

# HOUSE BILL 732

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11r0128  
CF SB 568

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By: **The Speaker (By Request – Administration)**

Introduced and read first time: January 26, 2021

Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Health Care Practitioners – Telehealth – Out-of-State Health Care Practitioners**

3 FOR the purpose of authorizing an out-of-state health care practitioner to provide  
4 telehealth services to a patient located in the State in accordance with certain  
5 provisions of this Act; requiring a certain health occupations board to register an  
6 out-of-state health care practitioner, under certain circumstances, to provide  
7 telehealth services to a patient located in the State; requiring an out-of-state health  
8 care practitioner who is registered under certain provisions of this Act to take certain  
9 actions under certain circumstances; prohibiting an out-of-state health care  
10 practitioner who is registered under certain provisions of this Act from taking certain  
11 actions; requiring that an out-of-state health care practitioner registered under  
12 certain provisions of this Act be held to certain standards and subject to certain  
13 disciplinary actions and sanctions; providing that an out-of-state health care  
14 practitioner may be subject to disciplinary action for practicing without a license  
15 under certain circumstances; requiring each health occupations board to publish  
16 certain information in a certain manner about out-of-state health care practitioners  
17 that are registered under certain provisions of this Act; altering a certain definition;  
18 defining a certain term; making a clarifying change; making conforming changes;  
19 providing for the construction of certain provisions of this Act; and generally relating  
20 to out-of-state health care practitioners and telehealth.

21 BY repealing and reenacting, without amendments,

22 Article – Health Occupations

23 Section 1-1001(a), 2-301(a)(1), 3-301(b), 4-301(a), 6-301(a), 8-301(a) and (b),  
24 9-301(a), 10-301(a), 15-301(d)(1), 17-301(a), 18-301(a), and 19-301(a)

25 Annotated Code of Maryland

26 (2014 Replacement Volume and 2020 Supplement)

27 BY repealing and reenacting, with amendments,

28 Article – Health Occupations

29 Section 1-1001(c), 1-1005, 1A-301, 2-301(b)(1)(v) and (vi), 3-301(d), 4-301(b)(5) and

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (6), 5–301, 6–301(b)(5) and (6), 8–301(c)(4) and (5), 10–301(b)(4) and (5),  
 2 11–301, 12–301, 13–301, 14–301, 15–301(f), 16–301, 17–301(b), 18–301(b) and  
 3 (e), 19–301(b)(3) and (4), and 20–301(a) and (b)

4 Annotated Code of Maryland  
 5 (2014 Replacement Volume and 2020 Supplement)

6 BY adding to

7 Article – Health Occupations

8 Section 2–301(b)(1)(vii), 4–301(b)(7), 6–301(b)(7), 8–301(c)(6), 9–301(c), 10–301(b)(6),  
 9 18–301(g), and 19–301(b)(5)

10 Annotated Code of Maryland  
 11 (2014 Replacement Volume and 2020 Supplement)

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

14 **Article – Health Occupations**

15 1–1001.

16 (a) In this subtitle the following words have the meanings indicated.

17 (c) “Health care practitioner” means an individual who is [licensed]:

18 (1) **LICENSED**, certified, or otherwise authorized by law to provide health  
 19 care services under this article; **OR**

20 (2) **AN OUT-OF-STATE HEALTH CARE PRACTITIONER, AS DEFINED IN**  
 21 **§ 1–1005(B) OF THIS SUBTITLE, AND IS REGISTERED UNDER § 1–1005(B) OF THIS**  
 22 **SUBTITLE.**

23 1–1005.

24 (A) A health care practitioner providing health care services through telehealth  
 25 must be licensed, certified, or otherwise authorized by law to provide health care services  
 26 in the State **OR REGISTERED UNDER SUBSECTION (B) OF THIS SECTION** if the health  
 27 care services are being provided to a patient located in the State.

