

# HOUSE BILL 422

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CF 5lr2089

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By: **Delegates K. Young, Cullison, Hill, Reznik, and Sample–Hughes**

Introduced and read first time: February 9, 2015

Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Health Occupations – Athletic Trainers and Physician Assistants – Reports to**  
3 **the Board of Physicians**

4 FOR the purpose of requiring certain hospitals, related institutions, alternative health  
5 systems, and employers to report certain employment actions and terminations of  
6 employment of athletic trainers and physician assistants to the State Board of  
7 Physicians, subject to certain exceptions; requiring certain athletic trainers and  
8 physician assistants to notify certain hospitals, related institutions, alternative  
9 health systems, or employers of a decision to enter a certain treatment program;  
10 providing certain procedures for reporting treatment of an athletic trainer or a  
11 physician assistant to the Board if the athletic trainer or physician assistant fails to  
12 provide certain notice; requiring a certain treatment program to report  
13 noncompliance with the treatment program's policies to hospitals, related  
14 institutions, alternative health systems, and employers under certain  
15 circumstances; requiring certain hospitals, related institutions, alternative health  
16 systems, and employers to report certain noncompliance of an athletic trainer or a  
17 physician assistant to the Board under certain circumstances within a certain time  
18 period; exempting a person from making certain reports that would be in violation  
19 of any federal or State law, rule, or regulation concerning the confidentiality of  
20 certain patient records; providing that certain reports are not subject to subpoena or  
21 discovery in any civil action subject to certain exceptions; authorizing the Board to  
22 impose a certain penalty under certain circumstances; requiring the Board to remit  
23 certain penalties into the General Fund of the State; and generally relating to reports  
24 of alcohol and drug treatment for athletic trainers and physician assistants to the  
25 State Board of Physicians.

26 BY adding to  
27 Article – Health Occupations  
28 Section 14–5D–14.1 and 15–314.1  
29 Annotated Code of Maryland  
30 (2014 Replacement Volume)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Health Occupations**

4 **14-5D-14.1.**

5 (A) EXCEPT AS PROVIDED IN SUBSECTIONS (B) AND (D) OF THIS SECTION,  
6 HOSPITALS, RELATED INSTITUTIONS, ALTERNATIVE HEALTH SYSTEMS, AS DEFINED  
7 IN § 1-401 OF THIS ARTICLE, AND EMPLOYERS SHALL FILE WITH THE BOARD A  
8 REPORT THAT THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH  
9 SYSTEM, OR EMPLOYER LIMITED, REDUCED, OTHERWISE CHANGED, OR  
10 TERMINATED ANY LICENSED ATHLETIC TRAINER FOR ANY REASONS THAT MAY BE  
11 GROUNDS FOR DISCIPLINARY ACTION UNDER § 14-5D-14 OF THIS SUBTITLE.

12 (B) A HOSPITAL, A RELATED INSTITUTION, AN ALTERNATIVE HEALTH  
13 SYSTEM, OR AN EMPLOYER THAT HAS REASON TO KNOW THAT A LICENSED ATHLETIC  
14 TRAINER HAS COMMITTED AN ACTION OR HAS A CONDITION THAT MIGHT BE  
15 GROUNDS FOR REPRIMAND OR PROBATION OF THE LICENSED ATHLETIC TRAINER  
16 OR SUSPENSION OR REVOCATION OF THE LICENSE BECAUSE THE LICENSED  
17 ATHLETIC TRAINER IS ALCOHOL-IMPAIRED OR DRUG-IMPAIRED IS NOT REQUIRED  
18 TO REPORT THE ATHLETIC TRAINER TO THE BOARD IF:

19 (1) THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH  
20 SYSTEM, OR EMPLOYER KNOWS THAT THE LICENSED ATHLETIC TRAINER IS:

21 (i) IN AN ALCOHOL OR A DRUG TREATMENT PROGRAM THAT IS  
22 ACCREDITED BY THE JOINT COMMISSION ON ACCREDITATION OF HEALTHCARE  
23 ORGANIZATIONS OR IS CERTIFIED BY THE DEPARTMENT; OR

