

MedChi

The Maryland State Medical Society

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TO: The Honorable Bobby A. Zirkin, Chair
Members, Senate Judicial Proceedings Committee
The Honorable Susan C. Lee

FROM: J. Steven Wise
Joseph A. Schwartz, III
Pamela Metz Kasemeyer
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DATE: March 4, 2015

RE: **SUPPORT** – Senate Bill 549 – *Criminal Law - Identity Fraud - Name of the Individual*

The Maryland State Medical Society (MedChi), which represents more than 8,000 Maryland physicians and their patients, supports Senate Bill 549.

The current Maryland identity fraud statute prohibits a person from knowingly, willfully, and with fraudulent intent possessing, obtaining, or helping another to possess or obtain any individual's personal identifying information without the consent of that individual in order to, among other things, access health information or health care in the name of that individual. The statute does not currently encompass crimes where the information obtained was not used to access health care "in the name of that individual". For example, a person who obtained a physician's Drug Enforcement Agency (DEA) number to fill a prescription could not be prosecuted under the current statute because health care was not obtained "in the name of" the physician.

If Senate Bill 549 were enacted, the person who took the physician's DEA number could be prosecuted, because the requirement that they obtain health care "in the name of the individual" from whom they took the identifying information – the physician – would be deleted.

MedChi believes this change is an appropriate step to help more effectively prosecute fraudulent health care actions, which are much too common. Accordingly, MedChi asks that you support Senate Bill 549.

For more information call:

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