28 (B) (1) **IN THIS SUBSECTION, “OUT-OF-STATE HEALTH CARE**  
 29 **PRACTITIONER” MEANS AN INDIVIDUAL WHO:**

30 (i) **IS NOT LICENSED, CERTIFIED, OR OTHERWISE AUTHORIZED**  
 31 **BY LAW TO PROVIDE HEALTH CARE SERVICES IN THE STATE UNDER ANY OTHER**  
 32 **PROVISION OF THIS ARTICLE; BUT**

1                   **(II) IS LICENSED, CERTIFIED, OR OTHERWISE AUTHORIZED BY**  
2 **LAW TO PROVIDE HEALTH CARE SERVICES IN ANOTHER STATE.**

3                   **(2) AN OUT-OF-STATE HEALTH CARE PRACTITIONER MAY PROVIDE**  
4 **TELEHEALTH SERVICES TO A PATIENT LOCATED IN THE STATE IN ACCORDANCE**  
5 **WITH THIS SUBSECTION.**

6                   **(3) THE APPROPRIATE HEALTH OCCUPATIONS BOARD SHALL**  
7 **REGISTER AN OUT-OF-STATE HEALTH CARE PRACTITIONER TO PROVIDE**  
8 **TELEHEALTH SERVICES TO A PATIENT LOCATED IN THE STATE IF THE**  
9 **OUT-OF-STATE HEALTH CARE PRACTITIONER:**

10                   **(I) COMPLETES AN APPLICATION ON A FORM PROVIDED BY**  
11 **THE HEALTH OCCUPATIONS BOARD;**

12                   **(II) HOLDS A LICENSE, CERTIFICATION, OR OTHER LEGAL**  
13 **AUTHORIZATION FROM AN APPLICABLE HEALTH CARE AUTHORITY IN ANOTHER**  
14 **STATE THAT IS:**

- 15                               **1. CURRENT;**
- 16                               **2. VALID;**
- 17                               **3. UNRESTRICTED; AND**
- 18                               **4. NOT SUBJECT TO ANY PAST OR PENDING**  
19 **DISCIPLINARY ACTION, EXCLUDING ANY ACTION RELATED TO NONPAYMENT OF**  
20 **FEES RELATED TO THE LICENSE, CERTIFICATION, OR LEGAL AUTHORIZATION;**

21                   **(III) COMPLETES A CRIMINAL HISTORY RECORDS CHECK IN**  
22 **ACCORDANCE WITH THE REQUIREMENTS THAT APPLY TO THE INDIVIDUALS**  
23 **REGULATED BY THE HEALTH OCCUPATIONS BOARD;**

24                   **(IV) DESIGNATES A REGISTERED AGENT FOR SERVICE OF**  
25 **PROCESS IN THE STATE;**

26                   **(V) AGREES TO COOPERATE WITH THE HEALTH OCCUPATIONS**  
27 **BOARD ON ANY INVESTIGATION, INCLUDING BY PROVIDING REQUESTED RECORDS;**  
28 **AND**

29                   **(VI) PAYS A REGISTRATION FEE, AS SET BY THE HEALTH**  
30 **OCCUPATIONS BOARD.**

1           **(4) AN OUT-OF-STATE HEALTH CARE PRACTITIONER WHO IS**  
2 **REGISTERED UNDER PARAGRAPH (3) OF THIS SUBSECTION:**

3                   **(I) SHALL:**

4                   1.   **REGISTER WITH THE APPROPRIATE HEALTH**  
5 **OCCUPATIONS BOARD UNDER PARAGRAPH (3) OF THIS SUBSECTION AT LEAST ONCE**  
6 **EVERY 2 YEARS OR ON ANOTHER REGULAR SCHEDULE, AS DETERMINED BY THE**  
7 **HEALTH OCCUPATIONS BOARD;**

8                   2.   **IF THERE IS A CHANGE TO THE OUT-OF-STATE**  
9 **HEALTH CARE PRACTITIONER'S INFORMATION, INCLUDING ADDRESS, E-MAIL**  
10 **ADDRESS, OR HEALTH CARE DISCIPLINARY ACTIONS OR RESTRICTIONS ON THE**  
11 **ABILITY TO PRACTICE IN ANOTHER STATE, UPDATE THE REGISTRATION UNDER THIS**  
12 **SUBSECTION WITH THE APPROPRIATE HEALTH OCCUPATIONS BOARD WITHIN 30**  
13 **DAYS AFTER THE CHANGE OCCURS;**

