

HOUSE BILL 1190

J2, J1, E4

0lr2506

By: **Delegate Bromwell**

Introduced and read first time: February 18, 2010

Assigned to: Health and Government Operations

Committee Report: Favorable

House action: Adopted

Read second time: March 23, 2010

CHAPTER _____

1 AN ACT concerning

2 **Health Occupations Boards – Discipline of Health Care Providers – Failure to**
3 **Comply with Governor’s Order**

4 FOR the purpose of authorizing certain health occupations boards to take certain
5 actions against certain health care providers under certain circumstances and
6 subject to certain hearing provisions; prohibiting certain health care providers
7 from knowingly and willfully failing to comply with certain provisions of law;
8 subjecting certain health care providers to certain discipline under certain
9 circumstances; and generally relating to the discipline of health care providers
10 for the failure to comply with the Governor’s order relating to catastrophic
11 health emergencies.

12 BY adding to

13 Article – Health Occupations

14 Section 1–214

15 Annotated Code of Maryland

16 (2009 Replacement Volume)

17 BY repealing and reenacting, without amendments,

18 Article – Public Safety

19 Section 14–3A–03(c)

20 Annotated Code of Maryland

21 (2003 Volume and 2009 Supplement)

22 BY repealing and reenacting, with amendments,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Article – Public Safety
2 Section 14–3A–08
3 Annotated Code of Maryland
4 (2003 Volume and 2009 Supplement)

5 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
6 MARYLAND, That the Laws of Maryland read as follows:

7 **Article – Health Occupations**

8 **1–214.**

9 (A) IN THIS SECTION, “HEALTH CARE PROVIDER” MEANS A PERSON
10 WHO IS LICENSED, CERTIFIED, OR OTHERWISE AUTHORIZED TO PRACTICE A
11 HEALTH OCCUPATION UNDER THIS ARTICLE.

12 (B) SUBJECT TO THE HEARING PROVISIONS THAT GOVERN THE
13 DISCIPLINE OF A HEALTH CARE PROVIDER BY EACH RESPECTIVE HEALTH
14 OCCUPATION BOARD, A HEALTH OCCUPATION BOARD MAY REPRIMAND, PLACE
15 ON PROBATION, OR SUSPEND OR REVOKE A LICENSE OR CERTIFICATE OF ANY
16 HEALTH CARE PROVIDER UNDER THE BOARD’S JURISDICTION WHO FAILS TO
17 COMPLY WITH § 14–3A–03(C) OF THE PUBLIC SAFETY ARTICLE.

18 **Article – Public Safety**

19 14–3A–03.

20 (c) The Governor may order any health care provider, who does not
21 voluntarily participate, to participate in disease surveillance, treatment, and
22 suppression efforts or otherwise comply with the directives of the Secretary or other
23 designated official.

24 14–3A–08.

25 (a) (1) [A] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS
26 SECTION, A person may not knowingly and willfully fail to comply with an order,
27 requirement, or directive issued under this subtitle.

28 [(b)] (2) A person who violates [subsection (a) of this section] PARAGRAPH
29 (1) OF THIS SUBSECTION is guilty of a misdemeanor and on conviction is subject to
30 imprisonment not exceeding 1 year or a fine not exceeding \$5,000 or both.

31 (B) (1) A HEALTH CARE PROVIDER LICENSED, CERTIFIED, OR
32 OTHERWISE AUTHORIZED TO PRACTICE A HEALTH OCCUPATION UNDER THE
33 HEALTH OCCUPATIONS ARTICLE MAY NOT KNOWINGLY AND WILLFULLY FAIL
34 TO COMPLY WITH § 14–3A–03(C) OF THIS SUBTITLE.

1 **(2) A HEALTH CARE PROVIDER WHO FAILS TO COMPLY WITH**
2 **PARAGRAPH (1) OF THIS SUBSECTION SHALL BE SUBJECT TO DISCIPLINE**
3 **UNDER § 1-214 OF THE HEALTH OCCUPATIONS ARTICLE.**

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2010.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.