

HB0776/353524/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 776

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “**Delegate Pena–Melnik**” and substitute “**Delegates Pena–Melnik, Alston, Bagnall, Bhandari, Chisholm, Cullison, Guzzone, Hill, Hutchinson, S. Johnson, Kaiser, Kerr, Kipke, Lopez, Martinez, M. Morgan, Reilly, Rosenberg, Ross, Szeliga, Taveras, White Holland, Woods, and Woorman**”; in line 15, after “requirements;” insert “authorizing the Board to impose a civil penalty for a certain report made in bad faith;”; in line 24, after “14–317,” insert “14–3A–01 Section 5(f).”; in line 28, strike “14–5A–18(c)(1) and (g)(1)” and substitute “14–5A–18”; in line 29, strike “14–5A–22.1(c)” and substitute “14–5A–22.1(b) and (c)”; and in line 30, strike “14–5B–15(c)(1)”.

On page 2, in line 1, strike “and (g)(1)” and substitute “14–5B–15”; in the same line, strike “14–5B–18.1(c)” and substitute “14–5B–18.1(b) and (c)”; in line 3, strike “14–5C–18(c)(1) and (g)(1)” and substitute “14–5C–18, 14–5C–22.1(b)”; in line 4, strike “14–5D–11.1(c)” and substitute “14–5D–11.1(b) and (c)”; in line 7, strike “14–5E–18(c)(1) and (g)(1)” and substitute “14–5E–18”; in lines 10 and 11, strike “14–5G–20(c)(1) and (g)(1)” and substitute “14–5G–20”; in line 11, strike “14–5G–26(c)” and substitute “14–5G–26(b) and (c)”; in lines 11 and 12, strike “15–103(b)(3), (e)(1), and (i)(1)” and substitute “15–103”; in line 14, strike “15–402.1(c)” and substitute “15–402.1(b) and (c)”; in line 30, strike the first “and (b)”; in the same line, strike “14–5B–18.1(a) and (b)” and substitute “14–5B–18.1(a)”; in line 31, strike “and (b)”; and in line 32, strike “15–103(e)(2),”; and in the same line, strike “and (b)”.

AMENDMENT NO. 2

On page 4, after line 29, insert:

“(E-2) “EMPLOYER” MEANS A PERSON THAT ENTERS AN ARRANGEMENT FOR PROFESSIONAL SERVICES, WHETHER PAID OR UNPAID OR CONTRACTUAL OR OTHERWISE, WITH AN INDIVIDUAL LICENSED UNDER THIS TITLE OR TITLE 15 OF THIS ARTICLE.”.

On page 12, in line 26, strike “\$25,000” and substitute “\$15,000”.

On page 17 in line 9, on page 34 in line 25, on page 40 in line 17, on page 46 in line 18, on page 53 in line 23, on page 57 in line 13, on page 64 in line 20, on page 74 in line 23, and on page 85 in line 14, in each instance, strike “10” and substitute “30”.

On page 17, after line 25, insert:

“14-3A-01.

SECTION 5. APPLICATION AND ISSUANCE OF EXPEDITED LICENSURE

(f) An expedited license obtained [though] THROUGH the Compact shall be terminated if a physician fails to maintain a license in the state of principal license for a nondisciplinary reason, without redesignation of a new state of principal license.”.

On page 20 in line 19, and on page 75 in line 15, in each instance, strike “OVERUTILIZATION OF health care services” and substitute “EXCESSIVE OR MEDICALLY UNNECESSARY PROCEDURES OR TREATMENT”.

On page 20 in line 26, and on page 86 in line 3, in each instance, strike “HINDERS” and substitute “WILLFULLY HINDERS”.

On page 27, strike beginning with “hospital” in line 17 down through “AND” in line 18; in line 18, after “EMPLOYER” insert “OF A LICENSED PHYSICIAN”; strike beginning with “after” in line 18 down through “reasons” in line 23 and substitute “IF:”

(I) THE EMPLOYER:

1. REDUCED, SUSPENDED, REVOKED, RESTRICTED, DENIED, CONDITIONED, OR DID NOT RENEW THE LICENSED PHYSICIAN'S CLINICAL PRIVILEGES, EMPLOYMENT, OR OTHER ABILITY TO PRACTICE OR TREAT PATIENTS;

2. INVOLUNTARILY TERMINATED OR RESTRICTED THE LICENSED PHYSICIAN'S EMPLOYMENT OR STAFF MEMBERSHIP; OR

3. ASKED THE LICENSED PHYSICIAN TO VOLUNTARILY RESIGN BECAUSE OF THE LICENSED PHYSICIAN'S CONDUCT OR WHILE THE LICENSED PHYSICIAN IS BEING INVESTIGATED; AND

(II) THE ACTION DESCRIBED UNDER ITEM (I) OF THIS PARAGRAPH WAS TAKEN:

1. FOR REASONS";

and after line 24, insert:

"2. BECAUSE THE LICENSED PHYSICIAN MAY HAVE ENGAGED IN AN ACT THAT MAY CONSTITUTE UNPROFESSIONAL CONDUCT;

3. BECAUSE THE LICENSED PHYSICIAN MAY BE UNABLE TO PRACTICE MEDICINE WITH REASONABLE SKILL AND SAFETY BECAUSE OF A PHYSICAL OR MENTAL CONDITION OR PROFESSIONAL INCOMPETENCE; OR

(Over)

4. BECAUSE THE LICENSED PHYSICIAN MAY HAVE HARMED OR PLACED ONE OR MORE PATIENTS OR THE PUBLIC AT UNREASONABLE RISK OF HARM BY ENGAGING IN AN ACT THAT CREATES AN IMMEDIATE OR CONTINUING DANGER.

(2) EACH REPORT SUBMITTED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE:

(I) THE ACTION TAKEN BY THE EMPLOYER;

(II) A DETAILED EXPLANATION OF THE REASONS FOR THE ACTION, INCLUDING REFERENCES TO SPECIFIC PATIENT MEDICAL RECORDS, IF ANY, THAT INFORMED THE EMPLOYER'S ACTION; AND

(III) THE STEPS TAKEN BY THE EMPLOYER TO INVESTIGATE THE CONDUCT OF THE LICENSED PHYSICIAN.

(3) (I) THE BOARD MAY REQUEST FROM THE EMPLOYER ADDITIONAL INFORMATION REGARDING AN ACTION DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION THAT WAS TAKEN BY THE EMPLOYER.

(II) IF AN EMPLOYER RECEIVES A REQUEST MADE UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE EMPLOYER SHALL PROMPTLY PROVIDE THE ADDITIONAL INFORMATION."

On pages 27 and 28, strike in their entirety the lines beginning with line 25 on page 27 through line 16 on page 28, inclusive.

On page 28, in lines 17 and 18, strike "A HOSPITAL, A RELATED INSTITUTION, AN ALTERNATIVE HEALTH SYSTEM, OR" and substitute "IF"; in line 18, strike "THAT

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HAS REASON TO KNOW THAT” and substitute “KNOWS THAT THE CONDUCT OF”; strike beginning with the first “HAS” in line 19 down through “LICENSE” in line 21 and substitute “REQUIRES THAT THE EMPLOYER SUBMIT A REPORT UNDER SUBSECTION (A)(1) OF THIS SECTION”; in line 22, strike “ALCOHOL-IMPAIRED OR DRUG-IMPAIRED” and substitute “IMPAIRED BY ALCOHOL OR ANOTHER SUBSTANCE, THE EMPLOYER”; in lines 24 and 25, strike “HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH SYSTEM, OR”; in line 26, strike “AN ALCOHOL OR DRUG” and substitute “A SUBSTANCE USE DISORDER”; in line 30, strike “ALCOHOLISM AND DRUG ABUSE” and substitute “SUBSTANCE USE DISORDERS”; in lines 31 and 32, strike “HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH SYSTEM, OR”; and in line 33, after “UNTIL” insert “SUCCESSFUL”.

On page 29, in line 2, strike “PRACTITIONER” and substitute “PHYSICIAN”; strike beginning with “(1)” in line 4 down through “OR” in line 24 and substitute “IF THE EMPLOYER KNOWS THAT THE LICENSED PHYSICIAN IS NONCOMPLIANT WITH THE SUBSTANCE USE DISORDER TREATMENT PROGRAM, THE”; after line 25, insert:

“(D) (1) THE BOARD MAY EXTEND THE REPORTING TIME UNDER THIS SECTION FOR GOOD CAUSE SHOWN.”;

in line 26, strike “(D)” and substitute “(2)”; in line 28, strike “ALCOHOL AND DRUG ABUSE” and substitute “SUBSTANCE USE DISORDER”; and in lines 34 and 35, strike “A HOSPITAL, A RELATED INSTITUTION, AN ALTERNATIVE HEALTH SYSTEM, OR AN” and substitute “AN”.

On page 30, in line 3, after “is” insert “PRIVILEGED, NOT SUBJECT TO INSPECTION UNDER THE PUBLIC INFORMATION ACT, AND”; in line 7, strike “failure” and substitute “KNOWINGLY FAILING”; and in line 8, after “(2)” insert “A DISCIPLINARY PANEL MAY IMPOSE A CIVIL PENALTY OF UP TO \$10,000 PER INCIDENT FOR A REPORT MADE BY AN EMPLOYER IN BAD FAITH.”