24 (ii) UNDER THE CARE OF A HEALTH CARE PRACTITIONER WHO  
25 IS COMPETENT AND CAPABLE OF DEALING WITH ALCOHOLISM AND DRUG ABUSE;  
26 AND

27 (2) (i) THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE  
28 HEALTH SYSTEM, OR EMPLOYER IS ABLE TO VERIFY THAT THE LICENSED ATHLETIC  
29 TRAINER REMAINS IN THE TREATMENT PROGRAM UNTIL DISCHARGED; AND

30 (ii) THE ACTION OR CONDITION OF THE LICENSED ATHLETIC  
31 TRAINER HAS NOT CAUSED INJURY TO ANY PERSON WHILE THE ATHLETIC TRAINER  
32 IS PRACTICING AS A LICENSED ATHLETIC TRAINER.

1           **(C) (1) IF THE LICENSED ATHLETIC TRAINER ENTERS, OR IS**  
2 **CONSIDERING ENTERING, AN ALCOHOL OR A DRUG TREATMENT PROGRAM THAT IS**  
3 **ACCREDITED BY THE JOINT COMMISSION ON ACCREDITATION OF HEALTHCARE**  
4 **ORGANIZATIONS OR THAT IS CERTIFIED BY THE DEPARTMENT, THE LICENSED**  
5 **ATHLETIC TRAINER SHALL NOTIFY THE HOSPITAL, RELATED INSTITUTION,**  
6 **ALTERNATIVE HEALTH SYSTEM, OR EMPLOYER OF THE LICENSED ATHLETIC**  
7 **TRAINER'S DECISION TO ENTER THE TREATMENT PROGRAM.**

8           **(2) IF THE LICENSED ATHLETIC TRAINER FAILS TO PROVIDE THE**  
9 **NOTICE REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION, AND THE**  
10 **HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH SYSTEM, OR EMPLOYER**  
11 **LEARNS THAT THE LICENSED ATHLETIC TRAINER HAS ENTERED A TREATMENT**  
12 **PROGRAM, THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH SYSTEM,**  
13 **OR EMPLOYER SHALL REPORT TO THE BOARD THAT THE LICENSED ATHLETIC**  
14 **TRAINER HAS ENTERED A TREATMENT PROGRAM AND HAS FAILED TO PROVIDE THE**  
15 **REQUIRED NOTICE.**

16           **(3) IF THE LICENSED ATHLETIC TRAINER IS FOUND TO BE**  
17 **NONCOMPLIANT WITH THE POLICIES AND PROCEDURES OF THE TREATMENT**  
18 **PROGRAM WHILE IN THE TREATMENT PROGRAM, THE TREATMENT PROGRAM SHALL**  
19 **NOTIFY THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH SYSTEM, OR**  
20 **EMPLOYER OF THE LICENSED ATHLETIC TRAINER'S NONCOMPLIANCE.**

21           **(4) ON RECEIPT OF THE NOTIFICATION REQUIRED UNDER**  
22 **PARAGRAPH (3) OF THIS SUBSECTION, THE HOSPITAL, RELATED INSTITUTION,**  
23 **ALTERNATIVE HEALTH CARE SYSTEM, OR EMPLOYER OF THE LICENSED ATHLETIC**  
24 **TRAINER SHALL REPORT THE LICENSED ATHLETIC TRAINER'S NONCOMPLIANCE TO**  
25 **THE BOARD.**

26           **(D) A PERSON IS NOT REQUIRED UNDER THIS SECTION TO MAKE ANY**  
27 **REPORT THAT WOULD BE IN VIOLATION OF ANY FEDERAL OR STATE LAW, RULE, OR**  
28 **REGULATION CONCERNING THE CONFIDENTIALITY OF ALCOHOL AND DRUG ABUSE**  
29 **PATIENT RECORDS.**

30           **(E) THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH SYSTEM,**  
31 **OR EMPLOYER SHALL SUBMIT THE REPORT WITHIN 10 DAYS OF ANY ACTION**  
32 **DESCRIBED IN THIS SECTION.**