14                  3.   **PROVIDE SERVICES WITHIN THE APPLICABLE SCOPE**  
15 **OF PRACTICE ESTABLISHED BY STATE LAW;**

16                  4.   **COMPLY WITH ALL LAWS, RULES, AND REGULATIONS**  
17 **APPLICABLE TO THE PROVISION OF HEALTH CARE SERVICES IN THE STATE,**  
18 **INCLUDING:**

19                   A.   **THIS SUBTITLE; AND**

20                   B.   **THE LAWS, RULES, AND REGULATIONS UNDER THE**  
21 **JURISDICTION OF THE APPROPRIATE HEALTH OCCUPATIONS BOARD; AND**

22                  5.   **CONSENT TO THE JURISDICTION OF THE STATE**  
23 **CONCERNING THE ENFORCEMENT OF THIS SUBTITLE AND ANY RELATED LAW,**  
24 **INCLUDING THE APPROPRIATE HEALTH OCCUPATIONS BOARD'S DISCIPLINARY**  
25 **PROCEEDINGS; AND**

26                   **(II) MAY NOT:**

27                  1.   **ESTABLISH AN OFFICE TO PROVIDE HEALTH CARE**  
28 **SERVICES IN THE STATE;**

29                  2.   **PROVIDE IN-PERSON HEALTH CARE SERVICES TO A**  
30 **PATIENT IN THE STATE; OR**

31                  3.   **PRESCRIBE OR DISPENSE A CONTROLLED**

1 DANGEROUS SUBSTANCE, AS DEFINED IN § 5-101 OF THE CRIMINAL LAW ARTICLE,  
2 TO A PATIENT IN THE STATE.

3 (5) (I) AN OUT-OF-STATE HEALTH CARE PRACTITIONER WHO IS  
4 REGISTERED WITH A HEALTH OCCUPATIONS BOARD UNDER PARAGRAPH (3) OF THIS  
5 SUBSECTION AND IS PROVIDING TELEHEALTH SERVICES TO A PATIENT LOCATED IN  
6 THE STATE SHALL BE:

7 1. HELD TO THE SAME STANDARDS OF PRACTICE THAT  
8 ARE APPLICABLE TO IN-PERSON HEALTH CARE SERVICES IN THE STATE; AND

9 2. SUBJECT TO ANY DISCIPLINARY ACTION OR  
10 SANCTION APPLICABLE TO A HEALTH CARE PRACTITIONER LICENSED OR  
11 OTHERWISE AUTHORIZED TO PRACTICE IN THE STATE, INCLUDING INVESTIGATION  
12 AND DISCIPLINARY ACTION BY THE APPROPRIATE HEALTH OCCUPATIONS BOARD  
13 UNDER THIS ARTICLE.

14 (II) IF AN OUT-OF-STATE HEALTH CARE PRACTITIONER FAILS  
15 TO REGISTER WITH A HEALTH OCCUPATIONS BOARD UNDER THIS SUBSECTION  
16 BEFORE PROVIDING TELEHEALTH SERVICES TO A PATIENT LOCATED IN THE STATE,  
17 THE OUT-OF-STATE HEALTH CARE PRACTITIONER MAY BE SUBJECT TO  
18 DISCIPLINARY ACTION FOR PRACTICING WITHOUT A LICENSE.

19 (III) DISCIPLINARY ACTION BY A HEALTH OCCUPATIONS BOARD  
20 UNDER THIS PARAGRAPH MAY INCLUDE:

21 1. SUMMARILY SUSPENDING THE REGISTRATION OF  
22 THE OUT-OF-STATE HEALTH CARE PRACTITIONER;

23 2. IMPOSING ANY SANCTION ON THE REGISTRATION OF  
24 THE OUT-OF-STATE HEALTH CARE PRACTITIONER THAT MAY BE IMPOSED ON A  
25 HEALTH CARE PRACTITIONER LICENSED OR OTHERWISE AUTHORIZED TO PRACTICE  
26 HEALTH CARE IN THE STATE;

27 3. IMPOSING A FINE; AND

28 4. REFERRING THE MATTER TO A LICENSING  
29 AUTHORITY IN A STATE WHERE THE OUT-OF-STATE HEALTH CARE PRACTITIONER  
30 POSSESSES A LICENSE, CERTIFICATION, OR OTHER LEGAL AUTHORIZATION TO  
31 PROVIDE HEALTH CARE SERVICES.

