

HOUSE BILL 66

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By: **Delegate Krebs**

Introduced and read first time: January 16, 2012

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Public Health – Glucose Testing – Permit**

3 FOR the purpose of requiring a person to obtain a certain permit from the Department
4 of Health and Mental Hygiene before offering to provide a glucose test and
5 conducting the glucose test outside a certain permanently located medical
6 laboratory; providing that a glucose testing permit is not required for a medical
7 laboratory under certain circumstances; requiring the Secretary of Health and
8 Mental Hygiene to adopt certain regulations; prohibiting the Secretary from
9 requiring glucose testing personnel that conduct certain glucose tests to be
10 certified in a medical laboratory specialty; requiring certain glucose testing to
11 be overseen by a certain supervisor; prohibiting a person from offering glucose
12 testing in the State unless the person holds a certain permit; defining a certain
13 term; altering a certain definition; and generally relating to glucose testing and
14 medical laboratories.

15 BY repealing and reenacting, with amendments,
16 Article – Health – General
17 Section 17–501, 17–502, 17–504, and 17–510 to be under the amended subtitle
18 “Subtitle 5. Cholesterol and Glucose Testing”
19 Annotated Code of Maryland
20 (2009 Replacement Volume and 2011 Supplement)

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

23 **Article – Health – General**

24 Subtitle 5. Cholesterol AND **GLUCOSE** Testing.

25 17–501.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) In this subtitle the following words have the meanings indicated.

2 (b) “Cholesterol testing” includes collecting a test specimen, testing to detect
3 the amount of cholesterol in an individual’s blood, and the reporting of test results.

4 (c) **“GLUCOSE TESTING” INCLUDES COLLECTING A TEST SPECIMEN,**
5 **TESTING TO DETECT THE AMOUNT OF GLUCOSE IN AN INDIVIDUAL’S BLOOD,**
6 **AND THE REPORTING OF TEST RESULTS.**

7 [(c)] (D) “Permit” means a permit issued by the Secretary to a person who:

8 (1) Offers to provide, with or without charge, a test to detect the
9 amount of cholesterol **OR GLUCOSE** in an individual’s blood; and

10 (2) Conducts the test outside a permanently located medical
11 laboratory issued a permit or excepted from a permit under Subtitle 2 of this title.

12 17–502.

13 (a) Except as provided under subsection (b) of this section and § 17–503 of
14 this subtitle, a person shall obtain a permit from the Department before:

15 (1) Offering to provide a test to detect the amount of cholesterol **OR**
16 **GLUCOSE** in an individual’s blood; and

17 (2) Conducting the cholesterol test **OR GLUCOSE TEST** outside a
18 permanently located medical laboratory issued a permit or excepted from a permit
19 under Subtitle 2 of this title.

20 (b) A cholesterol testing permit **OR A GLUCOSE TESTING PERMIT** is not
21 required under this subtitle for a medical laboratory that:

22 (1) Is licensed under Subtitle 2 of this title; and

23 (2) As set forth in the license, provides tests or services in the
24 discipline of chemistry or health awareness.

25 17–504.

26 (a) The Secretary shall adopt regulations to implement the provisions of this
27 subtitle, including regulations that assure the citizens of this State that cholesterol
28 testing **OR GLUCOSE TESTING** conducted outside a permanently located medical
29 laboratory meets appropriate national standards of quality assurance.

30 (b) The regulations shall include:

1 (1) Personnel training standards, including requirements for
2 reasonable training, experience, and competency in:

3 (i) Simple procedures used in drawing blood for cholesterol **OR**
4 **GLUCOSE** testing; and

5 (ii) The operation of blood chemical analyzers used for
6 cholesterol **OR GLUCOSE** screening;

7 (2) Quality assurance standards;

8 (3) Standards for counseling and referral procedures;

9 (4) Standards for releasing and reporting test results; and

10 (5) A prohibition on the payment of any sum to any person for
11 bringing or referring a patient.

12 (c) (1) The Secretary may not require that cholesterol testing personnel
13 **OR GLUCOSE TESTING PERSONNEL** that conduct cholesterol **OR GLUCOSE** tests
14 under this subtitle be certified in a medical laboratory specialty.

15 (2) All cholesterol **OR GLUCOSE** testing conducted under this subtitle
16 shall be overseen by a supervisor knowledgeable in all aspects of cholesterol **OR**
17 **GLUCOSE** testing services.

18 17-510.

19 (a) Except as otherwise provided in this title, a person may not offer
20 cholesterol **OR GLUCOSE** testing in this State unless the person holds a permit from
21 the Secretary.

22 (b) The permit is not transferable.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2012.