33           **(F) A REPORT MADE UNDER THIS SECTION IS NOT SUBJECT TO SUBPOENA**  
34 **OR DISCOVERY IN ANY CIVIL ACTION OTHER THAN A PROCEEDING ARISING OUT OF**  
35 **A HEARING AND DECISION OF THE BOARD OR A DISCIPLINARY PANEL UNDER THIS**  
36 **TITLE.**

1           **(G) (1) THE BOARD MAY IMPOSE A CIVIL PENALTY OF UP TO \$1,000 FOR**  
2 **FAILURE TO REPORT UNDER THIS SECTION.**

3           **(2) THE BOARD SHALL REMIT ANY PENALTY COLLECTED UNDER THIS**  
4 **SUBSECTION INTO THE GENERAL FUND OF THE STATE.**

5 **15-314.1.**

6           **(A) EXCEPT AS PROVIDED IN SUBSECTIONS (B) AND (D) OF THIS SECTION,**  
7 **HOSPITALS, RELATED INSTITUTIONS, ALTERNATIVE HEALTH SYSTEMS, AS DEFINED**  
8 **IN § 1-401 OF THIS ARTICLE, AND EMPLOYERS SHALL FILE WITH THE BOARD A**  
9 **REPORT THAT THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH**  
10 **SYSTEM, OR EMPLOYER LIMITED, REDUCED, OTHERWISE CHANGED, OR**  
11 **TERMINATED ANY LICENSED PHYSICIAN ASSISTANT FOR ANY REASONS THAT MAY BE**  
12 **GROUND FOR DISCIPLINARY ACTION UNDER § 15-314 OF THIS SUBTITLE.**

13           **(B) A HOSPITAL, A RELATED INSTITUTION, AN ALTERNATIVE HEALTH**  
14 **SYSTEM, OR AN EMPLOYER THAT HAS REASON TO KNOW THAT A LICENSED**  
15 **PHYSICIAN ASSISTANT HAS COMMITTED AN ACTION OR HAS A CONDITION THAT**  
16 **MIGHT BE GROUNDS FOR REPRIMAND OR PROBATION OF THE PHYSICIAN ASSISTANT**  
17 **OR SUSPENSION OR REVOCATION OF THE LICENSE BECAUSE THE PHYSICIAN**  
18 **ASSISTANT IS ALCOHOL-IMPAIRED OR DRUG-IMPAIRED IS NOT REQUIRED TO**  
19 **REPORT THE PHYSICIAN ASSISTANT TO THE BOARD IF:**

20           **(1) THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH**  
21 **SYSTEM, OR EMPLOYER KNOWS THAT THE LICENSED PHYSICIAN ASSISTANT IS:**

22                   **(I) IN AN ALCOHOL OR A DRUG TREATMENT PROGRAM THAT IS**  
23 **ACCREDITED BY THE JOINT COMMISSION ON ACCREDITATION OF HEALTHCARE**  
24 **ORGANIZATIONS OR IS CERTIFIED BY THE DEPARTMENT; OR**

25                   **(II) UNDER THE CARE OF A HEALTH CARE PRACTITIONER WHO**  
26 **IS COMPETENT AND CAPABLE OF DEALING WITH ALCOHOLISM AND DRUG ABUSE;**  
27 **AND**

28           **(2) (I) THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE**  
29 **HEALTH SYSTEM, OR EMPLOYER IS ABLE TO VERIFY THAT THE LICENSED PHYSICIAN**  
30 **ASSISTANT REMAINS IN THE TREATMENT PROGRAM UNTIL DISCHARGED; AND**

31                   **(II) THE ACTION OR CONDITION OF THE LICENSED PHYSICIAN**  
32 **ASSISTANT HAS NOT CAUSED INJURY TO ANY PERSON WHILE THE PHYSICIAN**  
33 **ASSISTANT IS PRACTICING AS A LICENSED PHYSICIAN ASSISTANT.**

