

HOUSE BILL 1252

J2

2lr3162
CF 2lr3201

By: **Delegate Belcastro**

Introduced and read first time: February 11, 2022

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Physicians and Allied Health Professions – Reorganization and Revisions**

3 FOR the purpose of repealing obsolete and redundant language in, clarifying language in,
4 and reorganizing certain provisions of law governing the State Board of Physicians
5 and the regulation of physicians, physician assistants, and allied health
6 professionals; authorizing the Board to regulate the allied health committees;
7 repealing the requirement that the Board provide a certain data sheet; and generally
8 relating to the State Board of Physicians and the regulation of physicians, physician
9 assistants, and allied health professionals.

10 BY repealing

11 Article – Health Occupations

12 Section 14–101(n), 14–401.1(b) through (d), 14–405(f), 14–5A–02 through 14–5A–04,
13 14–5A–10, 14–5A–11, 14–5A–13, 14–5A–14, 14–5A–16, 14–5A–17.1,
14 14–5A–18.1, 14–5A–19, 14–5B–02 through 14–5B–04, 14–5B–10, 14–5B–12,
15 14–5B–12.1, 14–5B–13, 14–5B–14.1, 14–5B–15.1, 14–5B–16, 14–5C–02
16 through 14–5C–04, 14–5C–11, 14–5C–12, 14–5C–14, 14–5C–14.1, 14–5C–16,
17 14–5C–18.1, 14–5C–19, 14–5D–02, 14–5D–03, 14–5D–09, 14–5D–12,
18 14–5D–12.1, 14–5D–13, 14–5D–15, 14–5D–16, 14–5D–16.1, 14–5E–02
19 through 14–5E–04, 14–5E–11, 14–5E–15, 14–5E–17, 14–5E–18.1, 14–5E–19,
20 14–5F–04, 14–5F–05, 14–5F–13, 14–5F–15.1, 14–5F–17, 14–5F–23,
21 14–5G–02 through 14–5G–04, 14–5G–10, 14–5G–11, 14–5G–13, 14–5G–15,
22 14–5G–16, 14–5G–19, 14–5G–21, 14–5G–22, 15–203, 15–204, 15–206,
23 15–304, 15–305, 15–307, 15–308, 15–310 through 15–312, and 15–315
24 through 15–316.1

25 Annotated Code of Maryland
26 (2021 Replacement Volume)

27 BY renumbering

28 Article – Health Occupations

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 Section 14-206, 14-206.1, 14-301, 14-302, 14-306, 14-307, 14-308, 14-308.1,
 2 14-309, 14-311, 14-312, 14-313, 14-313.1, 14-314, 14-315, 14-316, 14-317,
 3 14-318 through 14-320, 14-322, 14-404, 14-413 through 14-415, 14-502,
 4 14-503, 14-504, 14-505, 14-506, 14-507, 14-508, 14-509, 14-601, 14-602,
 5 14-603, 14-605, 14-607, 15-101 through 15-103, 15-201, 15-202, 15-205,
 6 15-301, 15-302, 15-302.1 through 15-302.3, 15-303, 15-306, 15-309, 15-313,
 7 15-314, 15-317, 15-401, 15-402, 15-402.1, 15-403, 15-501, and 15-502,
 8 respectively
 9 to be Section 14-401.2, 14-401.3, 14-501, 14-502, 14-503, 14-301, 14-505,
 10 14-302, 14-303, 14-506, 14-507, 14-304, 14-529, 14-305, 14-508, 14-306,
 11 14-307, 14-509 through 14-511, 14-512, 14-515, 14-517 through 14-519,
 12 14-414, 14-513, 14-526, 14-525, 14-415, 14-523, 14-520, 14-522, 14-527,
 13 14-528, 14-413, 14-521, 14-524, 14-5H-01 through 14-5H-03, 14-5H-04,
 14 14-5H-05, 14-5H-06, 14-5H-07, 14-5H-08, 14-5H-09 through 14-5H-11,
 15 14-5H-12, 14-5H-13, 14-5H-14, 14-5H-15, 14-5H-16, 14-5H-17,
 16 14-5H-18, 14-5H-19, 14-5H-20, 14-5H-21, 14-5H-22, and 14-5H-23,
 17 respectively
 18 Annotated Code of Maryland
 19 (2021 Replacement Volume)
- 20 BY repealing and reenacting, with amendments,
 21 Article – Correctional Services
 22 Section 9-603(d)(2)
 23 Annotated Code of Maryland
 24 (2017 Replacement Volume and 2021 Supplement)
- 25 BY repealing and reenacting, with amendments,
 26 Article – Courts and Judicial Proceedings
 27 Section 5-106(r), 5-715(d), and 10-205(b)
 28 Annotated Code of Maryland
 29 (2020 Replacement Volume and 2021 Supplement)
- 30 BY repealing and reenacting, without amendments,
 31 Article – Health – General
 32 Section 4-201(a), 5-601(a), and 13-3301(a)
 33 Annotated Code of Maryland
 34 (2019 Replacement Volume and 2021 Supplement)
- 35 BY repealing and reenacting, with amendments,
 36 Article – Health – General
 37 Section 4-201(s), 5-601(v), 13-3301(d), and 18-214.1(b)
 38 Annotated Code of Maryland
 39 (2019 Replacement Volume and 2021 Supplement)
- 40 BY repealing and reenacting, with amendments,
 41 Article – Health Occupations

1 Section 1–302(g), 1–306(e), 8–205(a)(3), 11–404.2(h), 12–102(c)(2),
2 14–101(a–1), (g), (i), and (o), 14–102(a), 14–205, 14–207(b) through (d) and (f),
3 14–3A–01 Section 5(b)(3)(i), 14–401.1(a)(5) and (e) through (k), 14–402(a), (c),
4 (e), and (f), 14–405(a) and (g), 14–406, 14–409(a) and (c), 14–411(d), (g), (h),
5 (j), (k), and (p), 14–411.1(b) through (d), 14–416(a), 14–5A–01(c), 14–5A–05,
6 14–5A–09, 14–5A–17(a), 14–5B–07(a)(2), 14–5B–09, 14–5B–11, 14–5B–14(a),
7 14–5C–01(c), 14–5C–05, 14–5C–08(b), 14–5C–09, 14–5C–10, 14–5C–17(a),
8 14–5D–07(b), 14–5D–08, 14–5D–10(a), 14–5D–14(a), 14–5E–01(g),
9 14–5E–08(b), 14–5E–09, 14–5E–10(a), 14–5E–13, 14–5E–14, 14–5E–16(a),
10 14–5F–11, 14–5F–12, 14–5F–15, 14–5F–16, 14–5F–18(a), 14–5F–21,
11 14–5F–24(c), 14–5G–09, 14–5G–14(h), 14–5G–17, and 14–5G–18(a)

12 Annotated Code of Maryland
13 (2021 Replacement Volume)

14 BY repealing and reenacting, without amendments,
15 Article – Health Occupations
16 Section 14–101(a), 14–5A–01(a), 14–5C–01(a), and 14–5E–01(a)
17 Annotated Code of Maryland
18 (2021 Replacement Volume)

19 BY adding to
20 Article – Health Occupations
21 Section 14–101(a–2), (n), and (q), 14–404, 14–417, 14–504, 14–514, 14–516,
22 14–5A–06(e), 14–5B–05(f), 14–5C–06(e), 14–5D–05(f), 14–5E–06(e), and
23 14–5F–07(g)
24 Annotated Code of Maryland
25 (2021 Replacement Volume)

26 BY repealing and reenacting, with amendments,
27 Article – Health Occupations
28 Section 14–301, 14–303, 14–304(b), 14–305, 14–306, 14–307, 14–401.2(e), and
29 14–413; 14–503(c) and (e), 14–505(b), 14–506(a), 14–510(a), 14–511(b),
30 14–515(a), 14–517(a)(1), 14–518(a)(1), 14–524(b) and (c), 14–527, and
31 14–528(c) to be under the amended subtitle “Subtitle 5. Physicians”; and
32 14–5H–01(e) through (i) and (j) through (u), 14–5H–02, 14–5H–03(c), (d), and
33 (e)(1), 14–5H–06(a), 14–5H–07(c), 14–5H–08(c)(2)(ii)1., (g), (k), (l)(2), and (m),
34 14–5H–09(a) and (b), 14–5H–10(e), 14–5H–12(a), 14–5H–14, 14–5H–15,
35 14–5H–16(a), and 14–5H–21 through 14–5H–23
36 Annotated Code of Maryland
37 (2021 Replacement Volume)
38 (As enacted by Section 2 of this Act)

