



DEPARTMENT OF HEALTH

Board of Physicians

Wes Moore, Governor · Aruna Miller, Lt. Governor · Damean W.E. Freas, D.O., Chair

2023 SESSION POSITION PAPER

BILL NO.: **SB 859 – Reproductive Health Protection Act**
COMMITTEE: **Judiciary and Health and Government Operations**
POSITION: **Letter of Support**

TITLE: **Reproductive Health Protection Act**

POSITION & RATIONALE:

The Maryland Board of Physicians and the Maryland Board of Pharmacy (the Boards) are submitting this letter of support for Senate Bill (SB) 859 – Reproductive Health Protection Act.

It is the position of the Boards that health care decisions should be made between the patient and their health care practitioner, and that when standard of care issues arise, appropriate standard of care should be determined by peer review. The reason for this is simple: medicine is constantly growing and evolving, and any attempt to define appropriate standard of care would quickly lead to outdated and subpar care. This approach allows the Boards to focus on the underlying facts regarding the provided medical care when handling disciplinary matters, and centers the patient in any such discussions.

However, not all state medical and pharmacological boards have taken this approach, and occasionally the Boards are tasked with enforcing actions from other states for medical care that would be considered safe and appropriate in Maryland. According to Health Occupations Article § 14-404(a)(21), the Board of Physicians may take action against a license if the license holder was disciplined by a licensing authority in another state, provided that the act would be grounds for discipline in this state. This language reflects the core positions of the Boards. Unfortunately, while this language would appear to be clear and straightforward, interstate licensure is a complex process and automatic sanctions are still possible through mechanisms such as the Interstate Medical Licensure Compact (IMLC), even in cases where the underlying action would not be grounds for discipline in Maryland.

The Boards support SB 859, which explicitly states that the Boards may not take action in cases where a health care practitioner provided legally protected health care, provided that it was done in accordance with the laws of this state. This would not prevent the Boards from acting in cases where a health care practitioner failed to meet appropriate standard of care, even for legally protected health care, but would keep the Boards from being used as the enforcement arm for other states with differing laws and standards. This language would reflect the current position of the Boards, and ensure that the focus of any disciplinary action is once again where it belongs: on the patient and the medical care they receive.

Thank you for your consideration. For more information, please contact Matthew Dudzic, Manager of Policy and Legislation, Maryland Board of Physicians, 410-764-5042 and Deena Speights-Napata, Executive Director, Maryland Board of Pharmacy, (410) 764-4753.

Sincerely,



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



Deena Speights-Napata
Executive Director, Maryland Board of Pharmacy

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