

Department of Legislative Services
Maryland General Assembly
2011 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 371

(Senator Conway)

Education, Health, and Environmental Affairs

Health and Government Operations

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

This bill exempts a licensed, certified, or otherwise authorized health care practitioner who knowingly and willfully 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 practitioner by each respective board, to take disciplinary action against a health care practitioner 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 discipline a health care practitioner 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 of Health and Mental Hygiene 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: HB 1190 of 2010 passed the House and received a favorable report from the Senate Education, Health, and Environmental Affairs Committee, but no further action was taken on the bill.

Cross File: HB 503 (Delegate Bromwell, *et al.*) - Health and Government Operations.

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

Fiscal Note History: First Reader - February 21, 2011
jc/ljm Revised - Clarification - March 6, 2011

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