingly fails to comply with specified Governor's orders from fines and prison sentences imposed on other persons who knowingly and willfully violate such an order. Instead, the bill authorizes health occupations boards, subject to the hearing provisions that govern the discipline of a health care provider by each respective board, to take disciplinary action against a health care provider who, during a catastrophic health emergency, knowingly and willfully fails to comply with a Governor's order to participate in disease surveillance, treatment, and suppression efforts, or with the directives of the Secretary of Health and Mental Hygiene or other designated official.

---

**Fiscal Summary**

**State Effect:** The bill is not expected to materially affect State finances due to the limited number of instances that a health occupations board will revoke a health practitioner's license under this bill.

**Local Effect:** None.

**Small Business Effect:** Potential minimal.

---

**Analysis**

**Current Law:** In the event that the Governor issues a catastrophic health emergency proclamation, he or she may order any health care provider who does not voluntarily do so, to participate in disease surveillance, treatment, and suppression efforts or otherwise

comply with the directives of the Secretary or other designated official. A person may not knowingly and willfully fail to comply with such an order. Violators are guilty of a misdemeanor and subject to imprisonment for up to one year and/or a fine of up to \$5,000.

**Background:** Subject to statutory provisions requiring hearings, health occupations boards may reprimand an individual who is licensed, certified, or otherwise authorized by the board; place any licensee, certificate holder, or otherwise authorized individual on probation; or suspend or revoke a license, certificate, or other authorization if an individual under the board's jurisdiction is found guilty of specified offenses.

---

### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

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

**Fiscal Note History:** First Reader - March 9, 2010  
mlm/mcr

---

Analysis by: Erin McMullen

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