

HOUSE BILL 774

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By: **Delegate Queen**

Introduced and read first time: January 29, 2021

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Public Health – Adverse Childhood Experience Screening – Requirement and**
3 **Practitioner Training Program**

4 FOR the purpose of requiring a certain physical examination to include a certain screening
5 for adverse childhood experiences beginning with children entering the public school
6 system in a certain school year; requiring the Maryland Medical Assistance Program,
7 subject to a certain limitation and as permitted by federal law, to provide
8 reimbursement to a licensed physician, licensed physician assistant, or certified
9 registered nurse practitioner who provides a certain screening under certain
10 circumstances; requiring the Secretary of Health to approve certain training
11 programs for a certain purpose; requiring the Maryland Department of Health to
12 provide a certain list on request; requiring certain boards to adopt regulations that
13 allow certain licensees to receive continuing education units or credits for completing
14 a certain training program; making conforming changes; and generally relating to
15 adverse childhood experience screenings.

16 BY repealing and reenacting, with amendments,
17 Article – Education
18 Section 7–402
19 Annotated Code of Maryland
20 (2018 Replacement Volume and 2020 Supplement)

21 BY repealing and reenacting, without amendments,
22 Article – Health – General
23 Section 15–103(a)(1)
24 Annotated Code of Maryland
25 (2019 Replacement Volume and 2020 Supplement)

26 BY repealing and reenacting, with amendments,
27 Article – Health – General
28 Section 15–103(a)(2)(xv) and (xvi)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2019 Replacement Volume and 2020 Supplement)

3 BY adding to
4 Article – Health – General
5 Section 15–103(a)(2)(xvii) and 15–150
6 Annotated Code of Maryland
7 (2019 Replacement Volume and 2020 Supplement)

8 BY repealing and reenacting, with amendments,
9 Article – Health Occupations
10 Section 8–312, 14–316(d), and 15–307(d)
11 Annotated Code of Maryland
12 (2014 Replacement Volume and 2020 Supplement)

13 BY repealing and reenacting, without amendments,
14 Article – Health Occupations
15 Section 14–301, 14–316(c), 15–306, and 15–307(c)
16 Annotated Code of Maryland
17 (2014 Replacement Volume and 2020 Supplement)

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

20 **Article – Education**

21 7–402.

22 (a) The Department of Education in consultation with the Maryland Department
23 of Health shall adopt regulations requiring a physical examination for children entering
24 the Maryland Public School System for the first time.

25 (b) The regulations shall require each child entering the Maryland Public School
26 System for the first time to have a physical examination completed within:

27 (1) The 9–month period before entering the public school system; or

28 (2) The 6–month period after entering the public school system.

29 (c) The physical examination required under subsection (b) of this section shall
30 [be]:

31 (1) **BE** completed by:

32 [(1)] (I) A licensed physician;

1 **[(2)] (II)** A licensed physician assistant with a delegation agreement
2 approved by the State Board of Physicians; or

3 **[(3)] (III)** A certified **REGISTERED** nurse practitioner; **AND**

4 **(2) BEGINNING WITH CHILDREN ENTERING THE PUBLIC SCHOOL**
5 **SYSTEM IN THE 2022–2023 SCHOOL YEAR, INCLUDE A SCREENING FOR ADVERSE**
6 **CHILDHOOD EXPERIENCES USING THE PEDIATRIC ACES AND RELATED LIFE**
7 **EVENTS SCREENER FOR CHILDREN OR ADOLESCENTS, AS APPROPRIATE, OR AN**
8 **EQUIVALENT SCREENING TOOL AS DETERMINED BY THE MARYLAND DEPARTMENT**
9 **OF HEALTH.**

10 (d) (1) For each school year each public school shall report to the county board
11 or county health department the number of children entering the public school system for
12 the first time who have not had a physical examination because of:

13 (i) The lack of access to health care;

14 (ii) Insufficient financial resources; or

15 (iii) Any other reason, including a religious reason, as the public
16 school deems appropriate.

17 (2) The county board or county health department shall report the
18 information obtained under paragraph (1) of this subsection to the Maryland Department
19 of Health.

20 **Article – Health – General**

21 15–103.

22 (a) (1) The Secretary shall administer the Maryland Medical Assistance
23 Program.

