

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
Enrolled - Revised

House Bill 638

(Delegate Pendergrass, *et al.*)

Health and Government Operations

Education, Health, and Environmental Affairs

State Board of Physicians – Sunset Evaluation and Termination

This bill advances, from July 1, 2023 to June 1, 2020, the termination date for the State Board of Physicians (MBP) and the allied health advisory committees, subject to the evaluation and reestablishment provisions of the Maryland Program Evaluation Act. The bill also advances, from 2021 to 2019, the date of the next full evaluation of MBP under the Maryland Program Evaluation Act. **The bill takes effect June 1, 2019.**

Fiscal Summary

State Effect: Absent reauthorization during the 2020 legislative session, MBP special fund revenues and expenditures terminate in FY 2020. The FY 2020 budget includes \$9.6 million in special fund expenditures for MBP. The full evaluation of MBP can be handled with existing budgeted resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law:

Maryland Program Evaluation Act

MBP is 1 of approximately 70 regulatory entities and activities currently subject to periodic evaluation under the Maryland Program Evaluation Act (§ 8-401 *et seq.* of the State Government Article). The Act establishes a process better known as “sunset review”

as most entities evaluated are also subject to termination. The sunset review process traditionally begins with a preliminary evaluation conducted by the Department of Legislative Services (DLS) on behalf of the Legislative Policy Committee (LPC). LPC decides whether to waive an entity from further (or full) evaluation. If waived, legislation to reauthorize the entity typically is enacted. Otherwise, a full evaluation usually is undertaken the following year.

Five health occupations boards undergo direct full evaluations without a preliminary evaluation (Dental, Morticians and Funeral Directors, Nursing, Pharmacy, and Physicians). A full evaluation of these entities must address any issues raised in the previous sunset evaluation conducted by DLS and the governmental activity's or unit's efficiency, effectiveness, role in protecting consumers, sufficiency of resources, and accomplishment of legislative objectives. Pursuant to Chapter 217 of 2017, MBP is scheduled to undergo a direct full sunset evaluation in 2021 before its scheduled termination date of July 1, 2023.

Background: MBP is composed of 22 members and charged with enforcing the Maryland Medical Practice Act and the Maryland Physician Assistants Act.

In 2016, DLS completed a full sunset evaluation of MBP. At that time, DLS found that the board generally fulfilled its stated mission to protect the public by effectively regulating physicians and allied health professionals. DLS observed that the board had made significant progress and addressed most of the issues from the previous sunset evaluation in 2011. Specifically, the board had improved its licensing process and eliminated the complaint backlog. The board had also implemented a two-panel disciplinary system and processed complaints without a backlog. However, as the two-panel system had only been fully operational for two years at the time of the evaluation, DLS could not evaluate the long-term efficacy of the new system. Further, the implementation of criminal history records checks (CHRCs) had been delayed; thus, DLS could not evaluate the effect of this requirement on the board or licensees. Some issues from the 2011 sunset evaluation continued to linger, such as issues with licensing fees and compliance with the Open Meetings Act.

DLS recommended that the General Assembly extend the termination date of MBP and its allied health advisory committees for an additional five years. DLS also recommended that the scope of the next sunset evaluation be limited to (1) implementation of recommendations made in the report; (2) the efficacy of the two-panel disciplinary system; and (3) the impact of CHRCs on the board and licensees. Additionally, DLS recommended that MBP include certain additional information in follow-up reports. A copy of the 2016 DLS sunset report on MBP can be found [here](#).

Additional Information

Prior Introductions: None.

Cross File: None.

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

Fiscal Note History: First Reader - February 21, 2019
sb/jc Third Reader - March 13, 2019
 Enrolled - May 8, 2019
 Revised - Amendment(s) - May 8, 2019

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