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(3)”.

On page 31, in lines 15 and 16, strike “A HOSPITAL, A RELATED INSTITUTION, AN ALTERNATIVE HEALTH CARE SYSTEM, OR”; and in line 19, strike “\$5,000” and substitute “\$10,000”.

On page 33, in line 16, strike “shall” and substitute “:

(1) SHALL”;

in lines 17 and 20, strike “(1)” and “(2)”, respectively, and substitute “**(I)**” and “**(II)**”, respectively; in lines 18 and 19, strike “**(I)**” and “**(II)**”, respectively, and substitute “**1.**” and “**2.**”, respectively; and in line 19, after “PROFESSION;” insert “**AND**”.

On page 34, strike line 9 in its entirety; and after line 9, insert:

(2) MAY:”.

On page 35, after line 20, insert:

“(a) **(1) Except as provided in subsections (b) and (d) of this section, [hospitals, related institutions, alternative health systems as defined in § 1–401 of this article, and employers] AN EMPLOYER OF A LICENSED RESPIRATORY CARE PRACTITIONER shall [file with] SUBMIT TO the Board a report [that the hospital, related institution, alternative health system, or employer limited, reduced, otherwise changed, or terminated any licensed respiratory care practitioner for any] IF:**

(I) THE EMPLOYER:

1. REDUCED, SUSPENDED, REVOKED, RESTRICTED, DENIED, CONDITIONED, OR DID NOT RENEW THE LICENSED RESPIRATORY CARE PRACTITIONER'S CLINICAL PRIVILEGES, EMPLOYMENT, OR OTHER ABILITY TO PRACTICE OR TREAT PATIENTS;

2. INVOLUNTARILY TERMINATED OR RESTRICTED THE LICENSED RESPIRATORY CARE PRACTITIONER'S EMPLOYMENT OR STAFF MEMBERSHIP; OR

3. ASKED THE LICENSED RESPIRATORY CARE PRACTITIONER TO VOLUNTARILY RESIGN BECAUSE OF THE LICENSED RESPIRATORY CARE PRACTITIONER'S CONDUCT OR WHILE THE LICENSED RESPIRATORY CARE PRACTITIONER IS BEING INVESTIGATED; AND

(II) THE ACTION DESCRIBED UNDER ITEM (I) OF THIS PARAGRAPH WAS TAKEN:

1. FOR reasons that might be grounds for disciplinary action under § 14-5A-17 of this subtitle;

2. BECAUSE THE LICENSED RESPIRATORY CARE PRACTITIONER MAY HAVE ENGAGED IN AN ACT THAT MAY CONSTITUTE UNPROFESSIONAL CONDUCT;

3. BECAUSE THE LICENSED RESPIRATORY CARE PRACTITIONER MAY BE UNABLE TO PRACTICE RESPIRATORY CARE WITH REASONABLE SKILL AND SAFETY BECAUSE OF A PHYSICAL OR MENTAL CONDITION OR PROFESSIONAL INCOMPETENCE; OR

(Over)

4. BECAUSE THE LICENSED RESPIRATORY CARE PRACTITIONER MAY HAVE HARMED OR PLACED ONE OR MORE PATIENTS OR THE PUBLIC AT UNREASONABLE RISK OF HARM BY ENGAGING IN AN ACT THAT CREATES AN IMMEDIATE OR CONTINUING DANGER.

(2) A REPORT SUBMITTED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE:

(I) THE ACTION TAKEN BY THE EMPLOYER;

(II) A DETAILED EXPLANATION OF THE REASONS FOR THE ACTION, INCLUDING REFERENCES TO SPECIFIC PATIENT MEDICAL RECORDS, IF ANY, THAT INFORMED THE EMPLOYER'S ACTION; AND

(III) THE STEPS TAKEN BY THE EMPLOYER TO INVESTIGATE THE CONDUCT OF THE LICENSED RESPIRATORY CARE PRACTITIONER.

(3) (I) THE BOARD MAY REQUEST FROM THE EMPLOYER ADDITIONAL INFORMATION REGARDING AN ACTION DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION THAT WAS TAKEN BY THE EMPLOYER.

(II) IF AN EMPLOYER RECEIVES A REQUEST MADE UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE EMPLOYER SHALL PROMPTLY PROVIDE THE ADDITIONAL INFORMATION.

(b) [A hospital, related institution, alternative health system, or] IF AN employer [that has reason to know that] KNOWS THAT THE CONDUCT OF a licensed respiratory care practitioner [has committed an action or has a condition that might be grounds for reprimand or probation of the licensed respiratory care practitioner or suspension or revocation of the license] REQUIRES THAT THE EMPLOYER SUBMIT A

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REPORT UNDER SUBSECTION (A)(1) OF THIS SECTION because the licensed respiratory care practitioner is [alcohol impaired or drug] impaired BY ALCOHOL OR ANOTHER SUBSTANCE, THE EMPLOYER is not required to report the RESPIRATORY CARE practitioner to the Board if:

(1) The [hospital, related institution, alternative health system, or] employer knows that the licensed respiratory care practitioner is:

(i) In [an alcohol or drug] A SUBSTANCE USE DISORDER treatment program that is accredited by [the] THE Joint Commission [on Accreditation of Healthcare Organizations] or is certified by the Department; or

(ii) Under the care of a health care practitioner who is competent and capable of dealing with [alcoholism and drug abuse] SUBSTANCE USE DISORDERS;

(2) The [hospital, related institution, alternative health system, or] employer is able to verify that the licensed respiratory care practitioner remains in the treatment program until SUCCESSFUL discharge; and

(3) The action or condition of the licensed respiratory care practitioner has not caused injury to any person while the RESPIRATORY CARE practitioner is practicing as a licensed respiratory care practitioner.”;

strike beginning with “(1)” in line 21 down through “program.” in line 26; after line 26, insert:

“(2) If the licensed respiratory care practitioner fails to provide the notice required under paragraph (1) of this subsection, and the hospital, related institution, alternative health system, or employer learns that the licensed respiratory care practitioner has entered a treatment program, the hospital, related institution, alternative health system, or employer shall report to the Board that the licensed

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respiratory care practitioner has entered a treatment program and has failed to provide the required notice.

(3) If the licensed respiratory care practitioner is found to be noncompliant with the treatment program's policies and procedures while in the treatment program, the treatment program shall notify the hospital, related institution, alternative health system, or employer of the licensed respiratory care practitioner's noncompliance.

(4) On receipt of the notification required under paragraph (3) of this subsection, the hospital, related institution, alternative health system, or] **IF THE EMPLOYER KNOWS THAT THE LICENSED RESPIRATORY CARE PRACTITIONER IS NONCOMPLIANT WITH THE SUBSTANCE USE DISORDER TREATMENT PROGRAM,** THE employer of the licensed respiratory care practitioner shall report the licensed respiratory care practitioner's noncompliance to the Board.

(d) **(1) THE BOARD MAY EXTEND THE REPORTING UNDER THIS SECTION FOR GOOD CAUSE SHOWN.**

(2) A person is not required under this section to make any report that would be in violation of any federal or State law, rule, or regulation concerning the confidentiality of [alcohol and drug abuse] SUBSTANCE USE DISORDER patient records.

(E) THE BOARD MAY ENFORCE THIS SECTION BY SUBPOENA.

(F) ANY PERSON SHALL HAVE THE IMMUNITY FROM LIABILITY DESCRIBED UNDER § 5-715(D) OF THE COURTS ARTICLE FOR GIVING ANY OF THE INFORMATION REQUIRED BY THIS SECTION.

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[(e)] (G) [The hospital, related institution, alternative health system, or] AN employer REQUIRED TO MAKE A REPORT TO THE BOARD UNDER THIS SECTION shall submit the report within 10 days [of any] AFTER THE action [described in this section] REQUIRING THE REPORT.

[(f)] (H) (1) A report made under this section is PRIVILEGED, NOT SUBJECT TO INSPECTION UNDER THE PUBLIC INFORMATION ACT, AND not subject to subpoena or discovery in any civil action other than a proceeding arising out of a hearing and decision of the Board or a disciplinary panel under this title.”;

in line 27, strike “(g)” and substitute “**(I)**”; in line 28, strike “failure” and substitute “**KNOWINGLY FAILING**”; and after line 28, insert:

“(2) A DISCIPLINARY PANEL MAY IMPOSE A CIVIL PENALTY OF UP TO \$5,000 PER INCIDENT FOR A REPORT MADE BY AN EMPLOYER IN BAD FAITH.

(3) The Board shall remit any penalty collected under this subsection into the General Fund of the State.”.

On page 36, strike beginning with “a” in line 3 down through “or” in line 4 and substitute “**AN**”.

On page 38, in line 23, strike “shall” and substitute “**:**”

(1) SHALL”;

in lines 24 and 28, strike “(1)” and “(2)”, respectively, and substitute “**(I)**” and “**(II)**”, respectively; in lines 26 and 27, strike “(I)” and “(II)”, respectively, and substitute “**1.**” and “**2.**”, respectively; and in line 27, after “**PROFESSION;**” insert “**AND**”.

(Over)

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On page 39, strike line 17 in its entirety; and after line 17, insert:

“(2) MAY:”.

