

## AMENDMENT

To Board of Health Regulation requiring a disclaimer for certain pregnancy resource centers.

### BY COUNCILMEMBERS LEVENTHAL AND TRACHTENBERG

**PURPOSE:** To require a limited service pregnancy resource center that does not have a licensed medical professional on staff to post a sign indicating that the center does not have such staff.

*Beginning on page 1, amend paragraph 4 to read:*

1 The County Council, sitting as the Board of Health, finds after hearing the testimony and other  
2 evidence in the record of the public hearing that requiring a disclaimer for certain pregnancy  
3 resource centers is necessary to protect the health of County residents. The Board of Health's  
4 concern is that clients may be misled into believing that a Center is providing medical services  
5 when it is not. Clients could therefore neglect to take action (such as consulting a doctor) that  
6 would protect their health or prevent adverse consequences, including disease, to the client or the  
7 pregnancy.

*Beginning on page 2, lines 2-38, change paragraphs a-g to read:*

- 8 (a) **Definitions.**
- 9 (1) “*Client*” means a client or potential client.
- 10 (2) “Licensed medical professional on staff” means one or more individuals who:
- 11 (A) are licensed by the appropriate State agency under Title 8,<sup>1</sup> 14,<sup>2</sup> or 15<sup>3</sup> of  
12 the Health Occupations Article of the Maryland Code;
- 13 (B) provide medical-related services at the Center by either:
- 14 (i) providing medical services to clients at the Center at least 20 hours  
15 per week; or
- 16 (ii) directly oversees medical services provided at the Center; and
- 17 (C) are employed by or offer their services at the Center.
- 18 (3) “*Limited Service Pregnancy Resource Center*” or “Center” means an  
19 organization, ~~[[or]]~~ center, or individual that:

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<sup>1</sup> Nurses.

<sup>2</sup> Physicians.

<sup>3</sup> Physician Assistants.

- 20 (A) has a primary purpose to provide pregnancy-related services [[that do not  
21 constitute the practice of medicine]];  
22 (B) does not have a licensed medical professional on staff; and  
23 (C) provides information about pregnancy-related services, for a fee or as a  
24 free service[[; and]].  
25 [[(C) does not provide or refer clients for:  
26 (i) abortions; or  
27 (ii) nondirective and comprehensive contraceptive services.]]

28 (b) **Disclaimer required.**

- 29 (1) A limited service pregnancy resource center must [[provide a client with the  
30 disclaimer required in Section (c):  
31 (a) by the staff assisting the client;  
32 (b) during the first communication or first contact with a client; and  
33 (c) in a written statement or oral communication that the client reasonably  
34 understands.]] post at least 1 sign in the Center indicating that:  
35 (a) the Center does not have a licensed medical professional on staff; and  
36 (b) the Montgomery County Health Officer encourages women who may be  
37 pregnant to consult with a licensed health care provider.  
38 (2) [[Any written disclaimer]] The sign required in paragraph (b)(1) must be:  
39 (a) [[provided]] written in English and Spanish;  
40 (b) easily readable; and  
41 (c) conspicuously posted in the Center's waiting room or other area where  
42 individuals await service.

43 [[(c)] **Contents of disclaimer.** The disclaimer must state that:

- 44 (1) the information that the limited service pregnancy resource center provides is not  
45 intended to be medical advice or to establish a doctor-patient relationship; and  
46 (2) the client should consult with a health care provider before proceeding on a  
47 course of action regarding the client's pregnancy.]]

48 [[(d)] **(c) Enforcement.**

- 49 (1) Any violation of this regulation is a Class A civil violation. [[Each day a  
50 violation exists is a separate offense.]]

51 (2) The County Attorney [[or any affected party]] may file an action in a court with  
52 jurisdiction to enjoin repeated violations of this regulation.

53 (3) The Department of Health and Human Services must investigate each complaint  
54 alleging a violation of this regulation and take appropriate action, including  
55 issuing a civil citation when compliance cannot be obtained otherwise. If the  
56 Department learns that a limited service pregnancy resource center is in violation  
57 of this regulation, the Department must, before issuing a citation, issue a written  
58 notice ordering the Center to correct the violation within either:

59 (a) 10 days of the notice; or

60 (b) a longer period that the Department specifies in the notice.

61 ~~[[e]]~~ (d) **Applicability.** \* \* \*

62 ~~[[f]]~~ (e) **Severability.** \* \* \*

63 ~~[[g]]~~ (f) **Effective Date.** \* \* \*