



Board of Physicians

Wes Moore, Governor · Aruna Miller, Lt. Governor · Harbhajan Ajrawat, M.D., Chair

2026 SESSION POSITION PAPER

BILL NO.: Senate Bill 778 - Clinical Research Pharmacies and Clinical Trials - Permits, Ownership, and Definition of Practice of Medicine
COMMITTEE: Finance
POSITION: Letter of Information

The Maryland Board of Physicians (the Board) is respectfully submitting this Letter of Information for Senate Bill (SB) 778 - Clinical Research Pharmacies and Clinical Trials - Permits, Ownership, and Definition of the Practice of Medicine. SB 778 establishes a clinical research pharmacy permit issued by the Board of Pharmacy, authorizes a health care provider to hold ownership interest in a clinical research pharmacy under certain circumstances, and exempts the conduct of an investigational or experimental treatment or clinical trial by a corporation or other legal entity from the definition of “practice of medicine.”

The Board is concerned that the proposed alterations to the definition of “practice of medicine” are inappropriate and problematic. The proposed definition exempts certain actions conducted by a “corporation or other legal entity that is not an individual licensed under this title...” The Board regulates and disciplines only individual licensees and has no jurisdiction over facilities, corporations, or any other entities. A corporation should not be added to the definition because only individuals can practice medicine. Inserting this provision in the definition of the practice of medicine is confusing and unnecessary.

Furthermore, the definition states that the practice of medicine does not include conducting an investigation or experimental treatment by a corporation or other legal entity that is not an individual if: “all medical decision making within the clinical trial is carried out by individuals who are licensed under this article,” (*see* page 6, lines 11 through 22). All medical decision-making is the practice of medicine.

The Board licenses many other allied health professionals under the Health Occupations Article, including genetic counselors, polysomnographic technologists, athletic trainers, and others. In addition to all the allied health professions licensed by the Board, all other health occupations, including practitioners such as dentists, long-term care administrators, and music therapists, are licensed under this Article and would be authorized to make medical decisions and engage in the general practice of medicine.

The Board is unclear if it was the intent to include all health occupation practitioners and is concerned that exempting such a large group of practitioners from the definition could result in significant unintended consequences and improperly authorize anyone licensed to practice a health

occupation to make medical decisions.

The Board is also concerned that SB 778 allows corporations to determine what constitutes the practice of medicine. If the Board received a complaint from a Maryland citizen, it would not be able to investigate, even if the allegations were egregious or involved patient harm.

There are already statutory protections and exemptions for individual practitioners participating in investigational treatment and the “right to try”. Health General, [§ 21-2B-03](#), Annotated Code of Maryland, states, “A health occupations board may not revoke, fail to renew, suspend, or take any action against a health care provider’s license based solely on the health care provider’s recommendation to an eligible patient regarding access to or treatment with an individual investigational treatment.”

In addition, the Board seeks clarification on whether the clinical research pharmacy permit is issued to an individual or other entity, such as a corporation or facility.

In conclusion, the Board believes that an amendment to remove any proposed alteration to the definition of the practice of medicine is necessary. The Board requests to strike the proposed text on page 6, line 10 through 26.

Thank you for your consideration. For more information, please contact Madeline DelGreco, Manager of Policy and Legislation, at the Maryland Board of Physicians, at 410-764-5053.

Sincerely,

A handwritten signature in cursive script that reads "Harbhajan Ajrawat".

Harbhajan Ajrawat, M.D.
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.