39 BY adding to
40 Article – Health Occupations
41 Section 14–513(c) and (d), 14–521(c), 14–524(b), 14–525(d), and 14–528(d); and
42 14–5H–16(c) through (e) to be under the new subtitle “Subtitle 5H. Physician
43 Assistants”

1 Annotated Code of Maryland
2 (2021 Replacement Volume)
3 (As enacted by Section 2 of this Act)

4 BY repealing and reenacting, without amendments,
5 Article – Health Occupations
6 Section 14–5H–01(a)
7 Annotated Code of Maryland
8 (2021 Replacement Volume)
9 (As enacted by Section 2 of this Act)

10 BY repealing
11 Article – Health Occupations
12 Section 14–5H–01(d) and (i–1)
13 Annotated Code of Maryland
14 (2021 Replacement Volume)
15 (As enacted by Section 2 of this Act)

16 BY repealing and reenacting, without amendments,
17 Article – Transportation
18 Section 13–616(a)(1)
19 Annotated Code of Maryland
20 (2020 Replacement Volume and 2021 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article – Transportation
23 Section 13–616(a)(7)
24 Annotated Code of Maryland
25 (2020 Replacement Volume and 2021 Supplement)

26 BY repealing and reenacting, without amendments,
27 Article – Tax – General
28 Section 10–752(a)(1)
29 Annotated Code of Maryland
30 (2016 Replacement Volume and 2021 Supplement)

31 BY repealing and reenacting, with amendments,
32 Article – Tax – General
33 Section 10–752(a)(3) and (d)(7)
34 Annotated Code of Maryland
35 (2016 Replacement Volume and 2021 Supplement)

36 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
37 That Section(s) 14–101(n), 14–401.1(b) through (d), 14–405(f), 14–5A–02 through
38 14–5A–04, 14–5A–10, 14–5A–11, 14–5A–13, 14–5A–14, 14–5A–16, 14–5A–17.1,
39 14–5A–18.1, 14–5A–19, 14–5B–02 through 14–5B–04, 14–5B–10, 14–5B–12, 14–5B–12.1,
40 14–5B–13, 14–5B–14.1, 14–5B–15.1, 14–5B–16, 14–5C–02 through 14–5C–04, 14–5C–11,

1 14-5C-12, 14-5C-14, 14-5C-14.1, 14-5C-16, 14-5C-18.1, 14-5C-19, 14-5D-02,
 2 14-5D-03, 14-5D-09, 14-5D-12, 14-5D-12.1, 14-5D-13, 14-5D-15, 14-5D-16,
 3 14-5D-16.1, 14-5E-02 through 14-5E-04, 14-5E-11, 14-5E-15, 14-5E-17, 14-5E-18.1,
 4 14-5E-19, 14-5F-04, 14-5F-05, 14-5F-13, 14-5F-15.1, 14-5F-17, 14-5F-23, 14-5G-02
 5 through 14-5G-04, 14-5G-10, 14-5G-11, 14-5G-13, 14-5G-15, 14-5G-16, 14-5G-19,
 6 14-5G-21, 14-5G-22, 15-203, 15-204, 15-206, 15-304, 15-305, 15-307,
 7 15-308, 15-310 through 15-312, and 15-315 through 15-316.1 of Article – Health
 8 Occupations of the Annotated Code of Maryland be repealed.

9 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 14-206, 14-206.1,
 10 14-301, 14-302, 14-306, 14-307, 14-308, 14-308.1, 14-309, 14-311, 14-312, 14-313,
 11 14-313.1, 14-314, 14-315, 14-316, 14-317, 14-318 through 14-320, 14-322, 14-404,
 12 14-413 through 14-415, 14-502, 14-503, 14-504, 14-505, 14-506, 14-507, 14-508,
 13 14-509, 14-601, 14-602, 14-603, 14-605, 14-607, 15-101 through 15-103, 15-201,
 14 15-202, 15-205, 15-301, 15-302, 15-302.1 through 15-302.3, 15-303, 15-306, 15-309,
 15 15-313, 15-314, 15-317, 15-401, 15-402, 15-402.1, 15-403, 15-501, and 15-502,
 16 respectively, of Article – Health Occupations of the Annotated Code of Maryland be
 17 renumbered to be Section(s) 14-401.2, 14-401.3, 14-501, 14-502, 14-503, 14-301, 14-505,
 18 14-302, 14-303, 14-506, 14-507, 14-304, 14-529, 14-305, 14-508, 14-306, 14-307,
 19 14-509 through 14-511, 14-512, 14-515, 14-517 through 14-519, 14-414, 14-513, 14-526,
 20 14-525, 14-415, 14-523, 14-520, 14-522, 14-527, 14-528, 14-413, 14-521, 14-524,
 21 14-5H-01 through 14-5H-03, 14-5H-04, 14-5H-05, 14-5H-06, 14-5H-07, 14-5H-08,
 22 14-5H-09 through 14-5H-11, 14-5H-12, 14-5H-13, 14-5H-14, 14-5H-15, 14-5H-16,
 23 14-5H-17, 14-5H-18, 14-5H-19, 14-5H-20, 14-5H-21, 14-5H-22, and 14-5H-23,
 24 respectively.

25 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
 26 as follows:

27 Article – Correctional Services

28 9-603.

29 (d) (2) If an assessment conducted under paragraph (1) of this subsection
 30 indicates opioid use disorder, an evaluation of the inmate shall be conducted by a health
 31 care practitioner with prescriptive authority authorized under Title 8[,] OR Title 14[, or
 32 Title 15] of the Health Occupations Article.

33 Article – Courts and Judicial Proceedings

34 5-106.

35 (r) A prosecution for an offense under [§ 14-601] § 14-527 of the Health
 36 Occupations Article of practicing, attempting to practice, or offering to practice medicine
 37 without a license shall be instituted within 3 years after the offense was committed.

38 5-715.

1 (d) Any person who acts in good faith is not civilly liable for giving any of the
 2 information required under [§ 14–413 or § 14–414] **§ 14–517 OR § 14–518** of the Health
 3 Occupations Article.

4 10–205.

5 (b) Records, reports, statements, notes, or information assembled or obtained by
 6 the Maryland Department of Health, the Maryland Commission to Study Problems of Drug
 7 Addiction, the Medical and Chirurgical Faculty or its allied medical societies, the Maryland
 8 Institute for Emergency Medical Services Systems, an in–hospital staff committee, or a
 9 national organized medical society or research group that are declared confidential by §
 10 4–102 of the Health – General Article or [§ 14–506] **§ 14–415** of the Health Occupations
 11 Article, are not admissible in evidence in any proceeding.

12 Article – Health – General

13 4–201.

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

15 (s) “Physician assistant” means an individual who is licensed under Title [15] **14**,
 16 **SUBTITLE 5H** of the Health Occupations Article to practice medicine with physician
 17 supervision.

18 5–601.

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

20 (v) “Physician assistant” means an individual who is licensed under Title [15] **14**,
 21 **SUBTITLE 5H** of the Health Occupations Article to practice medicine with physician
 22 supervision.

23 13–3301.

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

25 (d) “Certifying provider” means an individual who:

26 (1) (i) 1. Has an active, unrestricted license to practice medicine
 27 that was issued by the State Board of Physicians under Title 14 of the Health Occupations
 28 Article; and

29 2. Is in good standing with the State Board of Physicians;

1 (ii) 1. Has an active, unrestricted license to practice dentistry
2 that was issued by the State Board of Dental Examiners under Title 4 of the Health
3 Occupations Article; and

4 2. Is in good standing with the State Board of Dental
5 Examiners;

6 (iii) 1. Has an active, unrestricted license to practice podiatry
7 that was issued by the State Board of Podiatric Medical Examiners under Title 16 of the
8 Health Occupations Article; and

9 2. Is in good standing with the State Board of Podiatric
10 Medical Examiners;

11 (iv) 1. Has an active, unrestricted license to practice registered
12 nursing and has an active, unrestricted certification to practice as a nurse practitioner or
13 a nurse midwife that were issued by the State Board of Nursing under Title 8 of the Health
14 Occupations Article; and

15 2. Is in good standing with the State Board of Nursing; or

16 (v) 1. Has an active, unrestricted license to practice as a
17 physician assistant issued by the State Board of Physicians under Title [15] 14, **SUBTITLE**
18 **5H** of the Health Occupations Article;

19 2. Has an active delegation agreement with a primary
20 supervising physician who is a certifying provider; and

21 3. Is in good standing with the State Board of Physicians;

22 (2) Has a State controlled dangerous substances registration; and

23 (3) Is registered with the Commission to make cannabis available to
24 patients for medical use in accordance with regulations adopted by the Commission.

25 18–214.1.

