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TO: The Honorable Joan Carter Conway, Chairman
Members, Senate Education, Health & Environmental Affairs Committee
The Honorable Thomas Mac Middleton

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

DATE: February 20, 2013

RE: **OPPOSED** – Senate Bill 747 – *Rules of Interpretations – Interpretation of ‘Physician’ – Inclusion of Advanced Practice Nurse and Physician Assistant*

The Maryland State Medical Society (MedChi), which represents over 7,500 Maryland physicians and their patients, opposes Senate Bill 747.

Senate Bill 747 would permit a nurse practitioner (NP) or physician assistant (PA) to sign, certify, verify or otherwise authorize anything that a physician currently has the authority to authorize. The manner in which this sweeping change is drafted poses significant practical problems and will create confusion.

If there are certain authorizations in the law that the NPs or PAs believe should be amended to include them, those statutes should be specifically identified. Indeed, the NPs and the PAs have experience with this approach: The PA’s have introduced legislation this year (House Bill 723/Senate Bill 460) that specifically identifies additional authorizations that may be made by a PA, subject to the PA delegation agreement, and MedChi supports that legislation with amendments. And in 2008, the NPs sought additional, specific authorizations in House Bill 1140 which MedChi worked with the NPs to achieve. This specific approach is the proper way to address this issue.

The wholesale approach taken in Senate Bill 747 does not reveal exactly which authorizations are being addressed, resulting in confusion in its application. Even the Fiscal Note acknowledges that “the types of certifications and endorsements covered by the bill *could be numerous*”, further suggesting that it is unknown exactly what the bill covers.

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Finally, the general nature of the bill probably does not even achieve the end desired by the proponents, since it is a cardinal rule of statutory construction in Maryland that specific terms prevail over general language. *See DeJarnette v. Federal Kemper Ins. Co.*, 299 Md. 708, 718 (1984). Thus, the specific statutes governing various authorizations would continue to prevail over the general terms of Senate Bill 747.

For these reasons, MedChi urges the Committee to oppose Senate Bill 747.

For more information call:

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