



Board of Nursing

Wes Moore, Governor · Aruna Miller, Lt. Governor · Laura Herrera Scott, M.D., M.P.H., Secretary

March 1, 2023

The Honorable William C. Smith, Jr.
Chair, Senate Judicial Proceedings Committee
2 East Miller Senate Office Building
Annapolis, MD 21401-1991

RE: SB 859 – Reproductive Health Protection Act – Letter of Information

Dear Chair Smith and Committee Members:

The Maryland Board of Nursing (the Board) respectfully submits this letter of information for Senate Bill (SB) 859 – Reproductive Health Protection Act. This bill prohibits a judge from requiring a person to give testimony in another state under certain circumstances; requires that a request for the issuance of a foreign subpoena include a certain sworn statement; prohibits an ex parte order to intercept certain communications for the purpose of investigating or recovering evidence related to legally protected health care; prohibits certain judgment creditors from filing a copy of certain foreign judgements; prohibits the Governor from surrendering a person to the executive authority of another state for an alleged violation of the laws of the requesting state relating to legally protected health care; prohibits certain entities from assisting in an interstate investigation related to legally protected health care if the activity being investigated would not be subject to liability or sanction in the state; prohibits health occupations boards from disciplining a health care practitioner because of certain actions relating to legally protected health care; exempts certain high deductible insurance plans from covering certain abortion services; and prohibits insurers from taking certain adverse actions against certain health care practitioners.

The Board is unclear on whether Section 1-227 (3)(A) under the Health Occupations Article would impede health occupations boards from taking disciplinary action in cases where a health care practitioner failed to meet appropriate standards or provided substandard care to a patient who received legally protected health care. The primary goal of any regulatory health occupations board is to protect the public and the vulnerable patient population. The Board will discipline a provider based on the manner in which legally protected health care is provided. Section 1-227 (3)(A) could potentially be misconstrued to mean that any action can be shielded for a health care practitioner who provides legally protected health care, even if abusive behavior is alleged. The Board believes this current provision should be further amended to eliminate this confusion and reiterate that administrative actions from a regulatory or licensing board should not be barred.

For the reasons discussed above, the Maryland Board of Nursing respectfully submits this letter of information for SB 859.

I hope this information is useful. For more information, please contact Ms. Iman Farid, Health Planning and Development Administrator, at iman.farid@maryland.gov or Ms. Rhonda Scott, Deputy Director, at (410) 585 – 1953 (rhonda.scott2@maryland.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "G. Hicks", written in a cursive style.

Gary N. Hicks
Board President

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