26 (b) Notwithstanding any other provision of law, the following health care
27 providers may prescribe, dispense, or otherwise provide antibiotic therapy to any sexual
28 partner of a patient diagnosed with chlamydia, gonorrhea, or trichomoniasis without
29 making a personal physical assessment of the patient's partner:

30 (1) A physician licensed under Title 14 of the Health Occupations Article;

31 (2) An advanced practice registered nurse with prescriptive authority
32 licensed under Title 8 of the Health Occupations Article acting in accordance with § 8–508
33 of the Health Occupations Article;

1 (3) An authorized physician assistant licensed under Title [15] 14,
 2 **SUBTITLE 5H** of the Health Occupations Article acting in accordance with [§ 15-302.2]
 3 **14-5H-10** of the Health Occupations Article; and

4 (4) A registered nurse employed by a local health department who complies
 5 with:

6 (i) The formulary developed and approved under § 3-403(b) of this
 7 article; and

8 (ii) The requirements established under § 8-512 of the Health
 9 Occupations Article.

10 **Article – Health Occupations**

11 1-302.

12 (g) Subsection (d)(12) of this section may not be construed to:

13 (1) Permit an individual or entity to engage in the insurance business, as
 14 defined in § 1-101 of the Insurance Article, without obtaining a certificate of authority from
 15 the Maryland Insurance Commissioner and satisfying all other applicable requirements of
 16 the Insurance Article;

17 (2) (i) Impose additional obligations on a carrier providing
 18 incentive-based compensation to a health care practitioner under § 15-113 of the Insurance
 19 Article; or

20 (ii) Require the disclosure of information regarding the
 21 incentive-based compensation, except as required under § 15-113 of the Insurance Article;

22 (3) Authorize a health care entity to knowingly make a direct or indirect
 23 payment to a health care practitioner as an inducement to reduce or limit medically
 24 necessary services to individuals who are under the direct care of the health care
 25 practitioner;

26 (4) Permit an arrangement that violates:

27 (i) [§ 14-404(a)(15)] **§ 14-515(A)(15)** of this article; or

28 (ii) § 8-508, § 8-511, § 8-512, § 8-516, or § 8-517 of the Criminal
 29 Law Article;

30 (5) Narrow, expand, or otherwise modify:

1 (i) Any definition in § 1–301 of this subtitle, including the definition
2 of “in–office ancillary services”; or

3 (ii) Any exception in subsection (d)(4) of this section including the
4 exception for referrals for in–office ancillary services or tests; or

5 (6) Require a compensation arrangement to comply with the provisions of
6 subsection (d)(12) of this section if the compensation arrangement is exempt under any
7 other provision of subsection (d) of this section.

8 1–306.

9 (e) This section does not prohibit:

10 (1) A referring laboratory from billing for anatomic pathology services or
11 histologic processing if the referring laboratory must send a specimen to another clinical
12 laboratory for histologic processing or anatomic pathology consultation; and

13 (2) A health care practitioner who takes a Pap test specimen from a patient
14 and who orders but does not supervise or perform an anatomic pathology service on the
15 specimen, from billing a patient or payor for the service, provided the health care
16 practitioner complies with:

17 (i) The disclosure requirements of [§ 14–404(a)(16)] §
18 **14–515(A)(16)** of this article; and

19 (ii) The ethics policies of the American Medical Association that
20 relate to referring physician billing for laboratory services.

21 8–205.

22 (a) In addition to the powers and duties set forth elsewhere in this title, the Board
23 has the following powers and duties:

24 (3) To adopt rules and regulations for the performance of delegated medical
25 functions that are recognized jointly by the State Board of Physicians and the State Board
26 of Nursing, under [§ 14–306(d)] § **14–503(D)** of this article;

27 11–404.2.

28 (h) A therapeutically certified optometrist shall be:

29 (1) Held to the same standard of care as an ophthalmologist who is licensed
30 under Title 14 of this article and who is providing similar services; and

31 (2) Required to comply with the notice requirement under [§ 14–508] §
32 **14–520** of this article.

1 12-102.

2 (c) (2) This title does not prohibit:

3 (i) A licensed veterinarian from:

4 1. Personally preparing and dispensing the veterinarian's
5 prescriptions; or

6 2. Dispensing, in accordance with § 2-313(c) of the
7 Agriculture Article, compounded nonsterile preparations or compounded sterile
8 preparations provided by a pharmacy;

9 (ii) A licensed dentist, physician, or podiatrist from personally
10 preparing and dispensing the dentist's, physician's, or podiatrist's prescriptions when:

11 1. The dentist, physician, or podiatrist:

12 A. Has applied to the board of licensure in this State which
13 licensed the dentist, physician, or podiatrist;

14 B. Has demonstrated to the satisfaction of that board that the
15 dispensing of prescription drugs or devices by the dentist, physician, or podiatrist is in the
16 public interest;

17 C. Has received a written permit from that board to dispense
18 prescription drugs or devices except that a written permit is not required in order to
19 dispense starter dosages or samples without charge; and

20 D. Posts a sign conspicuously positioned and readable
21 regarding the process for resolving incorrectly filled prescriptions or includes written
22 information regarding the process with each prescription dispensed;

23 2. The person for whom the drugs or devices are prescribed
24 is a patient of the prescribing dentist, physician, or podiatrist;

25 3. The dentist, physician, or podiatrist does not have a
26 substantial financial interest in a pharmacy; and

27 4. The dentist, physician, or podiatrist:

28 A. Complies with the dispensing and labeling requirements
29 of this title;

30 B. Records the dispensing of the prescription drug or device
31 on the patient's chart;

1 C. Allows the Office of Controlled Substances Administration
2 to enter and inspect the dentist's, physician's, or podiatrist's office at all reasonable hours
3 and in accordance with § 12-102.1 of this subtitle;

4 D. On inspection by the Office of Controlled Substances
5 Administration, signs and dates an acknowledgment form provided by the Office of
6 Controlled Substances Administration relating to the requirements of this section;

7 E. Except for starter dosages or samples without charge,
8 provides the patient with a written prescription, maintains prescription files in accordance
9 with § 12-403(c)(13) of this title, and maintains a separate file for Schedule II prescriptions;

10 F. Does not direct patients to a single pharmacist or
11 pharmacy in accordance with § 12-403(c)(8) of this title;

12 G. Does not receive remuneration for referring patients to a
13 pharmacist or pharmacy;

14 H. Complies with the child resistant packaging requirements
15 regarding prescription drugs under Title 22, Subtitle 3 of the Health – General Article;

16 I. Complies with drug recalls;

17 J. Maintains biennial inventories and complies with any
18 other federal and State record-keeping requirements relating to controlled dangerous
19 substances;

20 K. Purchases prescription drugs from a pharmacy or
21 wholesale distributor who holds a permit issued by the Board of Pharmacy, as verified by
22 the Board of Pharmacy;

23 L. Annually reports to the respective board of licensure
24 whether the dentist, physician, or podiatrist has personally prepared and dispensed
25 prescription drugs within the previous year; and

26 M. Completes ten continuing education credits over a 5-year
27 period relating to the preparing and dispensing of prescription drugs, offered by the
28 Accreditation Council for Pharmacy Education (ACPE) or as approved by the Secretary, in
29 consultation with each respective board of licensure, as a condition of permit renewal;

30 (iii) A licensed physician from dispensing a topical medication
31 without obtaining the permit required under item (ii)1C of this paragraph or completing
32 the continuing education required under item (ii)4M of this paragraph when the physician:

33 1. Otherwise complies with item (ii) of this paragraph; and

1 (iv) Surgery.

2 (2) "Practice medicine" includes doing, undertaking, professing to do, and
3 attempting any of the following:

4 (i) Diagnosing, healing, treating, preventing, prescribing for, or
5 removing any physical, mental, or emotional ailment or supposed ailment of an individual:

6 1. By physical, mental, emotional, or other process that is
7 exercised or invoked by the practitioner, the patient, or both; or

8 2. By appliance, test, drug, operation, or treatment;

9 (ii) Ending of a human pregnancy; and

10 (iii) Performing acupuncture as provided under [§ 14-504] § 14-526
11 of this title.

12 (3) "Practice medicine" does not include:

13 (i) Selling any nonprescription drug or medicine;

14 (ii) Practicing as an optician; or

15 (iii) Performing a massage or other manipulation by hand, but by no
16 other means.

