



Board of Physicians

Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Damean W.E. Freas, D.O., Chair

2022 SESSION POSITION PAPER

BILL NO.: SB 899 – Health Occupations Boards – Authority Over Staffing and Infrastructure Operations
COMMITTEE: Education, Health, and Environmental Affairs
POSITION: Letter of Information

TITLE: Health Occupations Boards – Authority Over Staffing and Infrastructure Operations

BILL ANALYSIS: This bill establishes authority by the Secretary of Health over infrastructure operations of health occupations boards and commissions. Specifically, regarding the Maryland Board of Physicians (the Board), the bill adds certain provisions to Health Occupations (H.O.) Article, Titles 1 and 14.

POSITION AND RATIONALE:

The Board wishes to provide the following information:

- The Board believes that the definition of “Infrastructure Operations,” which is being added to H.O. § 1-203, is too broad. The term “administrative activities” and the phrase “tools and resources for the use and support of deliberative actions” utilized in the definition could have different meanings for each health occupations board. As the term “deliberative actions” is not defined, the Board is unclear regarding which operational costs would be considered in support of deliberative actions, and what would be considered licensing, investigation, or disciplinary activities.
- The bill adds to H.O. § 14-207 language that states that the Board of Physicians Fund “...may not be used to pay for infrastructure operations...” The Board seeks clarity on whether the Board would be required to funnel through the Maryland Department of Health (MDH) all requests for purchases related to “infrastructure operations.” Given the broad definition of “infrastructure operations,” if all operational costs and purchase requests first must be approved by MDH, this process will represent a significant loss of autonomy for the Board.
- The Board also seeks clarity on how the bill impacts the indirect costs of “infrastructure operations.” For example, the Board pays for the salaries of 13.5 positions with the Office of the Attorney General. However, among the individuals who perform work for the Board,

only one assistant attorney general is assigned exclusively to the Board. Therefore, the Board is subsidizing work for other health occupations boards. In addition, the Board has indirect costs related to Board staffing, procurement, and information technology matters. The Board requests clarification regarding how SB 899 would revise the process for the handling of indirect costs, as the Board currently is assessed these costs by MDH and the Department of Information Technology.

- The bill adds language to H.O. § 14-203(a), permitting the Board chair to appoint a vice-chair. This already is a current practice of the Board.

Thank you for your consideration. For more information, please contact Matthew Dudzic, Health Policy Analyst, Maryland Board of Physicians, 410-764-5042.

Sincerely,



Damean W. E. Freas, D.O.
Chair, Maryland Board of Physicians

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