

(II) MAY REVOKE THE LICENSE OF ANY MASTER HUNTING GUIDE FOR ANY VIOLATION OF LAW, RULE, OR REGULATION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1985.

May 28, 1985

The Honorable Benjamin L. Cardin
Speaker of the House of Delegates
State House
Annapolis, Maryland 21404

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, I have today vetoed House Bill 573.

House Bill 573 would require physicians, nurses, physical therapists, and podiatrists to demonstrate oral competency in English as a condition of licensure. Graduation from an English speaking professional school would serve as proof of oral proficiency. The bill contains a delayed effective date of July 1, 1986.

In his bill review letter to me dated May 25, 1985 (copy attached), Attorney General Sachs concluded that House Bill 573, as passed is "facially constitutional." However, in his letter the Attorney General cites numerous possible situations where the uneven application of the oral competency standard poses "grave doubts about the constitutionality" of this practice. While I am sympathetic to the underlying intent of this legislation in ensuring that health care professionals can adequately communicate with the patients they serve, I too am concerned that the absence of sufficient statutory guidelines may permit discriminatory application of this legislation.

Specifically, I am uneasy with the inherent ambiguity of the phrase "oral competency" which could be inconsistently applied to foreign-born professionals, to those persons with minor speech impediments, and to American graduates from a foreign professional school. In addition, the scope of the bill is limited to physicians, nurses, physical therapists and podiatrists, although the requirement for oral competency may be equally, if not more importantly, justified in other health care professions.

In summary, in light of the concerns raised by Attorney General Sachs and my personal reservations, I will instruct