

Department of Legislative Services
Maryland General Assembly
2012 Session

FISCAL AND POLICY NOTE

House Bill 758 (Delegates Hammen and Morhaim)
Health and Government Operations

**Health Occupations Boards - Regulations - Scope of Practice Advisory
Committees**

This bill authorizes the Secretary of Health and Mental Hygiene to adopt regulations affecting the scope of practice of a profession regulated under the Health Occupations Article under certain circumstances and to appoint a scope of practice advisory committee to examine a “scope of practice dispute” and provide recommendations on resolution of the dispute to the Secretary.

The bill takes effect July 1, 2012.

Fiscal Summary

State Effect: The bill’s requirements can be absorbed within existing budgeted resources.

Local Effect: None.

Small Business Effect: Potentially significant to regulated health occupations professionals depending on the outcome of a scope of practice advisory committee and any related regulations that are adopted.

Analysis

Bill Summary: A “scope of practice dispute” means a dispute over whether a health care service may be provided by practitioners of a particular health occupation or profession regulated under the Health Occupations Article and includes a disagreement

between boards or commissions over the adoption of regulations related to scope of practice.

The Secretary may adopt regulations affecting scope of practice if (1) agreement is required by more than one board or commission; (2) the boards or commissions have not adopted regulations within six months of the date that the regulations were required under law to have been adopted (or earlier if the General Assembly authorizes the Secretary to adopt the regulations); and (3) the Secretary has appointed a scope of practice advisory committee to review the topic of the regulations and reviews the recommendations of the committee.

A scope of practice advisory committee must consist of five to nine members, including at least one member from each of the professions involved in the dispute. If the dispute is between two or more boards or commissions, the Secretary must invite at least one member from each of the boards or commissions involved to serve on the advisory committee. Each member of a scope of practice advisory committee must have expertise in the scope of practice dispute at issue and evidence-based health care practice. If the Secretary appoints a scope of practice advisory committee, the Secretary must promptly notify the appropriate committees of the General Assembly.

A scope of practice advisory committee must consider specified factors and may consult with relevant entities that have expertise in the scope of practice dispute at issue. An advisory committee must complete its work within six months of being convened and issue a report on its findings to the Secretary. Meetings of a scope of practice advisory committee are subject to the Open Meetings Act.

The Secretary must report to the Governor and the General Assembly on the findings and recommendations of any scope of practice advisory committee within 60 days of receiving an advisory committee's report. The report must include plans for regulatory action or legislative recommendations, as appropriate.

Current Law/Background: Under the Office of the Secretary of Health and Mental Hygiene, 18 boards regulate and discipline more than 300,000 individual health care professionals. The boards seek to protect the public by ensuring that practicing health professionals are properly credentialed and licensed to provide high-quality services to the citizens of Maryland. Each board also receives, investigates, and resolves complaints about regulated professionals and assists in establishing parameters for the practice of each regulated health profession. Also under the umbrella of the health occupations boards is the Maryland Commission on Kidney Disease.

Each of the health occupations boards has its own statutes and associated regulations establishing the scope of practice for the professionals regulated by that board. At times, the scope of practice of one profession may intersect, overlap, or even conflict with the scope of practice of other professions – creating a scope of practice dispute within professions regulated by the same board, among one or more boards, or at times between professional associations.

Several other states, including Minnesota, Nebraska, and Virginia, use an established process to resolve scope of practice disputes. Minnesota's Health Occupations Review Program reviews legislation on scope of practice changes at the request of policymakers, generates background research, and examines other states' practices. Virginia's Board of Health Professions, which includes representation from 13 professional regulatory boards and the public, evaluates and makes recommendations on scope of practice or regulatory issues. Under the Nebraska Credentialing Review Program, an application must be submitted for a change in scope of practice. Technical committees are appointed to examine applications. The State Board of Health receives reports from the technical committees and meets to review and discuss each report. The board reports to the director of public health who then prepares a final report for the legislature. The final report must be submitted within nine months of the initial application.

Additional Information

Prior Introductions: None.

Cross File: SB 866 (Senator Conway) - Education, Health, and Environmental Affairs.

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

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