17 **(Q) "REHABILITATION PROGRAM" MEANS THE PROGRAM OF THE BOARD**
18 **OR THE NONPROFIT ENTITY WITH WHICH THE BOARD CONTRACTS UNDER §**
19 **14-401.1(D) OF THIS TITLE THAT EVALUATES AND PROVIDES ASSISTANCE TO**
20 **IMPAIRED PHYSICIANS AND OTHER HEALTH PROFESSIONALS REGULATED BY THE**
21 **BOARD WHO ARE DIRECTED BY THE BOARD TO RECEIVE TREATMENT AND**
22 **REHABILITATION FOR ALCOHOLISM, CHEMICAL DEPENDENCY, OR OTHER**
23 **PHYSICAL, EMOTIONAL, OR MENTAL CONDITIONS.**

24 14-102.

25 (a) This title does not limit the right of:

26 (1) An individual to practice a health occupation that the individual is
27 authorized to practice under this article; [or]

28 (2) A Christian Science practitioner, who is accredited by the First Church
29 of Christ, Scientist, in Boston, Massachusetts, from:

1 (i) Dealing with human ills in accordance with the tenets of
2 Christian Science; and

3 (ii) Charging for services[.];

4 **(3) A LICENSED HOME MEDICAL EQUIPMENT PROVIDER TO PROVIDE**
5 **HOME MEDICAL EQUIPMENT SERVICES AS DEFINED UNDER TITLE 19, SUBTITLE 4A**
6 **OF THE HEALTH – GENERAL ARTICLE; OR**

7 **(4) A LICENSED RESPIRATORY CARE PRACTITIONER TO PRACTICE**
8 **RESPIRATORY CARE WITHIN THE SCOPE OF PRACTICE OF THE RESPIRATORY CARE**
9 **PRACTITIONER’S LICENSE, INCLUDING PRACTICING RESPIRATORY CARE IN A SLEEP**
10 **LABORATORY.**

11 14–205.

12 (a) In addition to the powers and duties set forth in this title [and in Title 15 of
13 this article], the Board shall:

14 (1) Enforce this title [and Title 15 of this article];

15 (2) Adopt regulations to carry out the provisions of this title [and Title 15
16 of this article];

17 (3) Establish policies for Board operations;

18 (4) Maintain the rules, regulations, and policies of the Board so that the
19 rules, regulations, and policies reflect the current practices of the Board;

20 (5) Oversee:

21 (i) The licensing requirements for physicians and the allied health
22 professionals; and

23 (ii) The issuance and renewal of licenses;

24 (6) Maintain secure and complete records;

25 (7) Review and preliminarily investigate complaints, including
26 acknowledging receipt of complaints and informing complainants of the final disposition of
27 complaints;

28 (8) Develop and implement methods to:

29 (i) Assess and improve licensee practices; and

- 1 (ii) Ensure the ongoing competence of licensees;
- 2 (9) Ensure that an opportunity for a hearing is provided to an individual,
3 in accordance with law, before any action is taken against the individual;
- 4 (10) Adjudicate nondisciplinary matters within the Board's jurisdiction;
- 5 (11) Report on all disciplinary actions, license denials, and license
6 surrenders;
- 7 (12) Establish appropriate fees that are adequate to fund the effective
8 regulation of physicians and allied health professionals;
- 9 (13) Make recommendations that benefit the health, safety, and welfare of
10 the public;
- 11 (14) Provide ongoing education and training for Board members to ensure
12 that the Board members can competently discharge their duties;
- 13 (15) Direct educational outreach to and communicate with licensees and the
14 public;
- 15 (16) Develop and adopt a budget that reflects revenues and supports the
16 costs associated with each allied health profession regulated by the Board;
- 17 (17) Develop and approve an annual report and other required reports for
18 submission to the Secretary, the Governor, the General Assembly, and the public;
- 19 (18) Approve contracts as needed and within budgetary limits;
- 20 (19) Appoint standing and ad hoc committees from among Board members
21 as necessary;
- 22 (20) Delegate to the executive director of the Board the authority to
23 discharge Board or disciplinary panel duties, as deemed appropriate and necessary by the
24 Board or disciplinary panel, and hold the executive director accountable to the Board; and
- 25 (21) Appoint members of the disciplinary panels.
- 26 (b) (1) In addition to the powers set forth elsewhere in this title, the Board
27 may:
- 28 (i) Adopt regulations to regulate the performance of acupuncture,
29 but only to the extent authorized by [§ 14-504] § 14-526 of this title;
- 30 (ii) After consulting with the State Board of Pharmacy, adopt rules
31 and regulations regarding the dispensing of prescription drugs by a licensed physician;

1 (iii) On receipt of a written and signed complaint, including a referral
2 from the Commissioner of Labor and Industry, conduct an unannounced inspection of the
3 office of a physician or acupuncturist, other than an office of a physician or acupuncturist
4 in a hospital, related institution, freestanding medical facility, or a freestanding birthing
5 center, to determine compliance at that office with the Centers for Disease Control and
6 Prevention's guidelines on universal precautions; and

7 (iv) Contract with others for the purchase of administrative and
8 examination services to carry out the provisions of this title.

9 (2) The Board or a disciplinary panel may investigate an alleged violation
10 of this title.

11 [(3) Subject to the Administrative Procedure Act and the hearing provisions
12 of § 14-405 of this title, a disciplinary panel may deny a license to an applicant or, if an
13 applicant has failed to renew the applicant's license, refuse to renew or reinstate an
14 applicant's license for:

15 (i) Any of the reasons that are grounds for action under § 14-404, §
16 14-5A-17, § 14-5B-14, § 14-5C-17, § 14-5D-14, § 14-5E-16, or § 14-5F-18 of this title,
17 as applicable; or

18 (ii) Failure to complete a criminal history records check in
19 accordance with § 14-308.1 of this title.]

20 (c) (1) In addition to the duties set forth elsewhere in this title, the Board
21 shall:

22 (i) Issue, for use in other jurisdictions, a certificate of professional
23 standing to any [licensed physician] LICENSEE; and

24 (ii) Keep a list of all PENDING license applicants.

25 (2) (i) The Board shall keep a list of all [physicians] LICENSEES who
26 are currently licensed.

27 (ii) The list shall include each [physician's] LICENSEE'S designated
28 public address.

29 (iii) A [physician's] LICENSEE'S designated public address may be a
30 post office box only if the [physician] LICENSEE provides to the Board a nonpublic address,
31 under paragraph (3) of this subsection, that is not a post office box.

32 (iv) Each list prepared under this paragraph shall be kept as a
33 permanent record of the Board.

1 (v) The list of [currently licensed physicians] **CURRENT**
2 **LICENSEES** is a public record.

3 (3) (i) The Board shall maintain on file a [physician's] **LICENSEE'S**
4 designated nonpublic address, if provided by the [physician] **LICENSEE**, to facilitate
5 communication between the [physician] **LICENSEE** and the Board.

6 (ii) The Board shall offer a [physician] **LICENSEE** the opportunity to
7 designate a nonpublic address, in addition to the [physician's] **LICENSEE'S** public address,
8 at the time of initial licensure and license renewal.

9 (iii) A [physician] **LICENSEE** shall designate an address where the
10 Board may send the [physician] **LICENSEE** mail.

11 (iv) A [physician's] **LICENSEE'S** designated nonpublic address is not
12 a public record and may not be released by the Board.

13 **(D) THE BOARD MAY NOT RELEASE A LIST OF APPLICANTS FOR LICENSURE.**

14 **(E) THE BOARD MAY ADOPT REGULATIONS REGARDING COMMITTEES**
15 **ESTABLISHED UNDER THIS TITLE GOVERNING:**

16 **(1) THE TERM OF OFFICE FOR MEMBERS;**

17 **(2) THE PROCEDURE FOR FILLING VACANCIES ON A COMMITTEE;**

18 **(3) THE REMOVAL OF MEMBERS; AND**

19 **(4) THE DUTIES OF EACH OFFICER.**

20 14-207.

21 (b) (1) The Board [may] **SHALL** set reasonable fees for the issuance and
22 renewal of licenses and its other services **PROVIDED TO PHYSICIANS AND ALLIED**
23 **HEALTH PROFESSIONALS.**

24 (2) The fees charged shall be set [so as] to **GENERATE SUFFICIENT**
25 **FUNDS TO** approximate the cost of maintaining the Board, **THE LICENSURE PROGRAMS**
26 **UNDER THIS TITLE, AND THE OTHER SERVICES IT PROVIDES TO PHYSICIANS AND**
27 **ALLIED HEALTH PROFESSIONALS**, including the cost of providing a rehabilitation
28 program for physicians **AND ALLIED HEALTH PROFESSIONALS** under [§ 14-401.1(g)] **§**
29 **14-401.1(D)** of this title.

1 (3) Funds to cover the compensation and expenses of the Board members
2 shall be generated by fees set under this section.

3 (4) FEES GENERATED BY PHYSICIAN OR ALLIED HEALTH
4 PROFESSIONAL LICENSES SHALL BE USED TO MAINTAIN THE LICENSING PROGRAM
5 AND SERVICES PROVIDED TO THAT PARTICULAR PROFESSION.