32 (6) (I) EACH HEALTH OCCUPATIONS BOARD SHALL PUBLISH  
33 INFORMATION ON EACH OUT-OF-STATE HEALTH CARE PRACTITIONER THAT

1 **REGISTERS WITH THE BOARD UNDER THIS SUBSECTION.**

2 **(II) THE INFORMATION PUBLISHED UNDER SUBPARAGRAPH (I)**  
3 **OF THIS PARAGRAPH SHALL, TO THE EXTENT PRACTICABLE, CONTAIN THE SAME**  
4 **INFORMATION AND BE PUBLISHED IN THE SAME MANNER AS THE INFORMATION**  
5 **THAT THE HEALTH OCCUPATIONS BOARD IS REQUIRED TO PUBLISH FOR HEALTH**  
6 **CARE PRACTITIONERS LICENSED OR OTHERWISE AUTHORIZED TO PRACTICE IN THE**  
7 **STATE.**

8 **(7) NOTHING IN THIS SUBSECTION SHALL BE CONSTRUED TO**  
9 **ABROGATE OR LIMIT THE APPLICABILITY TO A HEALTH CARE PRACTITIONER OF:**

10 **(I) PERSONAL JURISDICTION IN THE STATE; OR**

11 **(II) THE FEDERAL HEALTH INSURANCE PORTABILITY AND**  
12 **ACCOUNTABILITY ACT OF 1996.**

13 1A-301.

14 (a) Except as otherwise provided in this title, an individual shall be licensed by  
15 the Board before the individual may practice acupuncture in this State.

16 (b) This section does not apply to:

17 (1) An individual employed by the federal government as an acupuncturist  
18 while practicing within the scope of that employment;

19 (2) A student, trainee, or visiting teacher who is designated as a student,  
20 trainee, or visiting teacher while participating in a course of study or training under the  
21 supervision of a licensed acupuncturist in a program that is approved by the Board or the  
22 State Board of Higher Education; [or]

23 (3) An individual authorized under § 1A-316 of this subtitle to perform  
24 auricular detoxification under the direct supervision of an acupuncturist licensed by the  
25 Board; **OR**

26 **(4) AN OUT-OF-STATE HEALTH CARE PRACTITIONER REGISTERED BY**  
27 **THE BOARD UNDER § 1-1005 OF THIS ARTICLE TO PROVIDE HEALTH CARE SERVICES**  
28 **THROUGH TELEHEALTH.**

29 2-301.

30 (a) (1) Except as otherwise provided in this title, an individual shall be  
31 licensed by the Board before the individual may practice audiology, hearing aid dispensing,  
32 or speech-language pathology, or assist in the practice of speech-language pathology in

1 this State.

2 (b) (1) This section does not apply:

3 (v) To a volunteer while working in free speech and hearing  
4 screening programs; [or]

5 (vi) To an individual licensed to practice audiology or  
6 speech–language pathology in another state or a foreign country while the individual:

7 1. Provides a clinical demonstration at a training or an  
8 educational event in the State; or

9 2. Receives clinical training at a training or an educational  
10 event in the State; OR

11 (VII) AN OUT-OF-STATE HEALTH CARE PRACTITIONER  
12 REGISTERED BY THE BOARD UNDER § 1–1005 OF THIS ARTICLE TO PROVIDE HEALTH  
13 CARE SERVICES THROUGH TELEHEALTH.

14 3–301.

15 (b) Except as otherwise provided in this title, an individual shall be licensed by  
16 the Board before the individual may practice chiropractic in this State.

17 (d) This section does not apply to:

18 (1) A student of chiropractic while under the direct supervision of a  
19 licensed chiropractor engaged in an educational program:

20 (i) Sponsored by a college accredited by the Council on Chiropractic  
21 Education; and

22 (ii) Approved by the Board; [or]

23 (2) An individual licensed to practice chiropractic in any other state or a  
24 foreign country while that individual makes a clinical demonstration before:

25 (i) A chiropractic association;

26 (ii) A chiropractic convention; or

27 (iii) A chiropractic college; OR

28 (3) AN OUT-OF-STATE HEALTH CARE PRACTITIONER REGISTERED BY  
29 THE BOARD UNDER § 1–1005 OF THIS ARTICLE TO PROVIDE HEALTH CARE SERVICES

1 **THROUGH TELEHEALTH.**

2 4–301.