1           **(C) (1) IF THE LICENSED PHYSICIAN ASSISTANT ENTERS, OR IS**  
2 **CONSIDERING ENTERING, AN ALCOHOL OR A DRUG TREATMENT PROGRAM THAT IS**  
3 **ACCREDITED BY THE JOINT COMMISSION ON ACCREDITATION OF HEALTHCARE**  
4 **ORGANIZATIONS OR THAT IS CERTIFIED BY THE DEPARTMENT, THE LICENSED**  
5 **PHYSICIAN ASSISTANT SHALL NOTIFY THE HOSPITAL, RELATED INSTITUTION,**  
6 **ALTERNATIVE HEALTH SYSTEM, OR EMPLOYER OF THE LICENSED PHYSICIAN**  
7 **ASSISTANT'S DECISION TO ENTER THE TREATMENT PROGRAM.**

8           **(2) IF THE LICENSED PHYSICIAN ASSISTANT FAILS TO PROVIDE THE**  
9 **NOTICE REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION, AND THE**  
10 **HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH SYSTEM, OR EMPLOYER**  
11 **LEARNS THAT THE LICENSED PHYSICIAN ASSISTANT HAS ENTERED A TREATMENT**  
12 **PROGRAM, THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH SYSTEM,**  
13 **OR EMPLOYER SHALL REPORT TO THE BOARD THAT THE LICENSED PHYSICIAN**  
14 **ASSISTANT HAS ENTERED A TREATMENT PROGRAM AND HAS FAILED TO PROVIDE**  
15 **THE REQUIRED NOTICE.**

16           **(3) IF THE LICENSED PHYSICIAN ASSISTANT IS FOUND TO BE**  
17 **NONCOMPLIANT WITH THE POLICIES AND PROCEDURES OF THE TREATMENT**  
18 **PROGRAM WHILE IN THE TREATMENT PROGRAM, THE TREATMENT PROGRAM SHALL**  
19 **NOTIFY THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH SYSTEM, OR**  
20 **EMPLOYER OF THE LICENSED PHYSICIAN ASSISTANT'S NONCOMPLIANCE.**

21           **(4) ON RECEIPT OF THE NOTIFICATION REQUIRED UNDER**  
22 **PARAGRAPH (3) OF THIS SUBSECTION, THE HOSPITAL, RELATED INSTITUTION,**  
23 **ALTERNATIVE HEALTH CARE SYSTEM, OR EMPLOYER OF THE LICENSED PHYSICIAN**  
24 **ASSISTANT SHALL REPORT THE LICENSED PHYSICIAN ASSISTANT'S**  
25 **NONCOMPLIANCE TO THE BOARD.**

26           **(D) A PERSON IS NOT REQUIRED UNDER THIS SECTION TO MAKE ANY**  
27 **REPORT THAT WOULD BE IN VIOLATION OF ANY FEDERAL OR STATE LAW, RULE, OR**  
28 **REGULATION CONCERNING THE CONFIDENTIALITY OF ALCOHOL AND DRUG ABUSE**  
29 **PATIENT RECORDS.**

30           **(E) THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH SYSTEM,**  
31 **OR EMPLOYER SHALL SUBMIT THE REPORT WITHIN 10 DAYS OF ANY ACTION**  
32 **DESCRIBED IN THIS SECTION.**

33           **(F) A REPORT MADE UNDER THIS SECTION IS NOT SUBJECT TO SUBPOENA**  
34 **OR DISCOVERY IN ANY CIVIL ACTION OTHER THAN A PROCEEDING ARISING OUT OF**  
35 **A HEARING AND DECISION OF THE BOARD OR A DISCIPLINARY PANEL UNDER THIS**  
36 **TITLE.**

1           **(G) (1) THE BOARD MAY IMPOSE A CIVIL PENALTY OF UP TO \$1,000 FOR**  
2 **FAILURE TO REPORT UNDER THIS SECTION.**

3           **(2) THE BOARD SHALL REMIT ANY PENALTY COLLECTED UNDER THIS**  
4 **SUBSECTION INTO THE GENERAL FUND OF THE STATE.**

5           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
6 October 1, 2015.