6 (5) THE FEES GENERATED SHALL BE USED TO COVER THE ACTUAL
7 DOCUMENTED DIRECT AND INDIRECT COSTS OF FULFILLING THE STATUTORY AND
8 REGULATORY DUTIES OF THE BOARD AS PROVIDED BY THE PROVISIONS OF THIS
9 TITLE.

10 (6) (I) IN ADDITION TO THE FEE SET BY THE BOARD UNDER THIS
11 SECTION FOR THE RENEWAL OF A LICENSE, THE BOARD SHALL ASSESS A SEPARATE
12 \$15 FEE FOR A RENEWAL OF EACH LICENSE FOR A PHYSICIAN ASSISTANT.

13 (II) THE BOARD SHALL PAY THE FEE COLLECTED UNDER
14 PARAGRAPH (1) OF THIS SUBSECTION TO THE PHYSICIAN ASSISTANT
15 PRECEPTORSHIP TAX CREDIT FUND ESTABLISHED UNDER § 10-752 OF THE TAX –
16 GENERAL ARTICLE.

17 (c) [The] EXCEPT AS PROVIDED IN SUBSECTION (B)(6) OF THIS SECTION,
18 THE Board shall pay all fees collected under the provisions of this title to the Comptroller
19 of the State.

20 (d) (1) [In each of fiscal years 2019 through 2021, if the Governor does not
21 include in the State budget at least \$400,000 for the operation of the Maryland Loan
22 Assistance Repayment Program for Physicians and Physician Assistants under Title 24,
23 Subtitle 17 of the Health – General Article, as administered by the Department, the
24 Comptroller shall distribute:

25 (i) \$400,000 of the fees received from the Board to the Department
26 to be used to make grants under the Maryland Loan Assistance Repayment Program for
27 Physicians and Physician Assistants under Title 24, Subtitle 17 of the Health – General
28 Article to physicians and physician assistants engaged in primary care or to medical
29 residents specializing in primary care who agree to practice for at least 2 years as primary
30 care physicians in a geographic area of the State that has been designated by the Secretary
31 as being medically underserved; and

32 (ii) The balance of the fees to the Board of Physicians Fund.

33 (2)] In fiscal year 2022, if the Governor does not include in the State budget
34 at least \$1,000,000 for the operation of the Maryland Loan Assistance Repayment Program
35 for Physicians and Physician Assistants under Title 24, Subtitle 17 of the Health – General
36 Article, as administered by the Department, the Comptroller shall distribute:

1 (i) \$1,000,000 of the fees received from the Board to the Department
2 to be used to make grants under the Maryland Loan Assistance Repayment Program for
3 Physicians and Physician Assistants under Title 24, Subtitle 17 of the Health – General
4 Article to physicians and physician assistants engaged in primary care or to medical
5 residents specializing in primary care who agree to practice for at least 2 years as primary
6 care physicians in a geographic area of the State that has been designated by the Secretary
7 as being medically underserved; and

8 (ii) The balance of the fees to the Board of Physicians Fund.

9 **[(3)] (2)** In fiscal year 2023 and each fiscal year thereafter, if the
10 Department does not implement a permanent funding structure under § 24–1702(b)(1) of
11 the Health – General Article and the Governor does not include in the State budget at least
12 \$400,000 for the operation of the Maryland Loan Assistance Repayment Program for
13 Physicians and Physician Assistants under Title 24, Subtitle 17 of the Health – General
14 Article, as administered by the Department, the Comptroller shall distribute:

15 (i) \$400,000 of the fees received from the Board to the Department
16 to be used to make grants under the Maryland Loan Assistance Repayment Program for
17 Physicians and Physician Assistants under Title 24, Subtitle 17 of the Health – General
18 Article to physicians and physician assistants engaged in primary care or to medical
19 residents specializing in primary care who agree to practice for at least 2 years as primary
20 care physicians in a geographic area of the State that has been designated by the Secretary
21 as being medically underserved; and

22 (ii) The balance of the fees to the Board of Physicians Fund.

23 **[(4)] (3)** If the Governor includes in the State budget at least the amount
24 specified in paragraph (1) **[or (2)]** of this subsection for the operation of the Maryland Loan
25 Assistance Repayment Program for Physicians and Physician Assistants under Title 24,
26 Subtitle 17 of the Health – General Article, as administered by the Department, the
27 Comptroller shall distribute the fees to the Board of Physicians Fund.

28 (f) (1) In addition to the requirements of subsection (e) of this section, the
29 Board shall fund the budget of the **[Physician]** Rehabilitation Program with fees set,
30 collected, and distributed to the Fund under this title.

31 (2) After review and approval by the Board of a budget submitted by the
32 **[Physician]** Rehabilitation Program, the Board may allocate money from the Fund to the
33 **[Physician]** Rehabilitation Program.

34 14–301.

1 (a) **[To] IN ADDITION TO ANY OTHER REQUIREMENTS UNDER THIS TITLE, TO**
2 qualify for a license, an applicant shall be an individual who meets the requirements of this
3 section.

4 (b) The applicant shall be of good moral character.

5 (c) **[The] EXCEPT AS PROVIDED IN § 14-5F-11 OF THIS TITLE, THE** applicant
6 shall be at least 18 years old.

7 **[(d) Except as provided in § 14-308 of this subtitle, the applicant shall:**

8 (1) (i) Have a degree of doctor of medicine from a medical school that is
9 accredited by an accrediting organization that the Board recognizes in its regulations; and

10 (ii) Submit evidence acceptable to the Board of successful completion
11 of 1 year of training in a postgraduate medical training program that is accredited by an
12 accrediting organization that the Board recognizes in its regulations; or

13 (2) (i) Have a degree of doctor of osteopathy from a school of osteopathy
14 in the United States, its territories or possessions, Puerto Rico, or Canada that has
15 standards for graduation equivalent to those established by the American Osteopathic
16 Association; and

17 (ii) Submit evidence acceptable to the Board of successful completion
18 of 1 year of training in a postgraduate medical training program accredited by an
19 accrediting organization that the Board recognizes in its regulations.]

20 **(D) THE APPLICANT SHALL COMPLETE A CRIMINAL HISTORY RECORDS**
21 **CHECK IN ACCORDANCE WITH § 14-302 OF THIS SUBTITLE.**

22 (e) Except as otherwise provided in this [subtitle] TITLE, the applicant shall
23 [pass an examination required] **MEET ANY EDUCATIONAL, CERTIFICATION, TRAINING,**
24 **OR EXAMINATION REQUIREMENTS ESTABLISHED** by the Board.

25 (f) The applicant shall meet any other qualifications that the Board establishes
26 in its regulations for license applicants.

27 **[(g) An otherwise qualified applicant who passes the examination after having**
28 **failed the examination or any part of the examination 3 or more times may qualify for a**
29 **license only if the applicant:**

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

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

- 1 1. In the United States or in Canada;
- 2 2. With at least 3 of the 5 years having occurred within 5
3 years of the date of the application; and
- 4 3. That occurred under a full unrestricted license to practice
5 medicine; and
- 6 (ii) Has no disciplinary action pending and has had no disciplinary
7 action taken against the applicant that would be grounds for discipline under § 14–404 of
8 this title; or
- 9 (3) Is board certified.]

10 **[(h)] (G)** (1) The Board shall require as part of its examination or licensing
11 procedures that an applicant for a license to practice medicine **OR AN ALLIED HEALTH**
12 **PROFESSION** demonstrate an oral **AND WRITTEN** competency in the English language.

13 (2) Graduation from a recognized English–speaking undergraduate
14 school or high school, including General Education Development (GED), after at least 3
15 years of enrollment, or from a recognized English–speaking professional school is
16 acceptable as proof of proficiency in the oral communication of the English language under
17 this section.

18 (3) By regulation, the Board shall develop a procedure for testing
19 individuals who because of their speech impairment are unable to complete satisfactorily a
20 Board approved standardized test of oral competency.

21 (4) If any disciplinary charges or action that involves a problem with
22 the oral communication of the English language are brought against a licensee under this
23 title, the Board shall require the licensee to take and pass a Board approved standardized
24 test of oral competency.

25 **[(i)** The applicant shall complete a criminal history records check in accordance
26 with § 14–308.1 of this subtitle.

27 **(j)** (1) The Board shall license an applicant to practice medicine if:

28 (i) The applicant:

29 1. Became licensed or certified as a physician in another
30 jurisdiction under requirements that the Board determines are substantially equivalent to
31 the licensing requirements of this title;

32 2. Is in good standing under the laws of the other
33 jurisdiction;

1 3. Submits an application to the Board on a form that the
2 Board requires; and

3 4. Pays to the Board an application fee set by the Board; and

4 (ii) The jurisdiction in which the applicant is licensed or certified
5 offers a similar reciprocal licensing process for individuals licensed to practice medicine by
6 the Board.

