

Department of Legislative Services
Maryland General Assembly
2015 Session

FISCAL AND POLICY NOTE

House Bill 422 (Delegate K. Young, *et al.*)
Health and Government Operations

Health Occupations - Athletic Trainers and Physician Assistants - Reports to the Board of Physicians

This bill requires hospitals, related institutions, alternative health systems, and employers to report specified information regarding athletic trainers and physician assistants to the State Board of Physicians for any reasons that may be grounds for disciplinary action.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues from imposition of civil penalties for failure to report. Expenditures are not affected.

Local Effect: The bill does not directly affect local government operations or finances.

Small Business Effect: None.

Analysis

Bill Summary: The bill requires certain entities (namely hospitals, related institutions, alternative health systems, and employers) to file a report with the State Board of Physicians if the entity limits, reduces, changes, or terminates any licensed athletic trainer or physician assistant.

If the entity has reason to know that a licensed athletic trainer or physician assistant committed an action or has a condition that might be grounds for discipline because the athletic trainer or physician assistant is alcohol-impaired or drug-impaired, the entity does not have to report the athletic trainer or physician assistant if the entity knows that the athletic trainer or physician assistant is in an accredited treatment program or under the

care of a health care practitioner competent and capable of dealing with alcoholism and drug abuse and the entity is able to verify that the athletic trainer or physician assistant remains in the treatment program until discharge and has not caused injury to any person while practicing.

The licensed athletic trainer or physician assistant must notify the entity if he or she decides to enter an accredited treatment program; an entity must report to the board if it does not receive such notice and subsequently learns of the athletic trainer's or physician assistant's entry into the program. If the treatment program finds the athletic trainer or physician assistant to be noncompliant while in the program, the program must notify the entity; the entity must then report the noncompliance to the board.

The entity must submit any required report within 10 days of the action that is the subject of the report. The board may impose a civil penalty of up to \$1,000 for failure to make a required report; any collected penalties are remitted to the general fund.

The bill does not require a person to report any information that would be in violation of any federal or State law, rule, or regulation pertaining to the confidentiality of alcohol and drug abuse patient records. A report is not subject to a civil proceeding subpoena or discovery action, except for a proceeding related to a decision of the board or a disciplinary panel.

Current Law/Background: The mission of the State Board of Physicians is to assure quality health care in Maryland through the efficient licensure and effective discipline of health providers under its jurisdiction, by protecting and educating clients/customers and stakeholders and enforcing the Maryland Medical Practice Act. The board has regulatory authority over physicians, physician assistants, radiographers, radiation therapists, nuclear medicine technologists, radiologist assistants, respiratory care practitioners, polysomnographic technologists, athletic trainers, perfusionists, and naturopathic doctors.

Under the Health Occupations Article, athletic trainers and physician assistants are subject to several grounds for discipline that may result in license suspension or revocation, including habitual intoxication, habitual abuse of any narcotic or controlled dangerous substance, and providing professional services while under the influence of alcohol or using any narcotic or controlled dangerous substance.

The bill applies the same reporting requirements and related exceptions for athletic trainers and physician assistants as those that are currently required under the Health Occupations Article for most allied health professionals. Specifically, hospitals, related institutions, alternative health systems, and employers currently must report the same information to the board for (1) respiratory care practitioners; (2) radiation therapists, radiographers, nuclear medicine technologists, and radiologist assistants; (3) polysomnographic

technologists; and (4) perfusionists. Failure to report also results in a civil penalty of up to \$1,000.

Additionally, under the Health Occupations Article, hospitals, related institutions, and alternative health systems must file a report with the board every six months that states whether the entity denied the application of a physician for staff privileges or a contract or limited, reduced, otherwise changed, or terminated the staff privileges or contract of a physician, or if the physician resigned, if the action is for reasons that might be grounds for disciplinary action. The entities must also report disciplinary actions against other licensed physicians or individuals in a postgraduate training program. However, there are no separate provisions relating to physician participation in an alcohol or drug treatment program.

Additional Information

Prior Introductions: None.

Cross File: SB 717 (Senator Montgomery) - Education, Health, and Environmental Affairs.

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

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