

Chapter 445

(House Bill 924)

AN ACT concerning

State Board of Physicians – Registered Cardiovascular Invasive Specialists

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

BY renumbering

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

BY adding to

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

BY repealing and reenacting, with amendments,

Article – Health Occupations
Section 14–306
Annotated Code of Maryland
(2014 Replacement Volume and 2018 Supplement)

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

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

Article – Health Occupations

14–101.

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

14–306.

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

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

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

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

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

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

- (1) Do not include:
 - (i) Computerized or noncomputerized tomography;
 - (ii) Fluoroscopy;
 - (iii) Invasive radiology;
 - (iv) Mammography;

(v) Nuclear medicine;

(vi) Radiation therapy; or

(vii) Xerography;

(2) Are limited to X-ray procedures of the:

(i) Chest, anterior-posterior and lateral;

(ii) Spine, anterior-posterior and lateral; or

(iii) Extremities, anterior-posterior and lateral, not including the head; and

(3) Are performed:

(i) By an individual who is not employed primarily to perform X-ray duties;

(ii) In the medical office of the physician who delegates the duties; and

(iii) 1. By an individual who, before October 1, 2002, has:

A. Taken a course consisting of at least 30 hours of training in performing X-ray procedures approved by the Maryland Radiological Society in consultation with the Maryland Society of Radiologic Technologists; and

B. Successfully passed an examination based on that course that has been approved by the Maryland Radiological Society in consultation with the Maryland Society of Radiologic Technologists; or

2. By a licensed physician assistant who has completed a course that includes anterior-posterior and lateral radiographic studies of extremities on at least 20 separate patients under the direct supervision of the delegating physician or radiologist using a mini C-arm or similar low-level radiation machine to perform nonfluoroscopic X-ray procedures, if the duties:

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

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

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

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

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

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

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

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

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

SECTION 3. AND BE IT FURTHER ENACTED, That the Maryland Health Care Commission shall:

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

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

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

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

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

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

Approved by the Governor, May 13, 2019.