On page 41, after line 13, insert:

“(a) (1) Except as provided in subsections (b) and (d) of this section, [hospitals, related institutions, alternative health systems as defined in § 1–401 of this article, and employers] EACH EMPLOYER OF A LICENSEE shall [file with] SUBMIT TO the Board a report [that the hospital, related institution, alternative health system, or employer limited, reduced, otherwise changed, or terminated any licensee for any reason] IF:

(I) THE EMPLOYER:

1. REDUCED, SUSPENDED, REVOKED, RESTRICTED, DENIED, CONDITIONED, OR DID NOT RENEW THE LICENSEE’S CLINICAL PRIVILEGES, EMPLOYMENT, OR OTHER ABILITY TO PRACTICE OR TREAT PATIENTS;

2. INVOLUNTARILY TERMINATED OR RESTRICTED THE LICENSEE’S EMPLOYMENT OR STAFF MEMBERSHIP; OR

3. ASKED THE LICENSEE TO VOLUNTARILY RESIGN BECAUSE OF THE LICENSEE’S CONDUCT OR WHILE THE LICENSEE IS BEING INVESTIGATED; AND

(II) THE ACTION DESCRIBED UNDER ITEM (I) OF THIS PARAGRAPH WAS TAKEN:

1. FOR REASONS that might be grounds for disciplinary action under § 14-5B-14 of this subtitle;

2. BECAUSE THE LICENSEE MAY HAVE ENGAGED IN AN ACT THAT MAY CONSTITUTE UNPROFESSIONAL CONDUCT;

3. BECAUSE THE LICENSEE MAY BE UNABLE TO PRACTICE NUCLEAR MEDICINE TECHNOLOGY, RADIATION THERAPY, RADIOGRAPHY, OR RADIOLOGY ASSISTANCE WITH REASONABLE SKILL AND SAFETY BECAUSE OF A PHYSICAL OR MENTAL CONDITION OR PROFESSIONAL INCOMPETENCE; OR

4. BECAUSE THE LICENSEE MAY HAVE HARMED OR PLACED ONE OR MORE PATIENTS OR THE PUBLIC AT UNREASONABLE RISK OF HARM BY ENGAGING IN AN ACT THAT CREATES AN IMMEDIATE OR CONTINUING DANGER.

(2) EACH REPORT SUBMITTED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE:

(I) THE ACTION TAKEN BY THE EMPLOYER;

(II) A DETAILED EXPLANATION OF THE REASONS FOR THE ACTION, INCLUDING REFERENCES TO SPECIFIC PATIENT MEDICAL RECORDS, IF ANY, THAT INFORMED THE EMPLOYER'S ACTION; AND

(III) THE STEPS TAKEN BY THE EMPLOYER TO INVESTIGATE THE CONDUCT OF THE LICENSEE.

(Over)

(3) (I) THE BOARD MAY REQUEST FROM THE EMPLOYER ADDITIONAL INFORMATION REGARDING AN ACTION DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION THAT WAS TAKEN BY THE EMPLOYER.

(II) IF AN EMPLOYER RECEIVES A REQUEST MADE UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE EMPLOYER SHALL PROMPTLY PROVIDE THE ADDITIONAL INFORMATION.

(b) [A hospital, related institution, alternative health system, or] IF AN employer [that has reason to know that] KNOWS THAT THE CONDUCT OF a licensee [has committed an action or has a condition that might be grounds for reprimand or probation of the licensee or suspension or revocation of the licensure] REQUIRES THAT THE EMPLOYER SUBMIT A REPORT UNDER SUBSECTION (A)(1) OF THIS SECTION because the licensee is [alcohol impaired or drug] impaired BY ALCOHOL OR ANOTHER SUBSTANCE, THE EMPLOYER is not required to report the licensee to the Board if:

(1) The [hospital, related institution, alternative health system, or] employer knows that the licensee is:

(i) In [an alcohol or drug] A SUBSTANCE USE DISORDER treatment program that is accredited by [the] THE Joint Commission [on Accreditation of Healthcare Organizations] or is certified by the Department; or

(ii) Under the care of a health care practitioner who is competent and capable of dealing with [alcoholism and drug abuse] SUBSTANCE USE DISORDERS:

(2) (i) The [hospital, related institution, alternative health system, or] employer is able to verify that the licensee remains in the treatment program until SUCCESSFUL discharge; and

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(ii) The action or condition of the licensee has not caused injury to any person while the licensee is practicing AS A LICENSED NUCLEAR MEDICINE TECHNOLOGIST, LICENSED RADIATION THERAPIST, LICENSED RADIOGRAPHER, OR LICENSED RADIOLOGIST ASSISTANT.”;

strike beginning with “(1)” in line 14 down through “program.” in line 18; after line 18, insert:

“(2) If the licensee fails to provide the notice required under paragraph (1) of this subsection, and the hospital, related institution, alternative health system, or employer learns that the licensee has entered a treatment program, the hospital, related institution, alternative health system, or employer shall report to the Board that the licensee has entered a treatment program and has failed to provide the required notice.

(3) If the licensee is found to be noncompliant with the treatment program’s policies and procedures while in the treatment program, the treatment program shall notify the hospital, related institution, alternative health system, or employer of the licensee’s noncompliance.

(4) On receipt of the notification required under paragraph (3) of this subsection, the hospital, related institution, alternative health system, or] IF THE EMPLOYER KNOWS THAT THE LICENSEE IS NONCOMPLIANT WITH THE SUBSTANCE USE DISORDER TREATMENT PROGRAM, THE employer of the licensee shall report the licensee’s noncompliance to the Board.

(d) (1) THE BOARD MAY EXTEND THE REPORTING UNDER THIS SECTION FOR GOOD CAUSE SHOWN.

(2) A person is not required under this section to make any report that would be in violation of any federal or State law, rule, or regulation concerning the

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confidentiality of [alcohol and drug abuse] SUBSTANCE USE DISORDER patient records.

(E) THE BOARD MAY ENFORCE THIS SECTION BY SUBPOENA.

(F) ANY PERSON SHALL HAVE THE IMMUNITY FROM LIABILITY DESCRIBED UNDER § 5-715(D) OF THE COURTS ARTICLE FOR GIVING ANY OF THE INFORMATION REQUIRED BY THIS SECTION.

[(e)] (G) [The hospital, related institution, alternative health system, or] AN employer REQUIRED TO MAKE A REPORT TO THE BOARD UNDER THIS SECTION shall submit the report within 10 days [of any] AFTER THE action [described in this section] REQUIRING THE REPORT.

[(f)] (H) A report made under this section is PRIVILEGED, NOT SUBJECT TO INSPECTION UNDER THE PUBLIC INFORMATION ACT, AND not subject to subpoena or discovery in any civil action other than a proceeding arising out of a hearing and decision of the Board or a disciplinary panel under this title.”;

in line 19, strike “(g)” and substitute “**(I)**”; in line 20, strike “failure” and substitute “**KNOWINGLY FAILING**”; after line 20, insert:

“(2) A DISCIPLINARY PANEL MAY IMPOSE A CIVIL PENALTY OF UP TO \$5,000 PER INCIDENT FOR A REPORT MADE BY AN EMPLOYER IN BAD FAITH.

(3) The Board shall remit any penalty collected under this subsection into the General Fund of the State.”;

and strike beginning with “a” in line 25 down through “or” in line 26 and substitute “**AN**”.

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On page 44, in line 10, strike “shall” and substitute “:

(1) SHALL”;

in lines 11 and 14, strike “(1)” and “(2)”, respectively, and substitute “**(I)**” and “**(II)**”, respectively; in lines 12 and 13, strike “**(I)**” and “**(II)**”, respectively, and substitute “**1.**” and “**2.**”, respectively; and in line 13, after “**PROFESSION;**” insert “**AND**”.

On page 45, strike line 10 in its entirety; and after line 10, insert:

(2) MAY:”.

On page 47, after line 14, insert:

“(a) (1) Except as provided in subsections (b) and (d) of this section, [hospitals, related institutions, alternative health systems as defined in § 1–401 of this article, and employers] EACH EMPLOYER OF A LICENSED POLYSOMNOGRAPHIC TECHNOLOGIST shall [file with] SUBMIT TO the Board a report [that the hospital, related institution, alternative health system, or employer limited, reduced, otherwise changed, or terminated any licensed polysomnographic technologist for any reason] IF:

(I) THE EMPLOYER:

1. REDUCED, SUSPENDED, REVOKED, RESTRICTED, DENIED, CONDITIONED, OR DID NOT RENEW THE LICENSED POLYSOMNOGRAPHIC TECHNOLOGIST’S CLINICAL PRIVILEGES, EMPLOYMENT, OR OTHER ABILITY TO PRACTICE OR TREAT PATIENTS;

(Over)

2. INVOLUNTARILY TERMINATED OR RESTRICTED THE LICENSED POLYSOMNOGRAPHIC TECHNOLOGIST'S EMPLOYMENT OR STAFF MEMBERSHIP; OR

3. ASKED THE LICENSED POLYSOMNOGRAPHIC TECHNOLOGIST TO VOLUNTARILY RESIGN BECAUSE OF THE LICENSED POLYSOMNOGRAPHIC TECHNOLOGIST'S CONDUCT OR WHILE THE LICENSED POLYSOMNOGRAPHIC TECHNOLOGIST IS BEING INVESTIGATED; AND

(II) THE ACTION DESCRIBED UNDER ITEM (I) OF THIS PARAGRAPH WAS TAKEN:

1. FOR REASONS that might be grounds for disciplinary action under § 14-5C-17 of this subtitle;

2. BECAUSE THE LICENSED POLYSOMNOGRAPHIC TECHNOLOGIST MAY HAVE ENGAGED IN AN ACT THAT MAY CONSTITUTE UNPROFESSIONAL CONDUCT;

3. BECAUSE THE LICENSED POLYSOMNOGRAPHIC TECHNOLOGIST MAY BE UNABLE TO PRACTICE POLYSOMNOGRAPHY WITH REASONABLE SKILL AND SAFETY BECAUSE OF A PHYSICAL OR MENTAL CONDITION OR PROFESSIONAL INCOMPETENCE; OR

4. BECAUSE THE LICENSED POLYSOMNOGRAPHIC TECHNOLOGIST MAY HAVE HARMED OR PLACED ONE OR MORE PATIENTS OR THE PUBLIC AT UNREASONABLE RISK OF HARM BY ENGAGING IN AN ACT THAT CREATES AN IMMEDIATE OR CONTINUING DANGER.

