

SECTION 3. AND BE IT FURTHER ENACTED, That nothing in this Act may be construed to limit the scope of the practice of ophthalmology, or to impose any potential liability on an ophthalmologist beyond that already imposed by the standard of care.

SECTION 4. AND BE IT FURTHER ENACTED, That the Secretary of the Department of Health and Mental Hygiene, in conjunction with the State Board of Examiners in Optometry, shall report to the General Assembly on December 15, 1999, in accordance with § 2-1312 of the State Government Article, on the implementation of this Act. The report shall include a recommendation as to whether the co-management of primary open-angle glaucoma patients by ophthalmologists and therapeutically certified optometrists should be terminated, continued, or modified, and shall be based on the data collected by the Board under the Quality Assurance Program.

SECTION 5. AND BE IT FURTHER ENACTED, That if any provision of this Act or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Act which can be given effect without the invalid provision or application, and for this purpose the provisions of this Act are declared severable.

SECTION 2. 6. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 1995.

May 24, 1995

The Honorable Casper R. Taylor, Jr.
Speaker of the House of Delegates
State House
Annapolis MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, I have today vetoed House Bill 259.

House Bill 259 prohibits the Commissioner of Labor and Industry from assessing a civil penalty against an employer under the Maryland Occupational Safety and Health Act, or MOSH law, if the Commissioner has not previously notified the employer of the violation, the violation is not serious, and the employer corrects the violation within 10 days after the citation issued. I am taking this action not because I disagree with the underlying theme of the bill—to emphasize the need for “reasonableness” in the regulation of employers in the State, while focusing MOSH resources on serious violations—but because this particular approach places Maryland in conflict with federal law and, as explained below, would threaten the continued existence of our MOSH program.

In addition, the Attorney General’s bill review letter cites other possible undesirable consequences from signing this bill short of the actual loss of the MOSH program, including the loss of federal funding, subjection to concurrent federal jurisdiction, and the possibly protracted withdrawal proceeding.

State, as opposed to federal, regulation of State issues such as employee safety is almost