

HOUSE BILL 959

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By: **Delegates A. Kelly, Costa, Cullison, Donoghue, Hubbard, Kach, Kipke, Love, Morhaim, Nathan–Pulliam, Pena–Melnik, and V. Turner**

Introduced and read first time: February 6, 2014

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Physicians – Qualifications for Licensure and Definitions**

3 FOR the purpose of clarifying that certain applicants who have failed a certain
4 examination a certain number of times or more must pass the examination, be
5 otherwise qualified, and satisfy certain other requirements to qualify for a
6 license to practice medicine; altering the definition of “board certified”, for
7 purposes of provisions of law governing physicians, to increase the number of
8 certifying boards by which a physician may be certified; and generally relating
9 to the State Board of Physicians, qualifications for licensure, and definitions.

10 BY repealing and reenacting, with amendments,
11 Article – Health Occupations
12 Section 14–101(c) and 14–307(e) and (g)
13 Annotated Code of Maryland
14 (2009 Replacement Volume and 2013 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article – Health Occupations**

18 14–101.

19 (c) “Board certified” means the physician is certified by a public or private
20 board, including a multidisciplinary board, and the certifying board:

21 (1) Is:

22 (i) A member of the American Board of Medical Specialties; [or]

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (ii) An American Osteopathic Association certifying board;

2 (iii) **THE ROYAL COLLEGE OF PHYSICIANS AND SURGEONS**
3 **OF CANADA; OR**

4 (iv) **THE COLLEGE OF FAMILY PHYSICIANS OF CANADA;**

5 (2) Has been approved by the Board under § 14–101.1 of this subtitle;
6 or

7 (3) Requires that, in order to be certified, the physician:

8 (i) Complete a postgraduate training program that:

9 1. Provides complete training in the specialty or
10 subspecialty; and

11 2. Is accredited by the Accreditation Council for
12 Graduate Medical Education or the American Osteopathic Association; and

13 (ii) Be certified by [the]:

14 1. **THE** member board of the American Board of Medical
15 Specialties [or the];

16 2. **THE** American Osteopathic Association in the
17 training field;

18 3. **THE ROYAL COLLEGE OF PHYSICIANS AND**
19 **SURGEONS OF CANADA; OR**

20 4. **THE COLLEGE OF FAMILY PHYSICIANS OF**
21 **CANADA.**

22 14–307.

23 (e) Except as otherwise provided in this [title] **SUBTITLE**, the applicant
24 shall pass an examination required by the Board [under this subtitle].

25 (g) An **OTHERWISE QUALIFIED** applicant who [has failed] **PASSES** the
26 examination **AFTER HAVING FAILED THE EXAMINATION** or any part of the
27 examination 3 or more times may qualify for a license **ONLY** if the applicant:

1 (1) Has successfully completed 2 or more years of a residency or
2 fellowship accredited by the Accreditation Council on Graduate Medical Education or
3 the American Osteopathic Association;

4 (2) (i) Has a minimum of 5 years of clinical practice of medicine:

5 1. In the United States or in Canada;

6 2. With at least 3 of the 5 years having occurred within 5
7 years of the date of the application; and

8 3. That occurred under a full unrestricted license to
9 practice medicine; and

10 (ii) Has no disciplinary action pending and has had no
11 disciplinary action taken against the applicant that would be grounds for discipline
12 under § 14–404 of this title; or

13 (3) Is board certified.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2014.