(2) EACH REPORT SUBMITTED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE:

(I) THE ACTION TAKEN BY THE EMPLOYER;

(II) A DETAILED EXPLANATION OF THE REASONS FOR THE ACTION, INCLUDING REFERENCES TO SPECIFIC PATIENT MEDICAL RECORDS, IF ANY, THAT INFORMED THE EMPLOYER'S ACTION; AND

(III) THE STEPS TAKEN BY THE EMPLOYER TO INVESTIGATE THE CONDUCT OF THE LICENSED POLYSOMNOGRAPHIC TECHNOLOGIST.

(3) (I) THE BOARD MAY REQUEST FROM THE EMPLOYER ADDITIONAL INFORMATION REGARDING AN ACTION DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION THAT WAS TAKEN BY THE EMPLOYER.

(II) IF AN EMPLOYER RECEIVES A REQUEST MADE UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE EMPLOYER SHALL PROMPTLY PROVIDE THE ADDITIONAL INFORMATION.

(b) [A hospital, related institution, alternative health system, or] IF AN employer [that has reason to know] KNOWS that THE CONDUCT OF a licensed polysomnographic technologist [has committed an action or has a condition that might be grounds for reprimand or probation of the licensed polysomnographic technologist or suspension or revocation of the license] REQUIRES THAT THE EMPLOYER SUBMIT A REPORT UNDER SUBSECTION (A)(1) OF THIS SECTION because the licensed polysomnographic technologist is [alcohol impaired or drug] impaired BY ALCOHOL OR ANOTHER SUBSTANCE, THE EMPLOYER is not required to report the technologist to the Board if:

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(1) The [hospital, related institution, alternative health system, or] employer knows that the licensed polysomnographic technologist is:

(i) In [an alcohol or drug] A SUBSTANCE USE DISORDER treatment program that is accredited by [the] THE Joint Commission [on Accreditation of Healthcare Organizations] or is certified by the Department; or

(ii) Under the care of a health care practitioner who is competent and capable of dealing with [alcoholism and drug abuse] SUBSTANCE USE DISORDERS; and

(2) (i) The [hospital, related institution, alternative health system, or] employer is able to verify that the licensed polysomnographic technologist remains in the treatment program until SUCCESSFUL discharge; and

(ii) The action or condition of the licensed polysomnographic technologist has not caused injury to any person while the LICENSED POLYSOMNOGRAPHIC technologist is practicing as a licensed polysomnographic technologist.”;

strike beginning with “(1)” in line 15 down through “program.” in line 20; after line 20, insert:

“(2) If the licensed polysomnographic technologist fails to provide the notice required under paragraph (1) of this subsection, and the hospital, related institution, alternative health system, or employer learns that the licensed polysomnographic technologist has entered a treatment program, the hospital, related institution, alternative health system, or employer shall report to the Board that the licensed polysomnographic technologist has entered a treatment program and has failed to provide the required notice.

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(3) If the licensed polysomnographic technologist is found to be noncompliant with the treatment program's policies and procedures while in the treatment program, the treatment program shall notify the hospital, related institution, alternative health system, or employer of the licensed polysomnographic technologist's noncompliance.

(4) On receipt of the notification required under paragraph (3) of this subsection, the hospital, related institution, alternative health system, or] IF THE EMPLOYER KNOWS THAT THE LICENSED POLYSOMNOGRAPHIC TECHNOLOGIST IS NONCOMPLIANT WITH THE SUBSTANCE USE DISORDER TREATMENT PROGRAM, THE employer of the licensed polysomnographic technologist shall report the licensed polysomnographic technologist's noncompliance to the Board.

(d) (1) THE BOARD MAY EXTEND THE REPORTING UNDER THIS SECTION FOR GOOD CAUSE SHOWN.

(2) A person is not required under this section to make any report that would be in violation of any federal or State law, rule, or regulation concerning the confidentiality of [alcohol and drug abuse] SUBSTANCE USE DISORDER patient records.

(E) THE BOARD MAY ENFORCE THIS SECTION BY SUBPOENA.

(F) ANY PERSON SHALL HAVE THE IMMUNITY FROM LIABILITY DESCRIBED UNDER § 5-715(D) OF THE COURTS ARTICLE FOR GIVING ANY OF THE INFORMATION REQUIRED BY THIS SECTION.

[(e)] (G) [The hospital, related institution, alternative health system, or] AN employer REQUIRED TO MAKE A REPORT TO THE BOARD UNDER THIS SECTION

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shall submit the report within 10 days [of any] AFTER THE action [described in this section] REQUIRING THE REPORT.

[(f)] (H) A report made under this section is PRIVILEGED, NOT SUBJECT TO INSPECTION UNDER THE PUBLIC INFORMATION ACT, AND not subject to subpoena or discovery in any civil action other than a proceeding arising out of a hearing and decision of the Board or a disciplinary panel under this title.”;

in line 21, strike “(g)” and substitute “**(I)**”; in line 22, strike “failure” and substitute “**KNOWINGLY FAILING**”; and after line 22, insert:

“(2) A DISCIPLINARY PANEL MAY IMPOSE A CIVIL PENALTY OF UP TO \$5,000 PER INCIDENT FOR A REPORT MADE BY AN EMPLOYER IN BAD FAITH.

(3) The Board shall remit any penalty collected under this subsection into the General Fund of the State.

14-5C-22.1.

(b) Except as otherwise provided in this subtitle, [a hospital, a related institution, an alternative health system, or] an employer may not employ an individual practicing polysomnography without a license.”.

On page 50, in line 8, strike “shall” and substitute “:

(1) SHALL”;

in lines 9 and 12, strike “(1)” and “(2)”, respectively, and substitute “**(I)**” and “**(II)**”, respectively; in lines 10 and 11, strike “**(I)**” and “**(II)**”, respectively, and substitute “**1.**”

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and “2.”, respectively; in line 11, after “**PROFESSION;**” insert “AND”; strike line 23 in its entirety; and after line 23, insert:

“(2) MAY:”.

On page 51, after line 13, insert:

“(b) Except as otherwise provided in this subtitle, [a hospital, an institution, an alternative health system, or any other] AN employer may not employ an individual practicing athletic training without a license or without an approved evaluation and treatment protocol.”;

in line 18, after “**(A)**” insert “**(1)**”; in line 19, strike “**EACH HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH SYSTEM, AND**” and substitute “**EACH**”; in line 20, after “**EMPLOYER**” insert “**OF A LICENSED ATHLETIC TRAINER**”; in the same line, strike “**FILE WITH**” and substitute “**SUBMIT TO**”; strike beginning with “**THAT**” in line 20 down through “**REASON**” in line 23 and substitute “**IF:**”

(1) THE EMPLOYER:

1. REDUCED, SUSPENDED, REVOKED, RESTRICTED, DENIED, CONDITIONED, OR DID NOT RENEW THE LICENSED ATHLETIC TRAINER’S CLINICAL PRIVILEGES, EMPLOYMENT, OR OTHER ABILITY TO PRACTICE OR TREAT PATIENTS;

2. INVOLUNTARILY TERMINATED OR RESTRICTED THE LICENSED ATHLETIC TRAINER’S EMPLOYMENT OR STAFF MEMBERSHIP; OR

3. ASKED THE LICENSED ATHLETIC TRAINER TO VOLUNTARILY RESIGN BECAUSE OF THE LICENSED ATHLETIC TRAINER’S

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CONDUCT OR WHILE THE LICENSED ATHLETIC TRAINER IS BEING INVESTIGATED;
AND

(II) THE ACTION DESCRIBED UNDER ITEM (I) OF THIS
PARAGRAPH WAS TAKEN:

1. FOR REASONS”;

in line 24, after “SUBTITLE” insert “;

2. BECAUSE THE LICENSED ATHLETIC TRAINER MAY
HAVE ENGAGED IN AN ACT THAT MAY CONSTITUTE UNPROFESSIONAL CONDUCT;

3. BECAUSE THE LICENSED ATHLETIC TRAINER MAY
BE UNABLE TO PRACTICE ATHLETIC TRAINING WITH REASONABLE SKILL AND
SAFETY BECAUSE OF A PHYSICAL OR MENTAL CONDITION OR PROFESSIONAL
INCOMPETENCE; OR

4. BECAUSE THE LICENSED ATHLETIC TRAINER MAY
HAVE HARMED OR PLACED ONE OR MORE PATIENTS OR THE PUBLIC AT
UNREASONABLE RISK OF HARM BY ENGAGING IN AN ACT THAT CREATES AN
IMMEDIATE OR CONTINUING DANGER.