24 (2) The Program:

25 (xv) Shall provide, subject to the limitations of the State budget,
26 mental health services appropriately delivered through telehealth to a patient in the
27 patient’s home setting; **[and]**

28 (xvi) Beginning on January 1, 2021, shall provide, subject to the
29 limitations of the State budget and § 15–855(b)(2) of the Insurance Article, and as permitted
30 by federal law, services for pediatric autoimmune neuropsychiatric disorders associated
31 with streptococcal infections and pediatric acute onset neuropsychiatric syndrome,
32 including the use of intravenous immunoglobulin therapy, for eligible Program recipients,
33 if pediatric autoimmune neuropsychiatric disorders associated with streptococcal infections

1 and pediatric acute onset neuropsychiatric syndrome are coded for billing and diagnosis
2 purposes in accordance with § 15–855(d) of the Insurance Article; AND

3 (XVII) SHALL PROVIDE, SUBJECT TO THE LIMITATIONS OF THE
4 STATE BUDGET AND AS PERMITTED BY FEDERAL LAW, REIMBURSEMENT TO A
5 LICENSED PHYSICIAN, LICENSED PHYSICIAN ASSISTANT, OR CERTIFIED
6 REGISTERED NURSE PRACTITIONER WHO PROVIDES A SCREENING FOR ADVERSE
7 CHILDHOOD EXPERIENCES UNDER § 7–402(C)(2) OF THE EDUCATION ARTICLE IF
8 THE PHYSICIAN, PHYSICIAN ASSISTANT, OR NURSE PRACTITIONER ATTESTS TO
9 COMPLETING AN APPROVED CHILDHOOD EXPERIENCES TRAINING PROGRAM
10 APPROVED BY THE SECRETARY UNDER § 15–150 OF THIS SUBTITLE.

11 15–150.

12 (A) THE SECRETARY SHALL APPROVE ADVERSE CHILDHOOD EXPERIENCES
13 TRAINING PROGRAMS, INCLUDING AT LEAST ONE ONLINE PROGRAM, THAT A
14 LICENSED PHYSICIAN, LICENSED PHYSICIAN ASSISTANT, OR CERTIFIED
15 REGISTERED NURSE PRACTITIONER MAY COMPLETE TO QUALIFY FOR
16 REIMBURSEMENT FROM THE MARYLAND MEDICAL ASSISTANCE PROGRAM UNDER
17 § 15–103(A)(2) OF THIS SUBTITLE FOR PROVIDING A SCREENING FOR ADVERSE
18 CHILDHOOD EXPERIENCES UNDER § 7–402(C) OF THE EDUCATION ARTICLE.

19 (B) THE DEPARTMENT SHALL PROVIDE A LIST OF TRAINING PROGRAMS
20 APPROVED UNDER SUBSECTION (A) OF THIS SECTION ON REQUEST.

21 **Article – Health Occupations**

22 8–312.

23 (a) A license expires on the 28th day of the birth month of the licensee and may
24 not be renewed for a term longer than 2 years.

25 (b) (1) At least 3 months before a license expires, the Board shall send to the
26 licensee a renewal notice by:

27 (i) First-class mail to the last known mailing address of the
28 licensee; or

29 (ii) Electronic means to the last known electronic address of the
30 licensee.

31 (2) If a licensee is required to have a criminal history records check before
32 a license may be renewed, the Board shall send the licensee the documents necessary for
33 initiating the criminal history records check in conjunction with the renewal notice
34 required under paragraph (1) of this subsection.

1 (c) Before a license expires, the licensee periodically may renew it for an
2 additional term, if the licensee:

3 (1) Otherwise is entitled to be licensed;

4 (2) Pays to the Board:

5 (i) A renewal fee set by the Board; or

6 (ii) A renewal fee that is set by the Board if the licensee certifies to
7 the Board that the licensee provides professional services only as a volunteer; and

8 (3) Submits to the Board by paper application or electronic means:

9 (i) A renewal application on the form that the Board requires; and

10 (ii) Satisfactory evidence of completion of:

11 1. 1,000 hours of active nursing practice within the 5-year
12 period immediately preceding the date of renewal;

13 2. A course of instruction, commonly known as a refresher
14 course, approved by the Board;

15 3. A preceptorship program provided by an employer and
16 approved by the Board; or

17 4. A minimum number of continuing education units as
18 required by regulations adopted by the Board.

19 **(D) THE BOARD SHALL ADOPT REGULATIONS THAT ALLOW A LICENSEE**
20 **CERTIFIED TO PRACTICE AS A REGISTERED NURSE PRACTITIONER SEEKING**
21 **LICENSE RENEWAL TO RECEIVE CONTINUING EDUCATION UNITS FOR COMPLETING**
22 **AN ADVERSE CHILDHOOD EXPERIENCES TRAINING PROGRAM APPROVED BY THE**
23 **SECRETARY UNDER § 15-150 OF THE HEALTH - GENERAL ARTICLE.**

24 **[(d)] (E)** The Board may grant a 30-day extension, beyond a license's expiration
25 date, to a licensee so that the licensee may renew the license before it expires.

26 **[(e)] (F)** (1) Each licensee shall notify the Board in writing of any change in
27 the name or address of the licensee within 60 days after the change occurred.

28 (2) If a licensee fails to notify the Board within the time required under
29 this subsection, subject to the hearing provisions of § 8-317 of this subtitle, the Board may
30 impose an administrative penalty of \$100.

1 ~~[(f)]~~ **(G)** (1) Subject to subsection ~~[(g)]~~ **(H)** of this section, the Board shall
2 renew the license of each licensee who meets the requirements of this section.

