



# Board of Physicians

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

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## 2026 SESSION POSITION PAPER

**BILL NO.:** HB 1143 - Public Health - Office of the Chief Medical Examiner -  
Perinatal Autopsies (Lung Float Test Ban)  
**COMMITTEE:** Finance  
**POSITION:** Letter of Concern

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### **POSITION AND RATIONALE:**

The Maryland Board of Physicians (the Board) is respectfully submitting this Letter of Concern for House Bill (HB) 1143 Public Health - Office of the Chief Medical Examiner - Perinatal Autopsies (Lung Float Test Ban). The bill prohibits the Chief Medical Examiner, deputy chief medical examiners, assistant medical examiners, and pathologists authorized by the Chief Medical Examiner from using a hydrostatic lung test, also known as a lung float test, when performing certain perinatal autopsies.

It is the mission of the Board to assure quality health care in Maryland through the enforcement of the Maryland Medical Practice Act. Guided by this mission, as well as its experience and expertise in determining the applicable standard of care in specific clinical circumstances, the Board ensures that healthcare practitioners comply with all Health Occupations statutes, particularly those related to patient care. In every decision, the Board seeks to center the patient and the quality of care received, while evaluating that care through the lens of the provider's clinical discretion and professional background. The Board would like to thank the sponsor and the proponents of this bill for accepting our previous amendment and excluding the specific disciplinary ground from the amended bill text. This change maintains the Board's existing authority under the Medical Practice Act and avoids unnecessary statutory redundancy.

However, upon further review of the bill, the Board is concerned that the clinical decision-making of a physician is being restricted. In fulfilling the Board's primary mission, the Board regulates and disciplines to ensure that the medical care patients receive meets the proper standard of care. By codifying a ban on a specific diagnostic tool, the legislature would interfere with this objective process and restrict a practitioner's independent medical judgment.

The Board advises that the determination of medical standards should remain a clinical process rooted in evidence-based decision-making and peer evaluation. Introducing a politicized medical evaluation process through statutory mandates threatens to undermine the objectivity and nuance required in safe medical practice. Additionally, Section 2, page 6, lines 12-21, of this bill mandates that the Maryland Department of Health conduct a formal study to determine the test's efficacy. The Board insists that clinical discretion be reserved until such data can be properly vetted by the medical practitioner community. Further advocating the need for the standard of care to be established and updated through medical peer review and clinical expertise rather than through legislative mandates.

Thank you for your consideration. For more information, please contact Oriell Harris, Health Policy Analyst, at [OriellT.Harris@maryland.gov](mailto:OriellT.Harris@maryland.gov).

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.**