(2) A REPORT REQUIRED UNDER PARAGRAPH (1) OF THIS
SUBSECTION SHALL INCLUDE:

(I) THE ACTION TAKEN BY THE EMPLOYER;

(II) A DETAILED EXPLANATION OF THE REASONS FOR THE ACTION, INCLUDING REFERENCES TO SPECIFIC PATIENT MEDICAL RECORDS, IF ANY, THAT INFORMED THE EMPLOYER’S ACTION; AND

(III) THE STEPS TAKEN BY THE EMPLOYER TO INVESTIGATE THE CONDUCT OF THE LICENSEE.

(3) (I) THE BOARD MAY REQUEST FROM THE EMPLOYER ADDITIONAL INFORMATION REGARDING AN ACTION DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION THAT WAS TAKEN BY THE EMPLOYER.

(II) IF AN EMPLOYER RECEIVES A REQUEST MADE UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE EMPLOYER SHALL PROMPTLY PROVIDE THE ADDITIONAL INFORMATION”;

in lines 25 and 26, strike “**A HOSPITAL, A RELATED INSTITUTION, AN ALTERNATIVE HEALTH SYSTEM, OR**” and substitute “**IF**”; in line 26, strike “**THAT HAS REASON TO KNOW THAT**” and substitute “**KNOWS THAT THE CONDUCT OF**”; strike beginning with the first “**HAS**” in line 27 down through “**LICENSE**” in line 29 and substitute “**REQUIRES THAT THE EMPLOYER SUBMIT A REPORT UNDER SUBSECTION (A)(1) OF THIS SECTION**”; and in line 30, strike “**ALCOHOL-IMPAIRED OR DRUG-IMPAIRED**” and substitute “**IMPAIRED BY ALCOHOL OR ANOTHER SUBSTANCE, THE EMPLOYER**”; and in line 31, after the first “**THE**” insert “**LICENSED**”.

On page 52, in lines 1 and 2, strike “**HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH SYSTEM, OR**”; in line 3, strike “**AN ALCOHOL OR DRUG**” and substitute “**SUBSTANCE USE DISORDER**”; in line 7, strike “**ALCOHOLISM AND DRUG ABUSE**” and substitute “**SUBSTANCE USE DISORDERS**”; in lines 8 and 9, strike “**HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH SYSTEM, OR**”; in line

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10, after “UNTIL” insert “SUCCESSFUL”; and in line 12, strike “PRACTITIONER” and substitute “LICENSED ATHLETIC TRAINER”.

On pages 52 and 53, strike beginning with “(1)” in line 14 on page 52 down through “OR” in line 3 on page 53 and substitute “IF THE EMPLOYER KNOWS THAT THE LICENSED ATHLETIC TRAINER IS NONCOMPLIANT WITH THE SUBSTANCE USE DISORDER TREATMENT PROGRAM, THE”.

On page 53, after line 4, insert:

“(D) (1) THE BOARD MAY EXTEND THE REPORTING UNDER THIS SECTION FOR GOOD CAUSE SHOWN.”;

in line 5, strike “(D)” and substitute “(2)”; in line 7, strike “ALCOHOL AND DRUG ABUSE” and substitute “SUBSTANCE USE DISORDER”; after line 8, insert:

“(E) THE BOARD MAY ENFORCE THIS SECTION BY SUBPOENA.

(F) ANY PERSON SHALL HAVE THE IMMUNITY FROM LIABILITY DESCRIBED UNDER § 5-715(D) OF THE COURTS ARTICLE FOR GIVING ANY OF THE INFORMATION REQUIRED BY THIS SECTION.”;

in line 9, strike “(E)” and substitute “(G)”; in lines 9 and 10, strike “A HOSPITAL, A RELATED INSTITUTION, AN ALTERNATIVE HEALTH SYSTEM, OR AN” and substitute “AN”; in line 13, strike “(F)” and substitute “(H)”; in the same line, after “IS” insert “PRIVILEGED, NOT SUBJECT TO INSPECTION UNDER THE PUBLIC INFORMATION ACT, AND”; in line 17, strike “(G)” and substitute “(I)”; in line 18, strike “FAILURE” and substitute “KNOWINGLY FAILING”; and in line 19, after “(2)” insert “A DISCIPLINARY PANEL MAY IMPOSE A CIVIL PENALTY OF UP TO \$5,000 PER INCIDENT FOR A REPORT MADE BY AN EMPLOYER IN BAD FAITH.”

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(3)”.

On page 56, in line 14, strike “shall” and substitute “:

(1) SHALL”;

in lines 15 and 23, strike “(1)” and “(2)”, respectively, and substitute “**(I)**” and “**(II)**”, respectively; in lines 16 and 17, strike “(i)” and “(ii)”, respectively, and substitute “**1.**” and “**2.**”, respectively; in line 22, after “**PROFESSION;**” insert “**AND**”; strike in their entirety lines 24 and 25; and after line 25, insert:

(2) MAY:”.

On page 58, after line 11, insert:

“(a) (1) Except as provided in subsections (b) and (d) of this section, [hospitals, related institutions, alternative health systems as defined in § 1–401 of this article, and employers] EACH EMPLOYER OF A LICENSED PERFUSIONIST shall [file with] SUBMIT TO the Board a report [that the hospital, related institution, alternative health system, or employer limited, reduced, otherwise changed, or terminated any licensed perfusionist for any reason] IF:

(I) THE EMPLOYER:

1. REDUCED, SUSPENDED, REVOKED, RESTRICTED, DENIED, CONDITIONED, OR DID NOT RENEW THE LICENSED PERFUSIONIST’S CLINICAL PRIVILEGES, EMPLOYMENT, OR OTHER ABILITY TO PRACTICE OR TREAT PATIENTS;

(Over)

2. INVOLUNTARILY TERMINATED OR RESTRICTED THE LICENSEE'S EMPLOYMENT OR STAFF MEMBERSHIP; OR

3. ASKED THE LICENSEE TO VOLUNTARILY RESIGN BECAUSE OF THE LICENSED PERFUSIONIST'S CONDUCT OR WHILE THE LICENSEE IS BEING INVESTIGATED; AND

(II) THE ACTION DESCRIBED UNDER ITEM (I) OF THIS PARAGRAPH WAS TAKEN:

1. FOR REASONS that might be grounds for disciplinary action under § 14-5E-16 of this subtitle;

2. BECAUSE THE LICENSED PERFUSIONIST MAY HAVE ENGAGED IN AN ACT THAT MAY CONSTITUTE UNPROFESSIONAL CONDUCT;

3. BECAUSE THE LICENSED PERFUSIONIST MAY BE UNABLE TO PRACTICE PERFUSION WITH REASONABLE SKILL AND SAFETY BECAUSE OF A PHYSICAL OR MENTAL CONDITION OR PROFESSIONAL INCOMPETENCE; OR

4. BECAUSE THE LICENSED PERFUSIONIST MAY HAVE HARMED OR PLACED ONE OR MORE PATIENTS OR THE PUBLIC AT UNREASONABLE RISK OF HARM BY ENGAGING IN AN ACT THAT CREATES AN IMMEDIATE OR CONTINUING DANGER.

(2) A REPORT REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE:

(I) THE ACTION TAKEN BY THE EMPLOYER;

(II) A DETAILED EXPLANATION OF THE REASONS FOR THE ACTION, INCLUDING REFERENCES TO SPECIFIC PATIENT MEDICAL RECORDS, IF ANY, THAT INFORMED THE EMPLOYER’S ACTION; AND

(III) THE STEPS TAKEN BY THE EMPLOYER TO INVESTIGATE THE CONDUCT OF THE LICENSED PERFUSIONIST.

(3) (I) THE BOARD MAY REQUEST FROM THE EMPLOYER ADDITIONAL INFORMATION REGARDING AN ACTION DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION THAT WAS TAKEN BY THE EMPLOYER.

(II) IF AN EMPLOYER RECEIVES A REQUEST MADE UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE EMPLOYER SHALL PROMPTLY PROVIDE THE ADDITIONAL INFORMATION.

(b) [A hospital, related institution, alternative health system, or] IF AN employer [that has reason to know that] KNOWS THAT THE CONDUCT OF a licensed perfusionist [has committed an act or has a condition that might be grounds for reprimand or probation of the licensed perfusionist or suspension or revocation of the license] REQUIRES THAT THE EMPLOYER SUBMIT A REPORT UNDER SUBSECTION (A)(1) OF THIS SECTION because the licensed perfusionist is [alcohol-impaired or drug-impaired] IMPAIRED BY ALCOHOL OR ANOTHER SUBSTANCE, THE EMPLOYER is not required to report the licensed perfusionist to the Board if:

(1) The [hospital, related institution, alternative health system, or] employer knows that the licensed perfusionist is:

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(i) In [an alcohol or drug] A SUBSTANCE USE DISORDER treatment program that is accredited by [the] THE Joint Commission [or its successor], or is certified by the Department; or

(ii) Under the care of a health care practitioner who is competent and capable of dealing with [alcoholism and drug abuse] SUBSTANCE USE DISORDERS; and

(2) (i) The [hospital, related institution, alternative health system, or] employer is able to verify that the licensed perfusionist remains in the treatment program until SUCCESSFUL discharge; and

(ii) The action or condition of the licensed perfusionist has not caused injury to any person while the perfusionist is practicing as a licensed perfusionist.”;

strike beginning with “(1)” in line 12 down through “program.” in line 17; after line 17, insert:

“(2) If the licensed perfusionist fails to provide the notice required under paragraph (1) of this subsection, and the hospital, related institution, alternative health system, or employer learns that the licensed perfusionist has entered a treatment program, the hospital, related institution, alternative health system, or employer shall report to the Board that the licensed perfusionist has entered a treatment program and has failed to provide the required notice.

