

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 569

(Delegate Morales, *et al.*)

Health and Government Operations

Education, Health, and Environmental Affairs

Vital Statistics and Records – Definition of Licensed Health Care Practitioner –
Certified Nurse Midwife, Licensed Clinical Professional Counselor, and
Physician Assistant

This bill includes, for purposes of issuing a new birth certificate for the individual, (1) a certified nurse midwife; (2) a licensed clinical professional counselor; and (3) a licensed physician assistant in the definition of a “licensed health care practitioner” who may certify that an individual has undergone a sex change or has an intersex condition.

Fiscal Summary

State Effect: The bill does not materially affect State finances or operations.

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

Small Business Effect: None.

Analysis

Current Law:

Vital Records – Definition of Licensed Health Care Practitioner

The bill alters the definition of “licensed health care practitioner” under Title 4, Subtitle 2 of the Health-General Article. The only reference to “licensed health care practitioner” under this subtitle is in provisions regarding the issuance of a new birth certificate to an individual who has undergone a sex change or has an intersex condition.

Chapters 484 and 485 of 2015 require the Secretary of Health to issue a new birth certificate for an individual if the Maryland Department of Health receives proof that the individual was born in this State and (1) a court issued an order indicating that the individual's sex has been changed; (2) the Secretary previously amended the individual's birth certificate based on such a court order; or (3) a licensed health care practitioner determined that the individual's sex designation should be changed because the individual underwent treatment for sex transition or has been diagnosed with an intersex condition and the health care practitioner signed a statement under penalty of perjury attesting to these facts. The individual or the individual's legal guardian must also have made a written request for a new birth certificate with a change in sex designation.

Chapters 484 and 485 define "licensed health care practitioner" as a licensed physician, psychologist, registered nurse (who is also certified as a nurse practitioner, nurse psychotherapist, or clinical nurse specialist), or a certified social worker-clinical. Individuals licensed to practice one of the listed professions in another state but who meet the requirements for licensure in this State also qualify.

Certified Nurse Midwives

The State Board of Nursing provides advanced practice registered nurse (APRN) certification to nurse midwives, who must also be licensed registered nurses. APRNs also include nurse practitioners, nurse anesthetists, and clinical nurse specialists. Chapters 515 and 516 of 2017 repealed the subspecialty of "nurse psychotherapist" from the list of APRN specified practice areas.

The "practice of nurse midwifery" means the management and care of essentially normal newborns and of essentially normal women antepartally, intrapartally, and postpartally; the practice includes family planning and well woman reproductive care, as well as the prescription and dispensing of substances commonly used in the practice of nurse midwifery.

Licensed Clinical Professional Counselors

An individual licensed as a clinical professional counselor may provide services involving the application of counseling principles and methods in the diagnosis, prevention, treatment, and amelioration of psychological problems, emotional conditions, or mental conditions of individuals or groups.

Physician Assistants

A physician may delegate medical acts to a physician assistant by filing and executing a delegation agreement with the State Board of Physicians (MBP). A physician assistant

may only practice under the supervision of a licensed physician and may only perform tasks that are authorized in a delegation agreement. A delegation agreement that includes specified tasks requires approval by MBP.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland Department of Health; Department of Legislative Services

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