



# Board of Nursing

Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Robert R. Neall, Secretary

February 4, 2020

The Honorable Shane E. Pendergrass, Chair  
House Health and Government Operations Committee  
House Office Building, Room 241  
Annapolis, MD 21401-1991

**RE: HB 259 – Health Occupations - Diagnostic Evaluations and Treatment of Patients - Disciplinary Actions - Letter of Concern**

Dear Chair Pendergrass and Committee Members:

The Maryland Board of Nursing (the “Board”) respectfully submits this letter of concern for House Bill 259 entitled “Health Occupations – Diagnostic Evaluation and Treatment of Patients – Disciplinary Actions (The Patient’s Access to Integrative Healthcare Act of 2020)”.

The Board is concerned this bill discounts patient protection in favor of protecting the healthcare provider. HB 259 places unnecessary limits on the Board’s authority to discipline Advanced Practice Registered Nurses (APRN) for violations of the Nurse Practice Act (NPA). Additionally, the bill puts the burden on the Board to conduct the risk/benefit analysis for a diagnostic evaluation, test, or treatment used by the APRN after treatment has already been administered. The standard of care for the provider should include more than obtaining informed consent. While patients are entitled to access to integrative health care, it is the health care provider’s duty to insure that the treatment is proven safe and effective prior to implementing the treatment.

The Board currently uses expert witnesses to determine if the standard of care is violated. However, this bill requires the Board to employ an expert with demonstrated training, competence and experience in integrative medicine.

Thank you for your consideration of the Board’s position.

If you would like to discuss this further, please contact Karen Evans Executive Director, Maryland Board of Nursing, (410) 585-1914 or [karene.evans@maryland.gov](mailto:karene.evans@maryland.gov) or Rhonda Scott Deputy Director/Director of Enforcement, (410) 585-1953 or [rhonda.scott2@maryland.gov](mailto:rhonda.scott2@maryland.gov)

Sincerely,

Gary Hicks  
Board Chair

**The opinion of the Board expressed in this document does not necessarily reflect that of the Department of Health or the Administration.**