

Department of Legislative Services

Maryland General Assembly

2012 Session

FISCAL AND POLICY NOTE

Revised

Senate Bill 629

(Senator Conway)(Chair, Education, Health, and Environmental Affairs Committee)

Education, Health, and Environmental Affairs

Health and Government Operations

State Board of Physicians - Appointment and Term of Chair

This bill requires the Governor to appoint the chair of the State Board of Physicians (MBP). The term of office for the chair is two years.

The bill takes effect June 1, 2012.

Fiscal Summary

State Effect: The bill does not materially affect governmental finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: The State Board of Physicians is composed of 21 members. By statute, the membership is drawn as follows:

- 11 practicing licensed physicians, including 1 doctor of osteopathy, appointed in accordance with a statutory nominating process;
- 1 practicing licensed physician appointed at the Governor's discretion;
- 1 practicing licensed physician with a full-time faculty appointment who then serves as a representative of an academic medical institution and is appointed from

a list of names submitted by the Johns Hopkins University School of Medicine and the University of Maryland School of Medicine;

- 1 representative from the Department of Health and Mental Hygiene (DHMH) nominated by the Secretary;
- 1 certified physician assistant appointed at the Governor's discretion in accordance with a statutory nominating process;
- 5 consumer members; and
- 1 public member knowledgeable in risk management or quality assurance matters appointed from a list submitted by the Maryland Hospital Association.

All board members serve staggered four-year terms. No member may serve more than two consecutive full terms. The board elects a chair and any other officers that the board considers necessary, and these positions are open to all members of the board.

Background: The Department of Legislative Services (DLS) conducted a full sunset evaluation of the board and its allied health advisory committees in 2011. A copy of the DLS sunset report can be found at <http://dls.state.md.us/Content.aspx?page=104>. During the evaluation, DLS observed several positive trends. MBP continues to process licenses proficiently and has sufficient funds to support its activities. Also, MBP has implemented several procedures to process complaints effectively and efficiently. However, significant challenges face the board. There is a growing backlog of complaints and an ongoing increase in the timeline for complaint resolution. More significantly, DLS found that the board has failed to implement key recommendations and requirements from previous sunset evaluations and currently fails to comply with statutory requirements in several areas such as public disclosure of board filing of charges and the Opening Meetings Act. MBP fails to adopt regulations when required by law and does not update regulations to be consistent with current practice. In total, the DLS report included 46 recommendations relating to licensing, complaint resolution, board resources, and other issues.

According to DHMH, the department plans to arrange for Dr. Jay Perman, President of the University of Maryland, Baltimore, to organize and oversee an independent, comprehensive review of the board. A full report is anticipated following the 2012 legislative session.

Additional Information

Prior Introductions: None.

Cross File: None designated; however, HB 824 (Delegate Hammen)(Chair, Health and Government Operations Committee – Health and Government Operations) is identical.

Information Source(s): Office of the Attorney General, Department of Health and Mental Hygiene, Maryland Insurance Administration, Judiciary (Administrative Office of the Courts), Department of Legislative Services

Fiscal Note History: First Reader - February 21, 2012

mc/ljm Revised - Senate Third Reader - March 26, 2012

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