3 (a) (1) Except as otherwise provided in this title, an individual shall be  
4 licensed by the Board to practice dentistry before the individual may practice dentistry on  
5 a human being in this State.

6 (2) Except as otherwise provided in this title, an individual shall be  
7 licensed by the Board to practice dental hygiene before the individual may practice dental  
8 hygiene on a human being in this State.

9 (b) This section does not apply to:

10 (5) A dental assistant, if the dental assistant:

11 (i) Subject to the rules and regulations adopted by the Board,  
12 performs only procedures that do not require the professional skills of a licensed dentist;  
13 and

14 (ii) Performs intraoral tasks only under the direct supervision of a  
15 licensed dentist who personally is present in the office area where the tasks are performed;  
16 **[or]**

17 (6) An heir of a deceased licensed dentist or a personal representative of a  
18 deceased licensed dentist, if:

19 (i) The deceased licensed dentist was the owner of the dental  
20 practice;

21 (ii) The deceased licensed dentist did not provide for the disposition  
22 of the dental practice; and

23 (iii) The heir or the personal representative of the deceased licensed  
24 dentist serves as the owner of the dental practice, regardless of whether the heir or the  
25 personal representative is licensed to practice dentistry, for no longer than 1 year after the  
26 death of the licensed dentist unless the Board extends the time period under subsection  
27 (c)(1) of this section; **OR**

28 **(7) AN OUT-OF-STATE HEALTH CARE PRACTITIONER REGISTERED BY**  
29 **THE BOARD UNDER § 1–1005 OF THIS ARTICLE TO PROVIDE HEALTH CARE SERVICES**  
30 **THROUGH TELEHEALTH.**

31 5–301.

32 (a) Except as otherwise provided in this subtitle, an individual shall be licensed



1 by the Board before the individual may practice dietetics in the State.

2 (b) The following individuals may practice dietetics without a license:

3 (1) A student or trainee, working under the supervision of a licensed  
4 dietitian–nutritionist while fulfilling an experience requirement or pursuing a course of  
5 study to meet requirements for licensure, for a limited period of time as determined by the  
6 Board;

7 (2) An individual employed by the United States government to practice  
8 dietetics, while practicing within the scope of that employment; [and]

9 (3) An individual who aids in the practice of dietetics, if the individual  
10 works under the supervision of a licensed dietitian–nutritionist or licensed physician; AND

11 (4) **AN OUT–OF–STATE HEALTH CARE PRACTITIONER REGISTERED BY**  
12 **THE BOARD UNDER § 1–1005 OF THIS ARTICLE TO PROVIDE HEALTH CARE SERVICES**  
13 **THROUGH TELEHEALTH.**

14 6–301.

15 (a) Except as otherwise provided in this title, an individual shall be:

16 (1) Licensed by the Board before the individual may practice massage  
17 therapy in the State; or

18 (2) Registered by the Board before the individual may practice massage  
19 therapy in a setting that is not a health care setting in the State.

20 (b) This section does not apply to:

21 (5) An individual employed by the federal government to practice massage  
22 therapy while practicing within the scope of the individual’s employment; [or]

23 (6) An individual working in a beauty salon:

24 (i) For which the person who operates the beauty salon has obtained  
25 a permit from the State Board of Cosmetology as required under § 5–501 of the Business  
26 Occupations and Professions Article; and

27 (ii) In which the individual is providing cosmetology and esthetic  
28 services, including the application and removal of skin or skin care products; OR

29 (7) **AN OUT–OF–STATE HEALTH CARE PRACTITIONER REGISTERED BY**  
30 **THE BOARD UNDER § 1–1005 OF THIS ARTICLE TO PROVIDE HEALTH CARE SERVICES**  
31 **THROUGH TELEHEALTH.**

1 8–301.

2 (a) Except as otherwise provided in this title, an individual shall be licensed by  
3 the Board before the individual may practice registered nursing in this State.

