



**Senate Finance Committee  
SB 576 Health Occupations – Nurse Practitioners – Certifications of Competency and Incapacity**

**Oppose**

The Arc Maryland is a state-wide non-profit advocacy organization dedicated to the rights and quality of life of people with intellectual and developmental disabilities (I/DD) and their families. We have deep concerns about the way in which the bill is written which could have negative (albeit unintended) effects on the rights of people with intellectual and developmental disabilities.

Our current statute allows LCSW-Cs to sign incapacity certificates only if a physician signs the other certificate. As the current statute reads, **two physicians OR at least one physician AND one psychologist or one LCSW-C are required** to complete certificates of competency and incapacity.

At least one of the professionals MUST be a physician under current statute.

This bill would change our statute to allow Nurse practitioners to sign, instead of (at least one) physician. Nurse Practitioners are incredibly skilled and important to our health care system, but there is specialized knowledge MDs have they don't. For example, an individual with disabilities may be exhibiting behavior which might appear to be tied to their disability that may instead be due to a medication interaction, a non-verbal response to pain, or an undiagnosed urinary tract infection. Our law requires that incapacity be tied to a disability. If the temporary incapacity is instead caused by a medical issue, the person should not lose their autonomy through placement under guardianship. This is a skilled assessment that cannot be left to a professional who may not possess the required knowledge and perspective.

There is also conflicting information in the bill which makes the intentions of the bill and proposed changes to statute unclear.

On Page 2, Lines 21-30 state:

21 (i) Two licensed physicians [who have examined the disabled  
22 person]; [or]

23 (II) ONE LICENSED PHYSICIAN AND ONE NURSE PRACTITIONER;

24 **OR**

25 [(ii)] (III) 1. One licensed physician [who has examined the  
26 disabled person] OR **NURSE PRACTITIONER; and**

27 2. [A.] One licensed psychologist [who has evaluated the  
28 disabled person;] or

29 [B. One] **licensed certified social worker**—clinical [who has  
30 evaluated the disabled person].

The implication here is that there is no requirement for a physician's assessment and signature.

However, on Page 3, lines 4 through 6 it is clearly stated that ONE of the certifying professionals must be a physician:

4 (a) (1) Prior to providing, withholding, or withdrawing treatment for which

5 authorization has been obtained or will be sought under this subtitle, **the attending**

**6 physician and a second physician OR A NURSE PRACTITIONER.**

For all of these reasons, and our concerns for the rights of people with intellectual and developmental disabilities to receive fair treatment, and to preserve autonomy, we respectfully ask for an unfavorable report from the committee on SB 576.

Respectfully submitted,

Ande Kolp, Executive Director