

Department of Legislative Services
Maryland General Assembly
2017 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 633 (Senator Bates)
Education, Health, and Environmental Affairs

**Maryland Medical Practice Act - Individuals Exempt From Licensure - Repeal of
Criminal History Records Check Requirement**

This bill exempts a medical student or an individual in an approved postgraduate medical training program who is performing assigned duties at any office of a licensed physician, hospital, clinic, or similar facility from the requirement to submit to a criminal history records check (CHRC).

Fiscal Summary

State Effect: The bill is not expected to materially affect governmental operations or finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law/Background: In Maryland, an individual must be licensed by the State Board of Physicians (MBP) to practice medicine in the State. Pursuant to Chapter 34 of 2015, an individual must also submit to a CHRC as a qualification for licensure. “Practice medicine” means to engage, with or without compensation, in medical diagnosis, healing, treatment, or surgery. The definition includes diagnosing, healing, treating, preventing, prescribing for, or removing a physical, mental, or emotional ailment (1) by physical, mental, emotional, or other process that is exercised or invoked by the practitioner, the patient, or both or (2) by appliance, test, drug, operation, or treatment.

Medical students or individuals in postgraduate medical training programs that are approved by MBP are exempt from State licensing requirements while conducting assigned duties at any office of a licensed physician, hospital, clinic, or similar facility if they submit to a CHRC. These individuals are referred to as “unlicensed medical practitioners” (UMPs).

Additionally, the following individuals are also exempt from State licensing requirements, under specified circumstances, if they submit to a CHRC: (1) physicians who are licensed by and reside in another jurisdiction; (2) physicians who are employed by the federal government while performing duties incident to that employment; (3) physicians who reside in and are authorized to practice medicine by any state adjoining Maryland and whose practice extends into Maryland; and (4) individuals who are under the supervision of a licensed physician and who have specialty training in psychiatry.

Pursuant to Chapter 94 of 2016, a physician who is licensed by and resides in another jurisdiction and who is designated as a team physician by an athletic or sports team based outside the State is exempt from State licensing requirements, including the requirement to submit to a CHRC, under specified circumstances.

MBP advises that it registers or reregisters approximately 2,500 UMPs annually and that the board has been requiring UMPs to undergo CHRCs since October 2016 (when the CHRC process became operational). However, MBP is unable to estimate the number of UMPs who have so far submitted to CHRCs as they do not track this information by practitioner type.

Additional Information

Prior Introductions: None.

Cross File: HB 581 (Delegates Hill and Lam) - Health and Government Operations.

Information Source(s): Department of Health and Mental Hygiene; Department of Legislative Services

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md/jc

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