(3) If the licensed perfusionist is found to be noncompliant with the treatment program’s policies and procedures while in the treatment program, the treatment program shall notify the hospital, related institution, alternative health system, or employer of the licensed perfusionist’s noncompliance.

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(4) On receipt of the notification required under paragraph (3) of this subsection, the hospital, related institution, alternative health system, or] IF THE EMPLOYER KNOWS THAT THE LICENSED PERFUSIONIST IS NONCOMPLIANT WITH THE SUBSTANCE USE DISORDER PROGRAM, THE employer of the licensed perfusionist shall report the licensed perfusionist's noncompliance to the Board.

(d) (1) THE BOARD MAY EXTEND THE REPORTING UNDER THIS SECTION FOR GOOD CAUSE SHOWN.

(2) A person is not required under this section to make any report that would be in violation of any federal or State law, rule, or regulation concerning the confidentiality of [alcohol- and drug abuse-related] SUBSTANCE USE DISORDER patient records.

(E) THE BOARD MAY ENFORCE THIS SECTION BY SUBPOENA.

(F) ANY PERSON SHALL HAVE THE IMMUNITY FROM LIABILITY DESCRIBED UNDER § 5-715(D) OF THE COURTS ARTICLE FOR GIVING ANY OF THE INFORMATION REQUIRED BY THIS SECTION.

[(e)] (G) [The hospital, related institution, alternative health system, or] AN employer REQUIRED TO MAKE A REPORT TO THE BOARD UNDER THIS SECTION shall submit the report within 10 days [of any] AFTER THE action [described in this section] REQUIRING THE REPORT.

[(f)] (H) A report made under this section is PRIVILEGED, NOT SUBJECT TO INSPECTION UNDER THE PUBLIC INFORMATION ACT, AND not subject to subpoena or discovery in any civil action other than a proceeding arising out of a hearing and decision of the Board or a disciplinary panel under this title.”;

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in line 18, strike “(g)” and substitute “**(I)**”; in line 19, strike “failure” and substitute “**KNOWINGLY FAILING**”; after line 19, insert:

“(2) A DISCIPLINARY PANEL MAY IMPOSE A CIVIL PENALTY OF UP TO \$5,000 PER INCIDENT FOR A REPORT MADE BY AN EMPLOYER IN BAD FAITH.

“(3) The Board shall remit any penalty collected under this subsection into the General Fund of the State.”;

and in lines 24 and 25, strike “A HOSPITAL, A RELATED INSTITUTION, AN ALTERNATIVE HEALTH SYSTEM, OR”.

On page 61, in line 3, strike “shall” and substitute “:

(1) SHALL”;

in lines 4 and 7, strike “(1)” and “(2)”, respectively, and substitute “**(I)**” and “**(II)**”, respectively; in lines 5 and 6, strike “**(I)**” and “**(II)**”, respectively, and substitute “**1.**” and “**2.**”, respectively; in line 6, after “**PROFESSION;**” insert “**AND**”; strike in their entirety lines 20 and 21; and after line 21, insert:

“(2) MAY:”.

On pages 65 and 66, strike the lines beginning with line 8 on page 65 through line 6 on page 66, inclusive.

On page 66, in line 7, strike “**(B)**” and substitute “**(A)** **(1)**”; in the same line, strike “**(C)**” and substitute “**(B)**”; in the same line, strike “**(E)**” and substitute “**(D)**”; in line 8, strike “**HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH SYSTEM, AND**”; in line 9, after “**EMPLOYER**” insert “**OF A LICENSED NATUROPATHIC DOCTOR**”;

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in the same line, strike “FILE WITH” and substitute “**SUBMIT TO**”; strike beginning with “THAT” in line 9 down through “REASON” in line 12 and substitute “**IF**”:

(I) THE EMPLOYER:

1. REDUCED, SUSPENDED, REVOKED, RESTRICTED, DENIED, CONDITIONED, OR DID NOT RENEW THE LICENSED NATUROPATHIC DOCTOR’S CLINICAL PRIVILEGES, EMPLOYMENT, OR OTHER ABILITY TO PRACTICE OR TREAT PATIENTS;

2. INVOLUNTARILY TERMINATED OR RESTRICTED THE LICENSED NATUROPATHIC DOCTOR’S EMPLOYMENT OR STAFF MEMBERSHIP; OR

3. ASKED THE LICENSEE TO VOLUNTARILY RESIGN BECAUSE OF THE LICENSED NATUROPATHIC DOCTOR’S CONDUCT OR WHILE THE LICENSEE IS BEING INVESTIGATED; AND

(II) THE ACTION DESCRIBED UNDER ITEM (I) OF THIS PARAGRAPH WAS TAKEN:

1. FOR REASONS”;

in line 13, after “SUBTITLE” insert “;

2. BECAUSE THE LICENSED NATUROPATHIC DOCTOR MAY HAVE ENGAGED IN AN ACT THAT MAY CONSTITUTE UNPROFESSIONAL CONDUCT;

(Over)

3. BECAUSE THE LICENSED NATUROPATHIC DOCTOR MAY BE UNABLE TO PRACTICE NATUROPATHY WITH REASONABLE SKILL AND SAFETY BECAUSE OF A PHYSICAL OR MENTAL CONDITION OR PROFESSIONAL INCOMPETENCE; OR

4. BECAUSE THE LICENSED NATUROPATHIC DOCTOR MAY HAVE HARMED OR PLACED ONE OR MORE PATIENTS OR THE PUBLIC AT UNREASONABLE RISK OF HARM BY ENGAGING IN AN ACT THAT CREATES AN IMMEDIATE OR CONTINUING DANGER.

(2) A REPORT REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE:

(I) THE ACTION TAKEN BY THE EMPLOYER;

(II) A DETAILED EXPLANATION OF THE REASONS FOR THE ACTION, INCLUDING REFERENCES TO SPECIFIC PATIENT MEDICAL RECORDS, IF ANY, THAT INFORMED THE EMPLOYER'S ACTION; AND

(III) THE STEPS TAKEN BY THE EMPLOYER TO INVESTIGATE THE CONDUCT OF THE LICENSED NATUROPATHIC DOCTOR.

(3) (I) THE BOARD MAY REQUEST FROM THE EMPLOYER ADDITIONAL INFORMATION REGARDING AN ACTION DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION THAT WAS TAKEN BY THE EMPLOYER.

(II) IF AN EMPLOYER RECEIVES A REQUEST MADE UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE EMPLOYER SHALL PROMPTLY PROVIDE THE ADDITIONAL INFORMATION";

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in line 14, strike “(C)” and substitute “(B)”; in lines 14 and 15, strike “A HOSPITAL, A RELATED INSTITUTION, AN ALTERNATIVE HEALTH SYSTEM, OR AN” and substitute “IF AN”; in line 15, strike “THAT HAS REASON TO KNOW THAT” and substitute “KNOWS THAT THE CONDUCT OF”; strike beginning with the first “HAS” in line 16 down through “LICENSE” in line 18 and substitute “REQUIRES THAT THE EMPLOYER SUBMIT A REPORT UNDER SUBSECTION (A)(1) OF THIS SECTION”; in lines 19 and 20, strike “ALCOHOL-IMPAIRED OR DRUG-IMPAIRED” and substitute “IMPAIRED BY ALCOHOL OR ANOTHER SUBSTANCE, THE EMPLOYER”; in lines 22 and 23, strike “HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH SYSTEM, OR”; in line 24, strike “AN ALCOHOL OR DRUG” and substitute “SUBSTANCE USE DISORDER”; in line 28, strike “ALCOHOLISM AND DRUG ABUSE” and substitute “SUBSTANCE USE DISORDERS”; in lines 29 and 30, strike “HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH SYSTEM, OR”; in line 31, after “UNTIL” insert “SUCCESSFUL”; and in line 33, strike “PRACTITIONER” and substitute “NATUROPATHIC DOCTOR”.

On page 67, in line 1, strike “(D)” and substitute “(C)”; strike beginning with “(1)” in line 1 down through “OR” in line 24 and substitute “IF THE EMPLOYER KNOWS THAT THE LICENSED PHYSICIAN IS NONCOMPLIANT WITH THE SUBSTANCE USE DISORDER TREATMENT PROGRAMS, THE”; after line 25, insert:

“(D) (1) THE BOARD MAY EXTEND THE REPORTING UNDER THIS SECTION FOR GOOD CAUSE SHOWN.”;

in line 26, strike “(E)” and substitute “(2)”; in line 28, strike “ALCOHOL AND DRUG ABUSE” and substitute “SUBSTANCE USE DISORDER”; after line 29, insert:

“(E) THE BOARD MAY ENFORCE THIS SECTION BY SUBPOENA.