7 (2) The Board shall adopt regulations to implement this subsection.]

8 14-303.

9 [(a) To apply for a license **UNDER THIS TITLE**, an applicant shall:

10 (1) Complete a criminal history records check in accordance with [§
11 14-308.1] **§ 14-302** of this subtitle;

12 (2) Submit an application to the Board on the form that the Board requires;
13 and

14 (3) Pay to the Board the application fee set by the Board.

15 [(b) The Board may not release a list of applicants for licensure.]

16 14-304.

17 (b) (1) On receipt of the criminal history record information of an applicant for
18 licensure forwarded to the Board in accordance with [§ 14-308.1] **§ 14-302** of this subtitle,
19 in determining whether to issue a license, the Board shall consider:

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

21 (ii) The nature of the crime;

22 (iii) The circumstances surrounding the crime;

23 (iv) The length of time that has passed since the crime;

24 (v) Subsequent work history;

25 (vi) Employment and character references; and

26 (vii) Other evidence that demonstrates whether the applicant poses a
27 threat to the public health or safety.

1 (2) The Board may not issue a license if the criminal history record
2 information required under [§ 14-308.1] **§ 14-302** of this subtitle has not been received.

3 14-305.

4 (a) Except as otherwise provided in this title, a license authorizes the licensee to
5 practice [medicine] **IN THIS STATE THE HEALTH OCCUPATION STATED ON THE**
6 **LICENSE ISSUED BY THE BOARD** while the license is effective.

7 (b) A licensee may practice [medicine] **THE HEALTH OCCUPATION STATED ON**
8 **THE LICENSE ISSUED BY THE BOARD** using only the name in which the license is issued.

9 14-306.

10 (a) (1) The term of a license issued by the Board may not exceed 3 years.

11 (2) A license expires on a date set by the Board, unless the license is
12 renewed for [a] **AN ADDITIONAL** term as provided in this section.

13 (b) (1) Subject to paragraph (2) of this subsection, at least 1 month before the
14 license expires, the Board shall send to the licensee, by electronic or first-class mail to the
15 last known electronic or physical address of the licensee[:

16 (i) **A] A renewal notice that states:**

17 **[1.] (I)** The date on which the current license expires;

18 **[2.] (II)** The date by which the renewal application must be
19 received by the Board for the renewal to be issued and mailed before the license expires;
20 and

21 **[3.] (III)** The amount of the renewal fee[; and

22 (ii) A blank panel data sheet supplied by the Health Care
23 Alternative Dispute Resolution Office].

24 (2) If the Board chooses to send renewal notices exclusively by electronic
25 mail under paragraph (1) of this subsection, the Board shall send a renewal notice by
26 first-class mail to a licensee on request of the licensee.

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

29 (i) Otherwise is entitled to be licensed;

- 1 (ii) Is of good moral character;
- 2 (iii) Pays to the Board a renewal fee set by the Board; [and]
- 3 (iv) Submits to the Board:
- 4 1. A renewal application on the form that the Board requires;
- 5 and
- 6 2. Satisfactory evidence of compliance with any continuing
- 7 education **OR COMPETENCY** requirements set under this section for license renewal; **AND**
- 8 **(v) MEETS ANY ADDITIONAL LICENSE RENEWAL**
- 9 **REQUIREMENTS ESTABLISHED BY THE BOARD.**

10 (2) Within 30 days after a license renewal under Section 7 of the Interstate

11 Medical Licensure Compact established under § 14-3A-01 of this title, a compact physician

12 shall submit to the Board the information required under paragraph (1)(iv) of this

13 subsection.

14 (d) (1) In addition to any other qualifications and requirements established by

15 the Board, the Board may establish continuing education **OR COMPETENCY** requirements

16 as a condition to the renewal of licenses under this section.

17 [(2) In establishing these requirements, the Board shall evaluate existing

18 methods, devices, and programs in use among the various medical specialties and other

19 recognized medical groups.

20 (3) The Board shall adopt regulations that allow a licensee seeking renewal

21 to receive up to 5 continuing education credits per renewal period for providing

22 uncompensated, voluntary medical services during each renewal period.

23 (4) The Board may not establish or enforce these requirements if they

24 would so reduce the number of physicians in a community as to jeopardize the availability

25 of adequate medical care in that community.]

26 [(5) (2) The Board may not establish a continuing education requirement

27 that every licensee complete a specific course or program as a condition to the renewal of a

28 license under this section.

29 [(6) A disciplinary panel may impose a civil penalty of up to \$100 per

30 continuing medical education credit in lieu of a sanction under § 14-404 of this title, for a

31 first offense, for the failure of a licensee to obtain the continuing medical education credits

32 required by the Board.]

1 (e) The Board shall renew the license of each licensee who meets the
2 requirements of this section **AND ANY ADDITIONAL REQUIREMENTS ESTABLISHED**
3 **UNDER SUBTITLE 5, 5A, 5B, 5C, 5D, 5E, 5F, 5G, OR 5H OF THIS TITLE, AS**
4 **APPLICABLE.**

5 [(f) (1) Each licensee shall notify the secretary of the Board in writing of any
6 change in the licensee's name or address within 60 days after the change.

7 (2) If a licensee fails to notify the secretary of the Board within the time
8 required under this section, the licensee is subject to an administrative penalty of \$100.]

9 [(g) (F) (1) Beginning October 1, 2016, the Board shall require a criminal
10 history records check in accordance with [§ 14-308.1] **§ 14-302** of this subtitle for:

11 (i) Renewal applicants as determined by regulations adopted by the
12 Board; and

13 (ii) Each former licensee who files for reinstatement under [§ 14-317
14 of this subtitle] **THIS TITLE.**

15 (2) On receipt of the criminal history record information of a licensee
16 forwarded to the Board in accordance with [§ 14-308.1] **§ 14-302** of this subtitle, in
17 determining whether disciplinary action should be taken, based on the criminal record
18 information, against a licensee who renewed or reinstated a license, the Board shall
19 consider:

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

21 (ii) The nature of the crime;

22 (iii) The circumstances surrounding the crime;

23 (iv) The length of time that has passed since the crime;

24 (v) Subsequent work history;

25 (vi) Employment and character references; and

26 (vii) Other evidence that demonstrates whether the licensee poses a
27 threat to the public health or safety.

28 (3) The Board may renew or reinstate a license only if the licensee or
29 applicant attests that the licensee or applicant has submitted to a criminal history records
30 check under [§ 14-308.1] **§ 14-302** of this subtitle.

31 14-307.

1 The Board shall reinstate the license of [a physician] **AN INDIVIDUAL** who has failed
2 to renew the license for any reason if the [physician] **INDIVIDUAL**:

3 (1) Meets the renewal requirements of [~~§ 14–316~~] **§ 14–306** of this subtitle
4 **AND THE APPLICABLE RENEWAL REQUIREMENTS IN SUBTITLE 5, 5A, 5B, 5C, 5D,**
5 **5E, 5F, 5G, OR 5H OF THIS TITLE;**

6 (2) **SUBMITS A REINSTATEMENT APPLICATION ON THE FORM THAT**
7 **THE BOARD REQUIRES;**

8 [~~(2)~~] (3) Pays to the Board a reinstatement fee set by the Board; [and]

9 [(3)] (4) Submits to the Board satisfactory evidence of compliance with
10 the qualifications and requirements established under this title for license reinstatements;
11 **AND**

12 (5) **MEETS ANY ADDITIONAL LICENSE REINSTATEMENT**
13 **REQUIREMENTS ESTABLISHED BY THE BOARD.**

14 14–401.1.

15 (a) (5) (i) If a complaint proceeds to a hearing under § 14–405 of this
16 subtitle, [~~§ 14–5A–17, § 14–5B–14, § 14–5C–17, § 14–5D–15, § 14–5E–16, or § 14–5F–21 of~~
17 ~~this title or § 15–315 of this article,~~] the chair of the disciplinary panel that was assigned
18 the complaint under paragraph (2)(i) of this subsection shall refer the complaint to the other
19 disciplinary panel.

20 (ii) If the complaint proceeds to a hearing and is referred to the other
21 disciplinary panel under subparagraph (i) of this paragraph, the disciplinary panel that
22 was assigned the complaint under paragraph (2)(i) of this subsection, or any of its members,
23 may not:

- 24 1. Continue to handle the complaint;
- 25 2. Participate in any disciplinary proceedings regarding the
26 complaint; or
- 27 3. Determine the final disposition of the complaint.

