

Department of Legislative Services
Maryland General Assembly
2012 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 395

(Senator Jennings)

Education, Health, and Environmental Affairs

Health and Government Operations

Health Occupations - Public Disclosure of Professional Credentials and Reports
on Advertising Regulations and Policies

This bill prohibits a physician from representing to the public that the physician is certified by a public or private board, including a multidisciplinary board, or that the physician is board certified, unless (1) the physician discloses the full name of the board and the name of the specialty or subspecialty; and (2) the certifying board meets specified requirements.

Uncodified language requires each health occupations board to submit any existing regulations or policies governing advertising by health care practitioners to specified committees of the General Assembly by December 31, 2012.

Fiscal Summary

State Effect: The bill does not affect governmental finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The certifying board must either (1) be a member of the American Board of Medical Specialties (ABMS) or an American Osteopathic Association (AOA) certifying board; (2) be approved by the State Board of Physicians; or (3) require that a physician, in order to be certified, complete an accredited postgraduate training program that provides complete training in the specialty or subspecialty and be certified by the

member board of ABMS or AOA in the training field. The board may only approve a certifying board that places such requirements on a physician as a condition of certification.

Current Law: At least 11 professions regulated under the Health Occupations Article (acupuncturists, chiropractors, counselors and therapists, dentists, dieticians and nutritionists, electrologists, massage therapists, morticians and funeral directors, optometrists, podiatrists, and psychologists) are subject to disciplinary action by their respective board, typically under the grounds of unprofessional conduct, if a practitioner advertises in a false or misleading manner. Board regulations generally prohibit advertisements that contain misrepresentation of facts or statements likely to mislead or deceive.

A physician may advertise only as permitted by the rules and regulations of the board. Under Code of Maryland Regulations 10.32.01.12, a physician cannot state or imply in an advertisement that the physician has received formal recognition as a specialist unless the physician (1) has received this recognition from the State Board of Physicians, ABMS, or AOA; or (2) is certified by a board that requires that the physician maintain certification from an appropriate member board of ABMS or AOA; complete an accredited training program that includes identifiable training in the field of medicine that the physician is advertising as the physician's specialty; and successfully complete a rigorous examination in the field of medicine that the physician is advertising.

Additional Information

Prior Introductions: None.

Cross File: HB 957 (Delegate Cullison, *et al.*) - Health and Government Operations.

Information Source(s): Department of Health and Mental Hygiene, Maryland Association of County Health Officers, Department of Legislative Services

Fiscal Note History: First Reader - February 7, 2012
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