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(F) ANY PERSON SHALL HAVE THE IMMUNITY FROM LIABILITY DESCRIBED UNDER § 5-715(D) OF THE COURTS ARTICLE FOR GIVING ANY OF THE INFORMATION REQUIRED BY THIS SECTION.”;

in line 30, strike “**(F)**” and substitute “**(G)**”; in lines 30 and 31, strike “**A HOSPITAL, A RELATED INSTITUTION, AN ALTERNATIVE HEALTH SYSTEM, OR AN**” and substitute “**AN**”; in line 34, strike “**(G)**” and substitute “**(H)**”; and in the same line, after “**IS**” insert “**PRIVILEGED, NOT SUBJECT TO INSPECTION UNDER THE PUBLIC INFORMATION ACT, AND**”.

On page 68, in line 1, strike “**(H)**” and substitute “**(I)**”; in line 2, strike “**FAILURE**” and substitute “**KNOWINGLY FAILING**”; and in line 3, after “**(2)**” insert “**A DISCIPLINARY PANEL MAY IMPOSE A CIVIL PENALTY OF UP TO \$5,000 PER INCIDENT FOR A REPORT MADE BY AN EMPLOYER IN BAD FAITH.**”

(3)”.

On page 70, strike beginning with the first “**A**” in line 10 down through “**OR**” in line 11.

On page 72, in line 13, strike “shall” and substitute “:

(1) SHALL”;

in lines 14 and 17, strike “**(1)**” and “**(2)**”, respectively, and substitute “**(I)**” and “**(II)**”, respectively; in lines 15 and 16, strike “**(I)**” and “**(II)**”, respectively, and substitute “**1.**” and “**2.**”, respectively; and in line 16, after “**PROFESSION;**” insert “**AND**”.

On page 73, strike line 5 in its entirety; and after line 5, insert:

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“(2) MAY:”.

On page 75, after line 20, insert:

“(a) (1) Except as provided in subsections (b) and (d) of this section, [hospitals, related institutions, alternative health systems as defined in § 1–401 of this article, and employers] EACH EMPLOYER OF A LICENSED GENETIC COUNSELOR shall [file with] SUBMIT TO the Board a report [that the hospital, related institution, alternative health system, or employer limited, reduced, otherwise changed, or terminated any licensed genetic counselor for any reason] IF:

(I) THE EMPLOYER:

1. REDUCED, SUSPENDED, REVOKED, RESTRICTED, DENIED, CONDITIONED, OR DID NOT RENEW THE LICENSED GENETIC COUNSELOR’S CLINICAL PRIVILEGES, EMPLOYMENT, OR OTHER ABILITY TO PRACTICE OR TREAT PATIENTS;

2. INVOLUNTARILY TERMINATED OR RESTRICTED THE LICENSED GENETIC COUNSELOR’S EMPLOYMENT OR STAFF MEMBERSHIP; OR

3. ASKED THE LICENSED GENETIC COUNSELOR TO VOLUNTARILY RESIGN BECAUSE OF THE LICENSED GENETIC COUNSELOR’S CONDUCT OR WHILE THE LICENSED GENETIC COUNSELOR IS BEING INVESTIGATED; AND

(II) THE ACTION DESCRIBED UNDER ITEM (I) OF THIS PARAGRAPH WAS TAKEN:

(Over)

1. FOR REASONS that might be grounds for disciplinary action under § 14-5G-18 of this subtitle;

2. BECAUSE THE LICENSED GENETIC COUNSELOR MAY HAVE ENGAGED IN AN ACT THAT MAY CONSTITUTE UNPROFESSIONAL CONDUCT;

3. BECAUSE THE LICENSED GENETIC COUNSELOR MAY BE UNABLE TO PRACTICE GENETIC COUNSELING WITH REASONABLE SKILL AND SAFETY BECAUSE OF A PHYSICAL OR MENTAL CONDITION OR PROFESSIONAL INCOMPETENCE; OR

4. BECAUSE THE LICENSED GENETIC COUNSELOR MAY HAVE HARMED OR PLACED ONE OR MORE PATIENTS OR THE PUBLIC AT UNREASONABLE RISK OF HARM BY ENGAGING IN AN ACT THAT CREATES AN IMMEDIATE OR CONTINUING DANGER.

(2) A REPORT REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE:

(I) THE ACTION TAKEN BY THE EMPLOYER;

(II) A DETAILED EXPLANATION OF THE REASONS FOR THE ACTION, INCLUDING REFERENCES TO SPECIFIC PATIENT MEDICAL RECORDS, IF ANY, THAT INFORMED THE EMPLOYER'S ACTION; AND

(III) THE STEPS TAKEN BY THE EMPLOYER TO INVESTIGATE THE CONDUCT OF THE LICENSED GENETIC COUNSELOR.

(3) (I) THE BOARD MAY REQUEST FROM THE EMPLOYER ADDITIONAL INFORMATION REGARDING AN ACTION DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION THAT WAS TAKEN BY THE EMPLOYER.

(II) IF AN EMPLOYER RECEIVES A REQUEST MADE UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE EMPLOYER SHALL PROMPTLY PROVIDE THE ADDITIONAL INFORMATION.

(b) [A hospital, related institution, alternative health system, or] IF AN employer [that has reason to know that] KNOWS THAT THE CONDUCT OF a licensed genetic counselor [has committed an act or has a condition that might be grounds for reprimand or probation of the licensed genetic counselor or suspension or revocation of the license] REQUIRES THAT THE EMPLOYER SUBMIT A REPORT because the licensed genetic counselor is [alcohol-impaired or drug-impaired] IMPAIRED BY ALCOHOL OR ANOTHER SUBSTANCE, THE EMPLOYER is not required to report the licensed genetic counselor to the Board if:

(1) The [hospital, related institution, alternative health system, or] employer knows that the licensed genetic counselor is:

(i) In [an alcohol or drug] SUBSTANCE USE DISORDER treatment program that is accredited by [the] THE Joint Commission [on Accreditation of Healthcare Organizations] or that is certified by the Department; or

(ii) Under the care of a health care practitioner who is competent and capable of dealing with [alcoholism and drug abuse] SUBSTANCE USE DISORDERS; and

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(2) (i) The [hospital, related institution, alternative health system, or] employer is able to verify that the licensed genetic counselor remains in the treatment program until **SUCCESSFUL** discharge; and

(ii) The action or condition of the licensed genetic counselor has not caused injury to any person while the genetic counselor is practicing **AS A LICENSED genetic [counseling] COUNSELOR.**”;

strike beginning with “(1)” in line 21 down through “program.” in line 26; after line 26, insert:

“(2) If the licensed genetic counselor fails to provide the notice required under paragraph (1) of this subsection, and the hospital, related institution, alternative health system, or employer learns that the licensed genetic counselor has entered a treatment program, the hospital, related institution, alternative health system, or employer shall report to the Board that the licensed genetic counselor has entered a treatment program and has failed to provide the required notice.

(3) If the licensed genetic counselor is found to be noncompliant with the treatment program’s policies and procedures while in the treatment program, the treatment program shall notify the hospital, related institution, alternative health system, or employer of the licensed genetic counselor’s noncompliance.

(4) On receipt of the notification required under paragraph (3) of this subsection, the hospital, related institution, alternative health system, or] **IF THE EMPLOYER KNOWS THAT THE LICENSED GENETIC COUNSELOR IS NONCOMPLIANT WITH THE SUBSTANCE USE DISORDER TREATMENT PROGRAM,** THE employer of the licensed genetic counselor shall report the licensed genetic counselor’s noncompliance to the Board.

(d) (1) THE BOARD MAY EXTEND THE REPORTING UNDER THIS SUBSECTION FOR GOOD CAUSE SHOWN.

(2) A person is not required under this section to make any report that would be in violation of any federal or State law, rule, or regulation concerning the confidentiality of [alcohol- and drug abuse-related] SUBSTANCE USE DISORDER patient records.

(E) THE BOARD MAY ENFORCE THIS SECTION BY SUBPOENA.

(F) ANY PERSON SHALL HAVE THE IMMUNITY FROM LIABILITY DESCRIBED UNDER § 5-715(D) OF THE COURTS ARTICLE FOR GIVING ANY OF THE INFORMATION REQUIRED BY THIS SECTION.

[(e)] (G) [The hospital, related institution, alternative health system, or] AN employer REQUIRED TO MAKE A REPORT TO THE BOARD UNDER THIS SECTION shall submit the report within 10 days after [any] THE action [described in this section] REQUIRING THE REPORT.

[(f)] (H) A report made under this section is PRIVILEGED, NOT SUBJECT TO INSPECTION UNDER THE PUBLIC INFORMATION ACT, AND not subject to subpoena or discovery in any civil action other than a proceeding arising out of a hearing and decision of the Board or a disciplinary panel under this title.”;

in line 27, strike “(g)” and substitute “(I)”; in line 28, strike “failure” and substitute “KNOWINGLY FAILING”; and after line 28, insert:

“(2) A DISCIPLINARY PANEL MAY IMPOSE A CIVIL PENALTY OF UP TO \$5,000 PER INCIDENT FOR A REPORT MADE BY AN EMPLOYER IN BAD FAITH.

