

# SENATE BILL 733

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By: **Senators Zucker, Guzzone, Lam, and Nathan–Pulliam**

Introduced and read first time: February 4, 2019

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Physicians – Registered Cardiovascular Invasive Specialists**

3 FOR the purpose of authorizing a licensed physician, under certain circumstances and in  
4 accordance with certain regulations, to delegate certain duties to a registered  
5 cardiovascular invasive specialist assisting in the physician’s performance of a  
6 fluoroscopy; establishing that the hospital in which a certain laboratory is located  
7 and the physician delegating the acts are responsible for ensuring that certain  
8 requirements are met; authorizing the State Board of Physicians to impose a certain  
9 civil penalty for each instance of a hospital’s failure to comply with certain  
10 requirements; defining “registered cardiovascular invasive specialist”; requiring the  
11 Maryland Health Care Commission to conduct a certain review, work with the  
12 Maryland Hospital Association to gather certain information, and submit its findings  
13 to the Governor and the General Assembly on or before a certain date; providing for  
14 the termination of certain provisions of this Act; and generally relating to registered  
15 cardiovascular invasive specialists.

16 BY renumbering

17 Article – Health Occupations  
18 Section 14–101(p)  
19 to be Section 14–101(q)  
20 Annotated Code of Maryland  
21 (2014 Replacement Volume and 2018 Supplement)

22 BY adding to

23 Article – Health Occupations  
24 Section 14–101(p)  
25 Annotated Code of Maryland  
26 (2014 Replacement Volume and 2018 Supplement)

27 BY repealing and reenacting, with amendments,

28 Article – Health Occupations

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 14–306  
2 Annotated Code of Maryland  
3 (2014 Replacement Volume and 2018 Supplement)

4 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
5 That Section(s) 14–101(p) of Article – Health Occupations of the Annotated Code of  
6 Maryland be renumbered to be Section(s) 14–101(q).

7 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read  
8 as follows:

9 **Article – Health Occupations**

10 14–101.

11 **(P) “REGISTERED CARDIOVASCULAR INVASIVE SPECIALIST” MEANS AN**  
12 **INDIVIDUAL WHO IS CREDENTIALLED BY CARDIOVASCULAR CREDENTIALING**  
13 **INTERNATIONAL OR ANOTHER CREDENTIALING BODY APPROVED BY THE BOARD TO**  
14 **ASSIST IN CARDIAC CATHETERIZATION PROCEDURES UNDER THE DIRECT,**  
15 **IN-PERSON SUPERVISION OF A LICENSED PHYSICIAN.**

16 14–306.

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

20 (b) The individuals to whom duties may be delegated under this section include  
21 any individual authorized to practice any other health occupation regulated under this  
22 article or § 13–516 of the Education Article.

23 (c) The Board shall adopt rules and regulations to delineate the scope of this  
24 section. Before it adopts any rule or regulation under this section, the Board shall invite  
25 and consider proposals from any individual or health group that could be affected by the  
26 rule or regulation.

27 (d) (1) If a duty that is to be delegated under this section is a part of the  
28 practice of a health occupation that is regulated under this article by another board, any  
29 rule or regulation concerning that duty shall be adopted jointly by the Board of Physicians  
30 and the board that regulates the other health occupation.

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

33 (e) Except as otherwise provided in this section, an individual may perform  
34 X-ray duties without a license only if the duties:

- 1           (1) Do not include:
- 2               (i) Computerized or noncomputerized tomography;
- 3               (ii) Fluoroscopy;
- 4               (iii) Invasive radiology;
- 5               (iv) Mammography;
- 6               (v) Nuclear medicine;
- 7               (vi) Radiation therapy; or
- 8               (vii) Xerography;
- 9           (2) Are limited to X-ray procedures of the:
- 10               (i) Chest, anterior–posterior and lateral;
- 11               (ii) Spine, anterior–posterior and lateral; or
- 12               (iii) Extremities, anterior–posterior and lateral, not including the  
13 head; and
- 14           (3) Are performed:
- 15               (i) By an individual who is not employed primarily to perform  
16 X-ray duties;
- 17               (ii) In the medical office of the physician who delegates the duties;  
18 and
- 19               (iii) 1. By an individual who, before October 1, 2002, has:
- 20                       A. Taken a course consisting of at least 30 hours of training  
21 in performing X-ray procedures approved by the Maryland Radiological Society in  
22 consultation with the Maryland Society of Radiologic Technologists; and
- 23                       B. Successfully passed an examination based on that course  
24 that has been approved by the Maryland Radiological Society in consultation with the  
25 Maryland Society of Radiologic Technologists; or
- 26               2. By a licensed physician assistant who has completed a  
27 course that includes anterior–posterior and lateral radiographic studies of extremities on  
28 at least 20 separate patients under the direct supervision of the delegating physician or