4 (b) Except as otherwise provided in this title, an individual shall be licensed by  
5 the Board before the individual may practice licensed practical nursing in this State.

6 (c) This section does not apply to:

7 (4) An individual who provides gratuitous care for friends, domestic  
8 partners, or family members; [or]

9 (5) An individual who responds to a disaster situation in this State to  
10 practice registered nursing or licensed practical nursing, if:

11 (i) The individual has an active unencumbered license to practice  
12 registered nursing or licensed practical nursing in another state and the individual is  
13 assigned by:

14 1. The American Red Cross; or

15 2. A member of the Maryland Emergency Management  
16 Assistance Compact under § 14–803 of the Public Safety Article;

17 (ii) The Governor has declared a State of Emergency by Executive  
18 Order or proclamation in accordance with § 3–401 of the State Government Article; and

19 (iii) The individual reports to the designated staging area in  
20 accordance with § 14–803(2)(b)(5)(iv) of the Public Safety Article; OR

21 **(6) AN OUT-OF-STATE HEALTH CARE PRACTITIONER REGISTERED BY**  
22 **THE BOARD UNDER § 1–1005 OF THIS ARTICLE TO PROVIDE HEALTH CARE SERVICES**  
23 **THROUGH TELEHEALTH.**

24 9–301.

25 (a) Except as otherwise provided in this section, an individual shall be licensed  
26 by the Board before the individual may practice as a nursing home administrator in this  
27 State.

28 **(C) THIS SECTION DOES NOT APPLY TO AN OUT-OF-STATE HEALTH CARE**  
29 **PRACTITIONER REGISTERED BY THE BOARD UNDER § 1–1005 OF THIS ARTICLE TO**  
30 **PROVIDE HEALTH CARE SERVICES THROUGH TELEHEALTH.**

1 10-301.

2 (a) Except as otherwise provided in this title, an individual shall be licensed by  
3 the Board before the individual may practice occupational therapy or limited occupational  
4 therapy in this State.

5 (b) This section does not apply to:

6 (4) An occupational therapist who is authorized to practice occupational  
7 therapy in any other jurisdiction, if the occupational therapist practices occupational  
8 therapy in this State for the purpose of educating, consulting, and training, for the duration  
9 of the purpose, as preapproved by the Board; [or]

10 (5) An occupational therapy assistant who is authorized to practice limited  
11 occupational therapy in any other jurisdiction, if the occupational therapy assistant  
12 practices limited occupational therapy in this State for the purpose of educating, consulting,  
13 and training, for the duration of the purpose, as preapproved by the Board; **OR**

14 **(6) AN OUT-OF-STATE HEALTH CARE PRACTITIONER REGISTERED BY**  
15 **THE BOARD UNDER § 1-1005 OF THIS ARTICLE TO PROVIDE HEALTH CARE SERVICES**  
16 **THROUGH TELEHEALTH.**

17 11-301.

18 (a) Except as otherwise provided in this title, an individual shall be licensed by  
19 the Board before the individual may practice optometry in this State.

20 (b) This section does not apply to [a]:

21 **(1) A student while participating in a residency training program under**  
22 **the direct supervision of a licensed optometrist; OR**

23 **(2) AN OUT-OF-STATE HEALTH CARE PRACTITIONER REGISTERED BY**  
24 **THE BOARD UNDER § 1-1005 OF THIS ARTICLE TO PROVIDE HEALTH CARE SERVICES**  
25 **THROUGH TELEHEALTH.**

26 12-301.

27 (a) Except as otherwise provided in this title, an individual shall be licensed by  
28 the Board before the individual may practice pharmacy in this State.

29 (b) This section does not apply to [a]:

30 **(1) A pharmacy student participating in an experiential learning program**  
31 **of a college or school of pharmacy under the supervision of a licensed pharmacist[.];**

1            [(c)] (2) [This section does not apply to a] A registered pharmacy intern  
2 practicing under the direct supervision of a licensed pharmacist; OR

3                            (3) AN OUT-OF-STATE HEALTH CARE PRACTITIONER REGISTERED BY  
4 THE BOARD UNDER § 1-1005 OF THIS ARTICLE TO PROVIDE HEALTH CARE SERVICES  
5 THROUGH TELEHEALTH.