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(3) The Board shall remit any penalty collected under this subsection into the General Fund of the State.”.

On page 76, strike beginning with “a” in line 4 down through “or” in line 5 and substitute “AN”; after line 30, insert:

“(a) In this section, “alternative health care system” has the meaning stated in § 1–401 of this article.]”;

and in line 31, strike “(b) (3)” and substitute “(A) (1) Subject to paragraph (2) of this subsection, an employer of a physician assistant shall report to the Board, on the form prescribed by the Board, any termination of employment of the physician assistant if the cause of termination is related to a quality of care issue.

(2) Subject to subsection [(d)] (C) of this section, a physician or group of physicians that develops a collaboration agreement with a physician assistant or an employer of a physician assistant shall notify the Board within 10 days of the termination of employment of the physician assistant for reasons that would be grounds for discipline under this title.

(3)”.

On page 77, after line 2, insert:

“(c) (B) (1) Except as otherwise provided under subsections [(b) and (d)] (C) AND (E) of this section, [a hospital, a related institution, an alternative health care system, or an] EACH employer of a LICENSED physician assistant shall [report] SUBMIT to the Board [any limitation, reduction, or other change of the terms of employment of the physician assistant or any termination of employment of the physician assistant for any reason that might be grounds for disciplinary action under § 15–314 of this title] A REPORT IF:

(I) THE EMPLOYER:

1. REDUCED, SUSPENDED, REVOKED, RESTRICTED, DENIED, CONDITIONED, OR DID NOT RENEW THE LICENSED PHYSICIAN ASSISTANT'S CLINICAL PRIVILEGES, EMPLOYMENT, OR OTHER ABILITY TO PRACTICE OR TREAT PATIENTS;

2. INVOLUNTARILY TERMINATED OR RESTRICTED THE LICENSED PHYSICIAN ASSISTANT'S EMPLOYMENT OR STAFF MEMBERSHIP; OR

3. ASKED THE LICENSED PHYSICIAN ASSISTANT TO VOLUNTARILY RESIGN BECAUSE OF THE LICENSED PHYSICIAN ASSISTANT'S CONDUCT OR WHILE THE LICENSED PHYSICIAN ASSISTANT IS BEING INVESTIGATED; AND

(II) THE ACTION DESCRIBED UNDER ITEM (I) OF THIS PARAGRAPH WAS TAKEN:

1. FOR REASONS THAT MIGHT BE GROUNDS FOR DISCIPLINARY ACTION UNDER § 15-314 OF THIS TITLE;

2. BECAUSE THE LICENSED PHYSICIAN ASSISTANT MAY HAVE ENGAGED IN AN ACT THAT MAY CONSTITUTE UNPROFESSIONAL CONDUCT;

3. BECAUSE THE LICENSED PHYSICIAN ASSISTANT MAY BE UNABLE TO PRACTICE AS A PHYSICIAN ASSISTANT WITH REASONABLE

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SKILL AND SAFETY BECAUSE OF A PHYSICAL OR MENTAL CONDITION OR PROFESSIONAL INCOMPETENCE; OR

4. BECAUSE THE LICENSED PHYSICIAN ASSISTANT MAY HAVE HARMED OR PLACED ONE OR MORE PATIENTS OR THE PUBLIC AT UNREASONABLE RISK OF HARM BY ENGAGING IN AN ACT THAT CREATES AN IMMEDIATE OR CONTINUING DANGER.

(2) EACH REPORT SUBMITTED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE:

(I) THE ACTION TAKEN BY THE EMPLOYER;

(II) A DETAILED EXPLANATION OF THE REASONS FOR THE ACTION, INCLUDING REFERENCES TO SPECIFIC PATIENT MEDICAL RECORDS, IF ANY, THAT INFORMED THE EMPLOYER'S ACTION; AND

(III) THE STEPS TAKEN BY THE EMPLOYER TO INVESTIGATE THE CONDUCT OF THE LICENSED PHYSICIAN ASSISTANT.

(3) (I) THE BOARD MAY REQUEST FROM THE EMPLOYER ADDITIONAL INFORMATION REGARDING AN ACTION DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION THAT WAS TAKEN BY THE EMPLOYER.

(II) IF AN EMPLOYER RECEIVES A REQUEST MADE UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE EMPLOYER SHALL PROMPTLY PROVIDE THE ADDITIONAL INFORMATION.

[(d)] (C) [A hospital, related institution, alternative health care system, or] IF AN employer [that has reason to know that] KNOWS THAT THE CONDUCT OF a

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LICENSED physician assistant [has committed an action or has a condition that might be grounds for reprimand or probation of the physician assistant or suspension or revocation of the license of the physician assistant under § 15–314 of this title]
REQUIRES THAT THE EMPLOYER SUBMIT A REPORT UNDER SUBSECTION (B)(1) OF THIS SECTION because the physician assistant is [alcohol– or drug–impaired]
IMPAIRED BY ALCOHOL OR ANOTHER SUBSTANCE, THE EMPLOYER is not required to report **THE LICENSED PHYSICIAN ASSISTANT** to the Board if:

(1) The [hospital, related institution, alternative health care system, or] employer knows that the LICENSED physician assistant is:

(i) In [an alcohol or drug] SUBSTANCE USE DISORDER treatment program that is accredited by [the] THE Joint Commission [on the Accreditation of Healthcare Organizations] or is certified by the Department; or

(ii) Under the care of a health care practitioner who is competent and capable of dealing with [alcoholism and drug abuse] SUBSTANCE USE DISORDERS;

(2) The [hospital, related institution, alternative health care system, or] employer is able to verify that the physician assistant remains in the treatment program until SUCCESSFUL discharge; and

(3) The action or condition of the physician assistant has not caused injury to any person while the physician assistant is practicing as a licensed physician assistant.”;

in line 3, strike “(e)” and substitute “**(D)**”; strike beginning with “(1)” in line 3 down through “notice” in line 14 and substitute:

“(3) If the physician assistant is found to be noncompliant with the treatment program’s policies and procedures while in the treatment program, the

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treatment program shall notify the hospital, related institution, alternative health care system, or employer of the physician assistant's noncompliance.

(4) On receipt of the notification required under paragraph (3) of this subsection, the hospital, related institution, alternative health care system, or] IF THE EMPLOYER KNOWS THAT THE LICENSED PHYSICIAN IS NONCOMPLIANT WITH THE SUBSTANCE USE DISORDER TREATMENT PROGRAM, THE employer of the LICENSED physician assistant shall report the LICENSED physician assistant's noncompliance to the Board.

[(f)] (E) (1) THE BOARD MAY EXTEND THE REPORTING UNDER THIS SUBSECTION FOR GOOD CAUSE SHOWN.

(2) A person is not required under this section to make any report that would be in violation of any federal or State law, rule, or regulation concerning the confidentiality of [alcohol- and drug-abuse] SUBSTANCE USE DISORDER patient records.

(F) THE BOARD MAY ENFORCE THIS SECTION BY SUBPOENA.

(G) ANY PERSON SHALL HAVE THE IMMUNITY FROM LIABILITY DESCRIBED UNDER § 5-715(D) OF THE COURTS ARTICLE FOR GIVING ANY OF THE INFORMATION REQUIRED BY THIS SECTION.

[(g)] (H) [The hospital, related institution, alternative health care system, or] AN employer REQUIRED TO MAKE A REPORT TO THE BOARD UNDER THIS SECTION shall submit the report within 10 days [of any] AFTER THE action [described in this section] REQUIRING THE REPORT.

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[(h)] (I) A report under this section is **PRIVILEGED, NOT SUBJECT TO INSPECTION UNDER THE PUBLIC INFORMATION ACT, AND** not subject to subpoena or discovery in any civil action other than a proceeding arising out of a hearing and decision of the Board or a disciplinary panel under this title.”;

in line 15, strike “(i)” and substitute “**(J)**”; in line 16, strike “failure” and substitute “**KNOWINGLY FAILING**”; and after line 16, insert:

“(2) A DISCIPLINARY PANEL MAY IMPOSE A CIVIL PENALTY OF UP TO \$5,000 PER INCIDENT FOR A REPORT MADE BY AN EMPLOYER IN BAD FAITH.

(3) The Board shall pay any fees collected under this subsection into the General Fund of the State.

[(j)] (K) An employer shall make the report required under this section to the Board within 5 days after the date of termination of employment.

[(k)] (L) The Board shall adopt regulations to implement the provisions of this section.”.

On page 80, in line 6, strike “SHALL”; after line 6, insert:

“(1) SHALL:”;

in lines 7, 11, 14, and 18, strike “(1)”, “(2)”, “(3)”, and “(4)”, respectively, and substitute “**(I)**”, “**(II)**”, “**(III)**”, and “**(IV)**”, respectively; in lines 8 and 10, strike “**(I)**” and “**(II)**”, respectively, and substitute “**1.**” and “**2.**”, respectively; in line 17, strike the brackets; strike line 20 in its entirety; and after line 20, insert:

“(2) MAY:”.

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On page 85, in lines 24 and 25, strike “GROSS OVERUTILIZATION OF health care services” and substitute “EXCESSIVE OR MEDICALLY UNNECESSARY PROCEDURES OR TREATMENT”.

On page 86, in lines 16 and 17, strike “a hospital, related institution, alternative health care system, or” and substitute “AN”.