28 [(e)] (B) (1) [In accordance with subsection (f) of this section, the Board shall
29 enter into a written contract with an entity or individual for confidential physician peer
30 review of allegations based on § 14–404(a)(22) of this subtitle.

31 (2) A peer reviewer shall:

- 1 (i) Be board certified;
- 2 (ii) Have special qualifications to judge the matter at hand;
- 3 (iii) Have received a specified amount of medical experience and
4 training;
- 5 (iv) Have no formal actions against the peer reviewer's own license;
- 6 (v) Receive training in peer review;
- 7 (vi) Have a standard format for peer review reports; and
- 8 (vii) To the extent practicable, be licensed and engaged in the practice
9 of medicine in the State.

10 (3) The Board may consult with the appropriate specialty health care
11 provider societies in the State to obtain a list of physicians qualified to provide peer review
12 services.

13 (4) For purposes of peer review, the Board may use sole source
14 procurement under § 13-107 of the State Finance and Procurement Article.

15 (5) (2) The hearing of charges may not be stayed or challenged because
16 of the selection of peer reviewers under this subsection before the filing of charges.

17 (f) (C) (1) The entity or individual peer reviewer with which the Board
18 contracts under subsection (e) (B) of this section OR § 14-514 OF THIS TITLE shall have
19 90 days for completion of peer review.

20 (2) The entity or individual peer reviewer may apply to the Board for an
21 extension of up to 30 days to the time limit imposed under [paragraph (1) of this subsection]
22 § 14-515(D)(1) OF THIS TITLE.

23 (3) If an extension is not granted, and 90 days have elapsed, the Board may
24 contract with any other entity or individual who meets the requirements of [subsection
25 (e)(2) of this section] § 14-515(D)(2) OF THIS TITLE for the services of peer review.

26 (4) If an extension has been granted, and 120 days have elapsed, the Board
27 may contract with any other entity or individual who meets the requirements of [subsection
28 (e)(2) of this section] § 14-515(D)(2) OF THIS TITLE for the services of peer review.

29 (g) (D) The Board shall issue a request for proposals and enter into a written
30 contract with a nonprofit entity to provide rehabilitation services for physicians or other
31 allied health professionals directed by the Board to receive rehabilitation services.

1 **[(h)] (E)** (1) To facilitate the investigation and prosecution of disciplinary
2 matters and the mediation of fee disputes coming before it, the Board may contract with an
3 entity or entities for the purchase of investigatory, mediation, and related services.

4 (2) Services that may be contracted for under this subsection include the
5 services of:

- 6 (i) Investigators;
- 7 (ii) Attorneys;
- 8 (iii) Accountants;
- 9 (iv) Expert witnesses;
- 10 (v) Consultants; and
- 11 (vi) Mediators.

12 **[(i)] (F)** The Board or a disciplinary panel may issue subpoenas and administer
13 oaths in connection with any investigation under this section and any hearing or proceeding
14 before it.

15 **[(j)] (G)** (1) It is the intent of this section that the disposition of every
16 complaint against a licensee that sets forth allegations of grounds for disciplinary action
17 filed with the Board shall be completed as expeditiously as possible and, in any event,
18 within 18 months after the complaint was received by the Board.

19 (2) If a disciplinary panel is unable to complete the disposition of a
20 complaint within 1 year, the Board shall include in the record of that complaint a detailed
21 explanation of the reason for the delay.

22 **[(k)] (H)** A disciplinary panel, in conducting a meeting with a physician or allied
23 health professional to discuss the proposed disposition of a complaint, shall provide an
24 opportunity to appear before the disciplinary panel to both the licensee who has been
25 charged and the individual who has filed the complaint against the licensee giving rise to
26 the charge.

27 14-401.2.

28 (e) A disciplinary panel may issue a cease and desist order or obtain injunctive
29 relief against an individual for:

30 (1) Practicing a profession regulated under this title **[or Title 15 of this**
31 **article]** without a license **OR WITH AN UNAUTHORIZED PERSON;**

1 (2) Representing to the public, by title, description of services, methods,
2 procedures, or otherwise, that the individual is authorized to practice:

3 (i) Medicine in this State, in violation of [§ 14-602] **§ 14-528** of this
4 title;

5 (ii) Respiratory care in this State, in violation of § 14-5A-21 of this
6 title;

7 (iii) Radiation therapy, radiography, nuclear medicine technology, or
8 radiation assistance in this State, in violation of § 14-5B-18 of this title;

9 (iv) Polysomnography in this State, in violation of § 14-5C-21 of this
10 title;

11 (v) Athletic training in this State, in violation of § 14-5D-17(3) of
12 this title;

13 (vi) Perfusion in this State, in violation of § 14-5E-21 of this title;

14 (vii) Naturopathic medicine in this State, in violation of § 14-5F-30
15 of this title; [or]

16 (viii) **GENETIC COUNSELING IN THIS STATE, IN VIOLATION OF §**
17 **14-5G-24 OF THIS TITLE; OR**

18 **(IX)** As a physician assistant in this State, in violation of [§ 15-402 of
19 this article] **§ 14-5H-19 OF THIS TITLE; or**

20 (3) Taking any action:

21 (i) For which a disciplinary panel determines there is a
22 preponderance of evidence of grounds for discipline under [§ 14-404] **§ 14-515** of this title;
23 and

24 (ii) That poses a serious risk to the health, safety, and welfare of a
25 patient.

26 14-402.

27 (a) In reviewing an application for licensure or in investigating an allegation
28 brought against a licensed physician or any allied health professional regulated by the
29 Board under this title, the [Physician] Rehabilitation Program may request the Board to
30 direct, or the Board or a disciplinary panel on its own initiative may direct, the licensed

1 physician or any allied health professional regulated by the Board under this title to submit
2 to an appropriate examination.

3 (c) The unreasonable failure or refusal of the licensed individual **OR APPLICANT**
4 to submit to an examination is prima facie evidence of the licensed individual's **OR**
5 **APPLICANT'S** inability to practice medicine or the respective discipline competently, unless
6 the Board or disciplinary panel finds that the failure or refusal was beyond the control of
7 the licensed individual **OR APPLICANT**.

8 (e) (1) The Board or the entity or entities with which the Board contracts shall
9 appoint the members of the [Physician] Rehabilitation Program.

10 (2) The chair of the Board shall appoint one member of the Board to serve
11 as a liaison to the [Physician] Rehabilitation Program.

12 (f) The [Physician] Rehabilitation Program is subject to audit by the Legislative
13 Auditor as provided in § 2-1220 of the State Government Article.

14 **14-404.**

15 **SUBJECT TO THE ADMINISTRATIVE PROCEDURE ACT AND THE HEARING**
16 **PROVISIONS OF § 14-405 OF THIS SUBTITLE, A DISCIPLINARY PANEL MAY DENY A**
17 **LICENSE TO AN APPLICANT OR, IF AN APPLICANT HAS FAILED TO RENEW THE**
18 **APPLICANT'S LICENSE, REFUSE TO RENEW OR REINSTATE AN APPLICANT'S LICENSE**
19 **FOR ANY OF THE REASONS THAT ARE GROUNDS FOR ACTION UNDER § 14-515, §**
20 **14-5A-17, § 14-5B-14, § 14-5C-17, § 14-5D-14, § 14-5E-16, § 14-5F-18, §**
21 **14-5G-18, OR § 14-5H-16 OF THIS TITLE, AS APPLICABLE.**

22 **14-405.**

23 (a) Except as otherwise provided in the Administrative Procedure Act, before the
24 Board or a disciplinary panel takes any action under [§ 14-404(a)] **§ 14-404** of this subtitle
25 or [§ 14-205(b)(3),] **§ 14-515(A)**, § 14-5A-17(a), § 14-5B-14(a), § 14-5C-17(a), §
26 14-5D-14(a), § 14-5E-16(a), [or] § 14-5F-18, **§ 14-5G-18, OR § 14-5H-16** of this title,
27 it shall give the individual against whom the action is contemplated an opportunity for a
28 hearing before a hearing officer.

29 [(g)] **(F)** The hearing of charges may not be stayed or challenged by any
30 procedural defects alleged to have occurred prior to the filing of charges.

31 **14-406.**

32 (a) Following the filing of charges, if a majority of the quorum of a disciplinary
33 panel finds that there are grounds for action under [§ 14-404] **§ 14-515, § 14-5A-17, §**
34 **14-5B-14, § 14-5C-17, § 14-5D-14, § 14-5E-16, § 14-5F-18, § 14-5G-18, OR §**

1 **14-5H-16** of this [subtitle] **TITLE**, the disciplinary panel shall pass an order in accordance
2 with the Administrative Procedure Act.