6 13-301.

7            (a) Except as otherwise provided in this title, an individual shall be licensed by  
8 the Board before the individual may practice physical therapy or limited physical therapy  
9 in this State.

10            (b) This section does not apply to:

11                            (1) A student who is supervised directly by a licensed physical therapist in  
12 a Board approved physical therapy educational program; [or]

13                            (2) A physical therapy aide, if the physical therapy aide:

14    (i) Subject to the rules and regulations adopted by the Board,  
15 performs only procedures that do not require the professional skills of a licensed physical  
16 therapist or a licensed physical therapist assistant; and

17    (ii) Performs procedures only under the direct supervision of a  
18 licensed physical therapist who personally is present in the area where the procedures are  
19 performed; OR

20                            (3) AN OUT-OF-STATE HEALTH CARE PRACTITIONER REGISTERED BY  
21 THE BOARD UNDER § 1-1005 OF THIS ARTICLE TO PROVIDE HEALTH CARE SERVICES  
22 THROUGH TELEHEALTH.

23 14-301.

24            Except as otherwise provided in this title [or], § 13-516 of the Education Article, OR  
25 § 1-1005 OF THIS ARTICLE, an individual shall be licensed by the Board before the  
26 individual may practice medicine in this State.

27 15-301.

28            (d) (1) Except as otherwise provided in this title, an individual shall be  
29 licensed by the Board before the individual may practice as a physician assistant.

30            (f) Except as provided in subsection (g) of this section, the following individuals  
31 may practice as a physician assistant without a license:

1 (1) A physician assistant student enrolled in a physician assistant  
2 educational program that is accredited by the Accreditation Review Commission on  
3 Education for the Physician Assistant or its successor and approved by the Board; [or]

4 (2) A physician assistant employed in the service of the federal government  
5 while performing duties incident to that employment; OR

6 **(3) AN OUT-OF-STATE HEALTH CARE PRACTITIONER REGISTERED BY**  
7 **THE BOARD UNDER § 1-1005 OF THIS ARTICLE TO PROVIDE HEALTH CARE SERVICES**  
8 **THROUGH TELEHEALTH.**

9 16-301.

10 [An] EXCEPT AS PROVIDED IN § 1-1005 OF THIS ARTICLE, AN individual shall  
11 be licensed by the Board before the individual may practice podiatry in this State.

12 17-301.

13 (a) Except as otherwise provided in subsection (b) of this section, an individual  
14 may not practice, attempt to practice, or offer to practice clinical alcohol and drug  
15 counseling, clinical marriage and family therapy, clinical professional art therapy, or  
16 clinical professional counseling in the State unless licensed by the Board.

17 (b) Subject to the regulations of the Board, subsection (a) of this section does not  
18 apply to:

19 (1) A student working under the supervision of a licensed mental health  
20 care provider while pursuing a supervised course of study in counseling that the Board  
21 approves as qualifying training and experience under this title; [or]

22 (2) An individual who, in accordance with § 17-406 of this title, is working  
23 as a trainee under the supervision of a licensed clinical alcohol and drug counselor or  
24 another health care provider licensed or certified under this article and approved by the  
25 Board while fulfilling the experiential or course of study requirements under § 17-302 of  
26 this subtitle or § 17-403 or § 17-404 of this title; OR

27 **(3) AN OUT-OF-STATE HEALTH CARE PRACTITIONER REGISTERED BY**  
28 **THE BOARD UNDER § 1-1005 OF THIS ARTICLE TO PROVIDE HEALTH CARE SERVICES**  
29 **THROUGH TELEHEALTH.**

30 18-301.

31 (a) Except as otherwise provided in this section, an individual shall be licensed or  
32 registered by the Board before the individual may practice psychology as a psychologist or  
33 psychology associate in this State.

1 (b) **[A] EXCEPT AS PROVIDED SUBSECTION (G) OF THIS SECTION, A**  
2 registered psychology associate may practice psychology in this State only if:

3 (1) The registered psychology associate is supervised by a licensed  
4 psychologist in accordance with regulations adopted by the Board;

5 (2) The supervising licensed psychologist is jointly responsible for the  
6 provision of psychological services by the registered psychology associate; and

7 (3) The registered psychology associate does not use any title other than  
8 “registered psychology associate”.

