

MedChi

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TO: The Honorable Peter A. Hammen, Chairman
Members, House Health & Government Operations Committee
The Honorable Bonnie Cullison

FROM: Joseph A. Schwartz, III
Pamela Metz Kasemeyer
J. Steven Wise

DATE: February 27, 2013

RE: **SUPPORT WITH AMENDMENTS** – House Bill 1296 – *State Board of Physicians – Quasi-Judicial Powers - Revision*

The Maryland State Medical Society (MedChi), which represents over 7,500 Maryland physicians and their patients, supports House Bill 1296 with amendments.

House Bill 1296 provides the Board of Physicians with the authority to issue Cease and Desist Orders (C&D) in more circumstances than it is currently permitted to do so. Presently, the Board may only issue a C&D Order when it determines that a person is practicing medicine without a license. The bill would allow a C&D Order to also be issued when the person may be subject to discipline by the Board for their actions.

MedChi supports this legislation because it allows for more targeted disciplinary action against a physician than current law allows. Currently, when the Board desires to take immediate action against a physician, it takes the physician's license via Summary Suspension and leaves them unable to practice entirely. In recent years, the Board has increasingly utilized its Summary Suspension powers: In 2009, this power was used only 8 times but by 2010 it was used nearly 27 times. This is troubling to MedChi because the physician's livelihood is taken when a more narrowly targeted remedy, like a C&D Order, would allow the physician to continue in practice while still addressing the alleged problem.

While MedChi supports the bill in concept, we believe it needs to be tightened as follows on Page 2:

At line 16 after "relief" insert "AGAINST A PERSON".

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At line 19 delete “that,” and in line 20, delete “may be grounds” and insert “FOR WHICH THE BOARD DETERMINES THERE IS SUBSTANTIAL EVIDENCE...”

At line 22, insert “THAT” before “poses.”

At Line 26, after “noncompliance” insert “WITH A CEASE AND DESIST ORDER.”

With these amendments, MedChi supports House Bill 1296.

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