

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
Enrolled - Revised

Senate Bill 103

(Senators Eckardt and Klausmeier)

Education, Health, and Environmental Affairs

Health and Government Operations

Health Occupations - Diagnostic Evaluation and Treatment of Patients -
Disciplinary Actions (The Patient's Access to Integrative Healthcare Act of 2020)

This bill prohibits a health occupations board or disciplinary panel from reprimanding a licensee or certificate holder, placing a licensee or certificate holder on probation, or suspending or revoking a license or certificate solely on the basis of the licensee's or certificate holder's use of a diagnostic evaluation or treatment of a patient that is integrative, complementary, alternative, or nonconventional, including in the treatment of Lyme disease or tick-borne illness. This prohibition may not be construed to release a licensee or certificate holder from the duty to exercise a professional standard of care when evaluating and treating a patient's medical condition. **The bill takes effect July 1, 2020.**

Fiscal Summary

State Effect: General fund revenues may decrease minimally, to the extent the bill results in less frequent imposition of disciplinary fines by health occupations boards. Special fund expenditures for the health occupations boards are not materially affected.

Local Effect: None.

Small Business Effect: Potential meaningful.

Analysis

Current Law: Under the Health Occupations Article, licensed and certified health care practitioners are subject to a range of disciplinary action by the appropriate health occupations boards; specific grounds for disciplinary action vary by occupation.

For example, subject to hearing provisions, a disciplinary panel of the State Board of Physicians (MBP), on the affirmative vote of a majority of the quorum of the panel, may reprimand a licensed physician, place a licensed physician on probation, or suspend or revoke a license if a licensed physician violates any 1 of 45 statutory disciplinary grounds.

Once a complaint is received, MBP staff conduct a preliminary investigation of the complaint. After the completion of any necessary preliminary investigation, a complaint must be assigned to a disciplinary panel. In general, a disciplinary panel must determine the final disposition of a complaint and has the independent authority to make a determination regarding the final disposition of a complaint. During the full investigation, the panel may also refer the case for peer review (through its contracted peer review entity) to solicit additional expertise.

Background: According to a 2012 national survey, more than 30% of adults and about 12% of children use health care approaches that are not typically part of conventional medical care or that may have origins outside of usual Western practice. Integrative health care is an approach to care that seeks to integrate the best of Western scientific medicine with a broader understanding of the nature of illness, healing, and wellness. Integrative medicine puts the patient at the center of the care and addresses the full range of physical, emotional, mental, social, spiritual, and environmental influences that affect a person's health. If a nonconventional practice is used together with conventional medicine, it is considered "complementary." If a nonconventional practice is used in place of conventional medicine, it is considered "alternative."

Small Business Effect: The bill may encourage health care practitioners to provide treatment and services that are integrative, complementary, alternative, or nonconventional.

Additional Information

Prior Introductions: None.

Designated Cross File: HB 259 (Delegate Szeliga, *et al.*) - Health and Government Operations.

Information Source(s): National Institutes of Health; Duke Integrative Medicine; Maryland Department of Health; Department of Legislative Services

Fiscal Note History: First Reader - January 20, 2020
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