

shall be considered for the purpose of this subheading as residents of this State.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1973.

Approved May 21, 1973.

CHAPTER 568

(House Bill 783)

AN ACT to repeal and re-enact, with amendments, Section 34(a) of Article 43 of the Annotated Code of Maryland (1971 Replacement Volume), title "Health," subtitle "Miscellaneous Provisions," requiring certain physicians to demonstrate satisfactory performance in certain laboratory procedures, providing for establishment by the State Department of Health and Mental Hygiene of standards and criteria relating to proficiency programs, authorizing service fees in connection with established proficiency programs, providing for procedures to be followed and certain information to be filed under certain circumstances, and clarifying certain language.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section 34(a) of Article 43 of the Annotated Code of Maryland (1971 Replacement Volume), title "Health," subtitle "Miscellaneous Provisions," be and it is hereby repealed and re-enacted, with amendments, and to read as follows:

34.

(a) The State Board of Health and Mental Hygiene shall establish such minimum standards and qualifications for any laboratories and tissue banks in the counties of the State and in Baltimore City, which make examinations in connection with the diagnosis and control of human diseases or which procures, processes, distributes, or sells human tissue as it may consider necessary to assure to the citizens of the State these safe and reliable laboratory or health services, and shall adopt and promulgate rules and regulations for this purpose. Any person, partnership, association, or corporation desiring to open or maintain such a laboratory or tissue bank, except a physician performing laboratory examinations on his own patients, shall file with the Board an application setting forth the name of the owner, the types of laboratory or health services to be performed, and such other information as the Board may require; **[PROVIDED THAT SUCH PHYSICIAN SHALL NEVERTHELESS BE REQUIRED TO DEMONSTRATE SATISFACTORY PERFORMANCE IN A PROFICIENCY TESTING PROGRAM IN LABORATORY PROCEDURES WHICH SUCH LABORATORY PERFORMS;]** the Board shall cause an inspection to be made and, if in compliance with minimum requirements, it shall issue a permit to operate. The Board shall conduct periodic inspections to assure continuing compliance. No person, partnership, association or corporation shall operate such a laboratory or tissue bank without such a permit; the Board is authorized and empowered to refuse to issue, to suspend or to revoke a permit to operate, if, after inspection and due notice, a laboratory or tissue bank fails to comply with minimum standards or qualifications or with the provisions of any rules or regulations regularly adopted by the Board. No person, partnership, association or corporation shall represent or service or maintain in this State any office, representative or other facilities for the representation or servicing of any