

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 962

(Delegate Alston)

Health and Government Operations

Finance

Physicians and Allied Health Professions - Reorganization and Revisions

The bill generally consolidates provisions regarding physician assistants with those relating to physicians and reorganizes provisions relating to allied health professions regulated by the Maryland Board of Physicians (MBP). The bill also (1) renames specified programs and committees; (2) requires that fees generated by a profession be used by MBP to provide associated services and licensing for that profession; (3) expands the authority of MBP to issue regulations regarding committees; (4) requires that a disciplinary panel vote by a majority of the quorum to reinstate a license; (5) defines what constitutes a quorum for specified allied health advisory committees; (6) repeals the requirement that MBP provide a specified data sheet with license renewal notices; and (7) generally corrects cross-references. The bill further authorizes additional corrections throughout the Maryland Code as needed.

Fiscal Summary

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

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The bill consolidates the provisions of Titles 14 and 15 of the Health Occupations Article that apply to all health occupations regulated by MBP into Subtitles 1 through 4 and Subtitle 7 of the Health Occupations Article and retains the provisions that only apply to one occupation in the relevant subtitle regulating that occupation. Provisions

of Title 15 (which governs physician assistants) are moved to Title 14 (which governs physicians and allied health professions) or to a new Subtitle 5H, while duplicative provisions are repealed.

In addition to these organizational changes, the bill makes the following changes:

- authorizes MBP to adopt regulations regarding committees established under Title 14, including terms of office for members, procedures for filling vacancies, removal of members, and the duties of each officer;
- requires fees generated by a specific profession regulated by MBP to be used to maintain the licensing program and services provided to that particular profession;
- requires a disciplinary panel to vote by a majority of a quorum to reinstate a license, which is a new requirement for radiation therapy, radiography, nuclear medicine technology, radiologist assistant, athletic trainer, naturopathic doctor, and physician assistant licenses, and reflects a change from requiring a majority of the full authorized membership to reinstate a license for polysomnographic technologist, perfusionist, and genetic counselor licenses;
- repeals the requirement that MBP provide a blank panel data sheet supplied by the Health Care Alternative Dispute Resolution Office when it sends out license renewal notices;
- renames the Physician Rehabilitation Program to be the Rehabilitation Program, the Respiratory Care Professional Standards Committee to be the Respiratory Care Advisory Committee, and the Polysomnography Professional Standards Committee to be the Polysomnography Advisory Committee; and
- defines what constitutes a quorum for the Respiratory Care Advisory Committee; the Radiation Therapy, Radiography, Nuclear Medicine Technology, and Radiology Assistance Advisory Committee; the Polysomnography Advisory Committee; the Athletic Trainer Advisory Committee; the Perfusion Advisory Committee; and the Naturopathic Medicine Advisory Committee.

Current Law: MBP is charged with enforcing the Maryland Medical Practice Act (Title 14 of the Health Occupations Article, which also includes allied health professionals) and the Maryland Physician Assistants Act (Title 15 of the Health Occupations Article). Among its duties, MBP must (1) adopt regulations; (2) establish policies for board operations; (3) oversee licensing of physicians and allied health professionals; (4) review and investigate complaints; (5) report on all disciplinary actions, license denials, and license surrenders; (6) appoint members of disciplinary panels; and (7) develop and approve an annual report.

Statutory provisions place several allied health professions under the jurisdiction of MBP and establish seven allied health advisory committees that assist MBP in its oversight role.

These committees are composed of representatives of the regulated professions, physicians, and consumers. The allied health professions under the jurisdiction of MBP are (1) physician assistants; (2) radiographers, radiation therapists, nuclear medicine technologists, and radiologist assistants; (3) respiratory care practitioners; (4) polysomnographic technologists; (5) athletic trainers; (6) perfusionists; and (7) naturopathic doctors. Effective January 1, 2024, an individual must be licensed by MBP to practice genetic counseling in the State.

Additional Information

Prior Introductions: Similar legislation has been introduced within the past three years. See HB 1252 and SB 972 of 2022.

Designated Cross File: None.

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

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