3 (2) A volunteer's license issued under subsection (c)(2)(ii) of this section
4 shall be clearly designated as a volunteer's license.

5 ~~[(g)]~~ **(H)** (1) (i) A criminal history records check is required in accordance
6 with § 8–303 of this subtitle on:

7 1. Selected annual renewal applicants as determined by
8 regulations adopted by the Board; and

9 2. Each licensee who files for reinstatement under § 8–313 of
10 this subtitle after failing to renew the license for a period of 1 year or more.

11 (ii) An additional criminal history records check shall be performed
12 every 12 years thereafter.

13 (2) On receipt of the criminal history record information of a licensee
14 forwarded to the Board in accordance with § 8–303 of this subtitle, in determining whether
15 to initiate a disciplinary action against a licensee based on the information received, the
16 Board shall consider:

17 (i) The age at which the crime was committed;

18 (ii) The circumstances surrounding the crime;

19 (iii) The length of time that has passed since the crime;

20 (iv) Subsequent work history;

21 (v) Employment and character references; and

22 (vi) Other evidence that demonstrates whether the licensee poses a
23 threat to the public health or safety.

24 (3) The Board may not renew a license without written documentation that
25 the applicant has submitted to a criminal history records check required under § 8–303 of
26 this subtitle.

27 14–301.

28 Except as otherwise provided in this title or § 13–516 of the Education Article, an
29 individual shall be licensed by the Board before the individual may practice medicine in
30 this State.

1 14–316.

2 (c) (1) Before the license expires, the licensee periodically may renew it for an
3 additional term, if the licensee:

4 (i) Otherwise is entitled to be licensed;

5 (ii) Is of good moral character;

6 (iii) Pays to the Board a renewal fee set by the Board; and

7 (iv) Submits to the Board:

8 1. A renewal application on the form that the Board requires;

9 and

10 2. Satisfactory evidence of compliance with any continuing
11 education requirements set under this section for license renewal.

12 (2) Within 30 days after a license renewal under Section 7 of the Interstate
13 Medical Licensure Compact established under § 14–3A–01 of this title, a compact physician
14 shall submit to the Board the information required under paragraph (1)(iv) of this
15 subsection.

16 (d) (1) In addition to any other qualifications and requirements established by
17 the Board, the Board may establish continuing education requirements as a condition to
18 the renewal of licenses under this section.

19 (2) In establishing these requirements, the Board shall evaluate existing
20 methods, devices, and programs in use among the various medical specialties and other
21 recognized medical groups.

22 (3) The Board shall adopt regulations that allow a licensee seeking renewal
23 to receive [up]:

24 (I) UP to 5 continuing education credits per renewal period for
25 providing uncompensated, voluntary medical services during each renewal period; AND

26 (II) CONTINUING EDUCATION CREDITS FOR COMPLETING AN
27 ADVERSE CHILDHOOD EXPERIENCES TRAINING PROGRAM APPROVED BY THE
28 SECRETARY UNDER § 15–150 OF THE HEALTH – GENERAL ARTICLE.

29 (4) The Board may not establish or enforce these requirements if they
30 would so reduce the number of physicians in a community as to jeopardize the availability
31 of adequate medical care in that community.

1 (5) The Board may not establish a continuing education requirement that
2 every licensee complete a specific course or program as a condition to the renewal of a
3 license under this section.

4 (6) A disciplinary panel may impose a civil penalty of up to \$100 per
5 continuing medical education credit in lieu of a sanction under § 14–404 of this title, for a
6 first offense, for the failure of a licensee to obtain the continuing medical education credits
7 required by the Board.

8 15–306.

9 A license authorizes the licensee to practice as a physician assistant under a
10 delegation agreement while the license is effective.

11 15–307.

12 (c) Before a license expires, the licensee periodically may renew it for an
13 additional 2–year term, if the licensee:

14 (1) Is otherwise entitled to be issued a license;

15 (2) Pays to the Board the renewal fee, set by the Board;

16 (3) Submits to the Board:

17 (i) A renewal application on the form that the Board requires; and

18 (ii) Satisfactory evidence of compliance with the continuing
19 education requirements for license renewal set by the Board under this section; and

20 (4) Meets any additional requirements set by the Board for renewal of a
21 license.

22 (d) **(1)** In addition to any other qualifications and requirements established by
23 the Board, the Board shall establish continuing education requirements as a condition for
24 the renewal of licenses under this section.

25 **(2) THE BOARD SHALL ADOPT REGULATIONS THAT ALLOW A**
26 **LICENSEE SEEKING RENEWAL TO RECEIVE CONTINUING EDUCATION CREDITS FOR**
27 **COMPLETING AN ADVERSE CHILDHOOD EXPERIENCES TRAINING PROGRAM**
28 **APPROVED BY THE SECRETARY UNDER § 15–150 OF THE HEALTH – GENERAL**
29 **ARTICLE.**

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 2021.