1 radiologist using a mini C–arm or similar low–level radiation machine to perform  
2 nonfluoroscopic X–ray procedures, if the duties:

3                           A.     Include only the X–ray procedures described in paragraph  
4 (2)(iii) of this subsection; and

5                           B.     Are performed pursuant to a Board–approved delegation  
6 agreement that includes a request to perform advanced duties under § 15–302(c)(2) of this  
7 article.

8           **(F) (1) IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE BOARD, A  
9 LICENSED PHYSICIAN MAY DELEGATE DUTIES TO A REGISTERED CARDIOVASCULAR  
10 INVASIVE SPECIALIST ASSISTING IN THE PHYSICIAN’S PERFORMANCE OF  
11 FLUOROSCOPY IF:**

12                           **(I) THE DELEGATED DUTIES ARE LIMITED TO A CARDIAC  
13 CATHETERIZATION PROCEDURE PERFORMED IN A HOSPITAL CARDIAC  
14 CATHETERIZATION LABORATORY;**

15                           **(II) THE PHYSICIAN IS PHYSICALLY PRESENT AND PERSONALLY  
16 DIRECTS EACH ACT PERFORMED BY THE REGISTERED CARDIOVASCULAR INVASIVE  
17 SPECIALIST;**

18                           **(III) THE REGISTERED CARDIOVASCULAR INVASIVE SPECIALIST  
19 HAS COMPLETED THE TRAINING AND EDUCATION AND HAS THE EXPERIENCE  
20 REQUIRED BY REGULATIONS ADOPTED BY THE BOARD; AND**

21                           **(IV) THE HOSPITAL IN WHICH THE CARDIAC CATHETERIZATION  
22 LABORATORY IS LOCATED HAS VERIFIED AND DOCUMENTED THAT THE REGISTERED  
23 CARDIOVASCULAR INVASIVE SPECIALIST HAS COMPLETED THE TRAINING AND  
24 EDUCATION AND HAS THE EXPERIENCE REQUIRED BY REGULATIONS ADOPTED BY  
25 THE BOARD.**

26                           **(2) THE HOSPITAL IN WHICH THE CARDIAC CATHETERIZATION  
27 LABORATORY IS LOCATED AND THE PHYSICIAN DELEGATING DUTIES TO A  
28 REGISTERED CARDIOVASCULAR INVASIVE SPECIALIST UNDER THIS SUBSECTION  
29 ARE RESPONSIBLE FOR ENSURING THAT ALL REQUIREMENTS OF THIS SUBSECTION  
30 ARE MET FOR EACH PROCEDURE.**

31                           **(3) THE BOARD MAY IMPOSE A CIVIL PENALTY OF UP TO \$5,000 FOR  
32 EACH INSTANCE OF A HOSPITAL’S FAILURE TO COMPLY WITH THE REQUIREMENTS  
33 OF THIS SUBSECTION.**

34           SECTION 3. AND BE IT FURTHER ENACTED, That the Maryland Health Care

1 Commission shall:

2 (1) conduct a review of hospital cardiac catheterization laboratories in the  
3 State that includes:

4 (i) the number and nature of radiation injuries that have occurred  
5 in a hospital cardiac catheterization laboratory in the period from October 1, 2016, through  
6 September 1, 2022, both inclusive;

7 (ii) the number and nature of instances in which the State Board of  
8 Physicians has imposed a civil penalty on a hospital under § 14–306(f)(3) of the Health  
9 Occupations Article since October 1, 2019; and

10 (iii) working with the Maryland Hospital Association to gather  
11 information on the number of registered cardiovascular invasive specialists employed by  
12 hospitals and the number of vacant positions for technicians in hospital cardiac  
13 catheterization laboratories; and

14 (2) on or before October 1, 2023, submit its findings to the Governor and,  
15 in accordance with § 2–1246 of the State Government Article, to the General Assembly.

16 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect  
17 October 1, 2019. It shall remain effective for a period of 5 years and, at the end of September  
18 30, 2024, this Act, with no further action required by the General Assembly, shall be  
19 abrogated and of no further force and effect.