

SENATE BILL 610

J2

71r1503

By: **Senator Middleton**

Introduced and read first time: February 2, 2007

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Physicians – Delegation of Duties – Nonphysician Surgical Assistants**

3 FOR the purpose of authorizing a licensed physician to delegate certain duties to
4 nonphysician surgical assistants; requiring nonphysician surgical assistants to
5 be certified by certain professional organizations; defining a certain term; and
6 generally relating the delegation of duties by physicians to nonphysician
7 surgical assistants.

8 BY repealing and reenacting, with amendments,
9 Article – Health Occupations
10 Section 14–101 and 14–306
11 Annotated Code of Maryland
12 (2005 Replacement Volume and 2006 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article – Health Occupations**

16 14–101.

17 (a) In this title the following words have the meanings indicated.

18 (b) “Board” means the State Board of Physicians.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (c) "Civil action" includes a health care malpractice claim under Title 3,
2 Subtitle 2A of the Courts Article.

3 (d) "Faculty" means the Medical and Chirurgical Faculty of the State of
4 Maryland.

5 (e) "Hospital" has the meaning stated in § 19–301 of the Health – General
6 Article.

7 (f) "License" means, unless the context requires otherwise, a license issued
8 by the Board to practice medicine.

9 (g) "Licensed physician" means, unless the context requires otherwise, a
10 physician, including a doctor of osteopathy, who is licensed by the Board to practice
11 medicine.

12 (h) "Licensee" means an individual to whom a license is issued, including an
13 individual practicing medicine within or as a professional corporation or professional
14 association.

15 **(I) "NONPHYSICIAN SURGICAL ASSISTANT" MEANS AN INDIVIDUAL**
16 **PROVIDING AID UNDER DIRECT SUPERVISION IN EXPOSURE, HEMOSTASIS,**
17 **CLOSURES, AND OTHER INTRAOPERATIVE TECHNICAL FUNCTIONS THAT ASSIST**
18 **A PHYSICIAN IN PERFORMING A SAFE OPERATION.**

19 [(i)] **(J)** "Perform acupuncture" means to stimulate a certain point or points
20 on or near the surface of the human body by the insertion of needles to prevent or
21 modify the perception of pain or to normalize physiological functions, including pain
22 control, for the treatment of ailments or conditions of the body.

23 [(j)] **(K)** "Physician" means an individual who practices medicine.

24 [(k)] **(L)** "Physician Rehabilitation Committee" means the committee of the
25 entity or entities with whom the Board contracts under § 14–401(e) of this title that
26 evaluates and provides assistance to impaired physicians in need of treatment and
27 rehabilitation for alcoholism, chemical dependency, or other physical, emotional, or
28 mental conditions.

29 [(l)] **(M)** (1) "Practice medicine" means to engage, with or without
30 compensation, in medical:

31 (i) Diagnosis;

1 (ii) Healing;

2 (iii) Treatment; or

3 (iv) Surgery.

4 (2) "Practice medicine" includes doing, undertaking, professing to do,
5 and attempting any of the following:

6 (i) Diagnosing, healing, treating, preventing, prescribing for, or
7 removing any physical, mental, or emotional ailment or supposed ailment of an
8 individual:

9 1. By physical, mental, emotional, or other process that
10 is exercised or invoked by the practitioner, the patient, or both; or

11 2. By appliance, test, drug, operation, or treatment;

12 (ii) Ending of a human pregnancy; and

13 (iii) Performing acupuncture.

14 (3) "Practice medicine" does not include:

15 (i) Selling any nonprescription drug or medicine;

16 (ii) Practicing as an optician; or

17 (iii) Performing a massage or other manipulation by hand, but
18 by no other means.

19 [(m)] (N) "Related institution" has the meaning stated in § 19-301 of the
20 Health – General Article.

21 14-306.

22 (a) To the extent permitted by the rules, regulations, and orders of the
23 Board, an individual to whom duties are delegated by a licensed physician may
24 perform those duties without a license as provided in this section.

1 (b) The individuals to whom duties may be delegated under this section
2 include **NONPHYSICIAN SURGICAL ASSISTANTS AND** any individual authorized to
3 practice any other health occupation regulated under this article or § 13–516 of the
4 Education Article.

5 (c) **A NONPHYSICIAN SURGICAL ASSISTANT SHALL BE CERTIFIED BY**
6 **THE NATIONAL SURGICAL ASSISTANTS ASSOCIATION, THE NATIONAL BOARD**
7 **OF SURGICAL TECHNOLOGY AND SURGICAL ASSISTING, THE ASSOCIATION OF**
8 **OPERATING ROOM NURSES, OR THE AMERICAN ACADEMY OF PHYSICIAN**
9 **ASSISTANTS.**

10 [(c)] (D) The Board shall adopt rules and regulations to delineate the scope
11 of this section. Before it adopts any rule or regulation under this section, the Board
12 shall invite and consider proposals from any individual or health group that could be
13 affected by the rule or regulation.

14 [(d)] (E) (1) If a duty that is to be delegated under this section is a part
15 of the practice of a health occupation that is regulated under this article by another
16 board, any rule or regulation concerning that duty shall be adopted jointly by the
17 Board of Physicians and the board that regulates the other health occupation.

18 (2) If the two boards cannot agree on a proposed rule or regulation, the
19 proposal shall be submitted to the Secretary for a final decision.

20 [(e)] (F) An individual may perform X–ray duties without a license only if
21 the duties:

22 (1) Do not include:

23 (i) Computerized or noncomputerized tomography;

24 (ii) Fluoroscopy;

25 (iii) Invasive radiology;

26 (iv) Mammography;

27 (v) Nuclear medicine;

28 (vi) Radiation therapy; or

29 (vii) Xerography.

- 1 (2) Are limited to X-ray procedures of the:
- 2 (i) Chest, anterior–posterior and lateral;
- 3 (ii) Spine, anterior–posterior and lateral; or
- 4 (iii) Extremities, anterior–posterior and lateral, not including
- 5 the head.
- 6 (3) Are performed:
- 7 (i) By an individual who is not employed primarily to perform
- 8 X-ray duties;
- 9 (ii) In the medical office of the physician who delegates the
- 10 duties; and
- 11 (iii) By an individual who, before October 1, 2002, has:
- 12 1. Taken a course consisting of at least 30 hours of
- 13 training in performing X-ray procedures approved by the Maryland Radiological
- 14 Society in consultation with the Maryland Society of Radiologic Technologists; and
- 15 2. Successfully passed an examination based on that
- 16 course that has been approved by the Maryland Radiological Society in consultation
- 17 with the Maryland Society of Radiologic Technologists.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect

19 October 1, 2007.