9 (e) **[The] EXCEPT AS PROVIDED SUBSECTION (G) OF THIS SECTION, THE**  
10 Board may authorize an unlicensed individual to practice psychology, subject to any  
11 limitations the Board imposes, if:

12 (1) The Board finds that the circumstances warrant; and

13 (2) The individual:

14 (i) Is not a resident of this State; and

15 (ii) Meets the qualifications, other than residence and examination,  
16 for a license.

17 **(G) THIS SECTION DOES NOT APPLY TO AN OUT-OF-STATE HEALTH CARE**  
18 **PRACTITIONER REGISTERED BY THE BOARD UNDER § 1-1005 OF THIS ARTICLE TO**  
19 **PROVIDE HEALTH CARE SERVICES THROUGH TELEHEALTH.**

20 19-301.

21 (a) Except as otherwise provided in this title, an individual shall be:

22 (1) Licensed by the Board before the individual may practice social work in  
23 this State while representing oneself as a social worker; or

24 (2) Licensed as a certified social worker-clinical before the individual may  
25 practice clinical social work in this State.

26 (b) This section does not apply to:

27 (3) An individual who:

28 (i) Is licensed to practice social work in any other state;

29 (ii) Has an application for a license pending before the Board; and

1 (iii) Meets requirements established by the Board in regulations; [or]

2 (4) A student while pursuing a supervised course of study in a social work  
3 program that is accredited or is a candidate for accreditation by the Council on Social Work  
4 Education; OR

5 **(5) AN OUT-OF-STATE HEALTH CARE PRACTITIONER REGISTERED BY**  
6 **THE BOARD UNDER § 1-1005 OF THIS ARTICLE TO PROVIDE HEALTH CARE SERVICES**  
7 **THROUGH TELEHEALTH.**

8 20-301.

9 (a) (1) Except as otherwise provided in this subsection, an individual shall  
10 receive a certificate from the Board before the individual may be a program administrator  
11 in this State.

12 (2) (i) Except as provided in subparagraph (ii) of this paragraph, if a  
13 program administrator leaves or is removed from a position as program administrator by  
14 death or for any other unexpected cause, the chief administrator of a residential child care  
15 program or other appropriate program authority shall immediately designate a certified  
16 program administrator to serve in that capacity.

17 (ii) 1. In the event a certified program administrator is not  
18 available, the chief administrator or other appropriate program authority may appoint a  
19 noncertified person to serve in the capacity of acting program administrator for a period  
20 not to exceed 90 days.

21 2. The chief administrator or other appropriate program  
22 authority shall immediately notify the Board of the appointment and forward the  
23 credentials and the State and national criminal history records check of the person  
24 appointed to the Board for evaluation to assure that the person appointed is experienced,  
25 trained, of good moral character, and competent.

26 3. The 90-day period begins on the date that the program  
27 administrator leaves or is removed from the position as a program administrator.

28 4. The Board may extend the 90-day period for a further  
29 period of not more than 30 days.

30 **(3) THIS SUBSECTION DOES NOT APPLY TO AN OUT-OF-STATE**  
31 **HEALTH CARE PRACTITIONER REGISTERED BY THE BOARD UNDER § 1-1005 OF THIS**  
32 **ARTICLE TO PROVIDE HEALTH CARE SERVICES THROUGH TELEHEALTH.**

33 (b) (1) Except as provided in paragraph (2) of this subsection, on or before  
34 October 1, 2015, an individual shall receive a certificate from the Board before the

1 individual may be a residential child and youth care practitioner in this State.

2 (2) This subsection does not apply to:

3 (i) An employee of the Maryland School for the Blind who is a  
4 residential child and youth care practitioner and holds a current paraprofessional  
5 certificate; [or]

6 (ii) For up to 180 days, an individual participating in a  
7 Board-approved training program; **OR**

8 **(III) AN OUT-OF-STATE HEALTH CARE PRACTITIONER**  
9 **REGISTERED BY THE BOARD UNDER § 1-1005 OF THIS ARTICLE TO PROVIDE HEALTH**  
10 **CARE SERVICES THROUGH TELEHEALTH.**

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
12 1, 2021.