3 (b) After the charges are filed, if a disciplinary panel finds, on an affirmative vote
4 of a majority of its quorum, that there are no grounds for action under [~~§ 14-404~~] ~~§~~
5 ~~14-515~~, ~~§ 14-5A-17~~, ~~§ 14-5B-14~~, ~~§ 14-5C-17~~, ~~§ 14-5D-14~~, ~~§ 14-5E-16~~, ~~§ 14-5F-18~~,
6 ~~§ 14-5G-18~~, **OR § 14-5H-16** of this [subtitle] **TITLE**, the disciplinary panel:

7 (1) Immediately shall dismiss the charges and exonerate the licensee;

8 (2) (i) Except as provided in item (ii) of this item, shall expunge all
9 records of the charges 3 years after the charges are dismissed; or

10 (ii) If the physician **OR ALLIED HEALTH PROFESSIONAL** executes
11 a document releasing the Board from any liability related to the charges, shall immediately
12 expunge all records of the charges; and

13 (3) May not take any further action on the charges.

14 14-409.

15 (a) (1) Except as provided in subsection (b) of this section, a disciplinary panel,
16 **ON THE AFFIRMATIVE VOTE OF A MAJORITY OF THE QUORUM OF THE DISCIPLINARY**
17 **PANEL**, may reinstate the license of an individual whose license has been surrendered or
18 revoked under this title only in accordance with:

19 (i) The terms and conditions of the order of revocation or letter of
20 surrender;

21 (ii) An order of reinstatement issued by the disciplinary panel; or

22 (iii) A final judgment in any proceeding for review.

23 (2) If a license is surrendered or revoked for a period of more than 1 year,
24 the Board **OR A DISCIPLINARY PANEL** may reinstate the license after 1 year if the licensee:

25 (i) Meets the requirements for reinstatement as established by the
26 Board; and

27 (ii) Completes a criminal history records check in accordance with [~~§~~
28 ~~14-308.1~~] ~~§ 14-302~~ of this title.

29 (c) If an order of revocation is based on [~~§ 14-404(b)~~] ~~§ 14-515(B)~~, ~~§~~
30 ~~14-5A-17(B)~~, ~~§ 14-5B-14(B)~~, ~~§ 14-5C-17(B)~~, ~~§ 14-5D-14(B)~~, ~~§ 14-5E-16(B)~~, ~~§~~
31 ~~14-5F-18(B)~~, ~~§ 14-5G-18(B)~~, **OR § 14-5H-16(B)** of this [subtitle] **TITLE**, and the

1 conviction or plea subsequently is overturned at any stage of an appeal or other
2 postconviction proceeding, the revocation ends when the conviction or plea is overturned.

3 14-411.

4 (d) The Board shall disclose any information contained in a record to:

5 (1) A committee of a hospital, health maintenance organization, or related
6 institution if:

7 (i) The committee of a medical hospital staff concerned with
8 [physician] LICENSEE discipline or other committee of a hospital, health maintenance
9 organization, or related institution requests the information in writing;

10 (ii) A disciplinary panel has issued an order as to a [licensed
11 physician] LICENSEE on whom the information is requested; and

12 (iii) The Board determines that the information requested is
13 necessary for an investigation or action of the committee as to a medical privilege of a
14 [licensed physician] LICENSEE; or

15 (2) The Secretary, the Office of Health Care Quality in the Department,
16 the Maryland Health Care Commission, or the Health Services Cost Review Commission
17 for the purpose of investigating quality or utilization of care in any entity regulated by the
18 Office of Health Care Quality or the Health Services Cost Review Commission.

19 (g) (1) The Board shall notify all hospitals, health maintenance organizations,
20 or other health care facilities where a [physician or an allied health professional]
21 LICENSEE regulated by the Board has privileges, has a provider contract with a health
22 maintenance organization, or is employed of a complaint or report filed against that
23 [physician] LICENSEE, if:

24 (i) The Board determines, in its discretion, that the hospital, health
25 maintenance organization, or health care facility should be informed about the report or
26 complaint;

27 (ii) The nature of the complaint suggests a reasonable possibility of
28 an imminent threat to patient safety; or

29 (iii) The complaint or report was as a result of a claim filed in the
30 Health Care Alternative Dispute Resolution Office and a certificate of a qualified expert is
31 filed in accordance with § 3-2A-04(b)(1) of the Courts Article.

32 (2) The Board shall disclose any information pertaining to a [physician's]
33 LICENSEE'S competency to practice [medicine] UNDER THE LICENSE contained in record

1 to a committee of a hospital, health maintenance organization, or other health care facility
2 if:

3 (i) The committee is concerned with [physician] LICENSEE
4 discipline and requests the information in writing; and

5 (ii) The Board has received a complaint or report pursuant to
6 paragraph (1)(i) and (ii) of this subsection on the [licensed physician] LICENSEE on whom
7 the information is requested.

8 (3) The Board shall, after formal action is taken pursuant to § 14–406 of
9 this subtitle, notify those hospitals, health maintenance organizations, or health care
10 facilities where the [physician] LICENSEE has privileges, has a provider contract with a
11 health maintenance organization, or is employed of its formal action within 10 days after
12 the action is taken and shall provide the hospital, health maintenance organization, or
13 health care facility with periodic reports as to enforcement or monitoring of a formal
14 disciplinary order against a [physician] LICENSEE within 10 days after receipt of those
15 reports.

16 (h) On the request of a person who has made a complaint to the Board regarding
17 a [physician] LICENSEE, the Board shall provide the person with information on the status
18 of the complaint.

19 (j) The Board may disclose any information contained in a record to a licensing
20 or disciplinary authority of another state if:

21 (1) The licensing or disciplinary authority of another state that regulates
22 [licensed physicians] LICENSEES in that state requests the information in writing; and

23 (2) The disclosure of any information is limited to the pendency of an
24 allegation of a ground for disciplinary or other action by a disciplinary panel until:

25 (i) The disciplinary panel has passed an order under § 14–406 of
26 this subtitle; or

27 (ii) A [licensed physician] LICENSEE on whom the information is
28 requested authorizes a disclosure as to the facts of an allegation or the results of an
29 investigation before the Board.

30 (k) The Board may disclose any information contained in a record to a person if:

31 (1) A [licensed physician] LICENSEE on whom any information is
32 requested authorizes the person to receive the disclosure;

33 (2) The person requests the information in writing; and

1 (3) The authorization for the disclosure is in writing.

2 (p) (1) The Board may publish a summary of any allegations of grounds for
3 disciplinary or other action.

4 (2) A summary may not identify:

5 (i) Any person who makes an allegation to the Board or any of its
6 investigatory bodies;

7 (ii) A [licensed physician] LICENSEE about whom an allegation is
8 made; or

9 (iii) A witness in an investigation or a proceeding before the Board or
10 any of its investigatory bodies.

11 14-411.1.

12 (b) The Board shall create and maintain a public individual profile on each
13 licensee that includes the following information:

14 (1) A summary of charges filed against the licensee, including a copy of the
15 charging document, until a disciplinary panel has taken action under [§ 14-404] § 14-515
16 of this subtitle based on the charges or has rescinded the charges;

17 (2) A description of any disciplinary action taken by the Board or a
18 disciplinary panel against the licensee within the most recent 10-year period that includes
19 a copy of the public order;

20 (3) A description in summary form of any final disciplinary action taken by
21 a licensing board in any other state or jurisdiction against the licensee within the most
22 recent 10-year period;

23 (4) A description of a conviction or entry of a plea of guilty or nolo
24 contendere by the licensee for a crime involving moral turpitude reported to the Board
25 under § 14-416 of this subtitle; and

26 [(5) As reported to the Board by the licensee, education and practice
27 information about the licensee including:

28 (i) The name of any medical school that the licensee attended and
29 the date on which the licensee graduated from the school;

30 (ii) A description of any internship and residency training;

1 (iii) A description of any specialty board certification by a recognized
2 board of the American Board of Medical Specialties or the American Osteopathic
3 Association;

4 (iv) The name of any hospital where the licensee has medical
5 privileges;

6 (v) The location of the licensee's primary practice setting;

7 (vi) Whether the licensee participates in the Maryland Medical
8 Assistance Program;

9 (vii) Whether the licensee maintains medical professional liability
10 insurance; and

11 (viii) The number of medical malpractice final court judgments and
12 arbitration awards against the licensee within the most recent 10-year period.]

13 **(5) FOR A PHYSICIAN, THE INFORMATION REQUIRED UNDER § 14-516**
14 **OF THIS TITLE.**

15 (c) In addition to the requirements of subsection (b) of this section, the Board
16 shall:

17 **(1) FOLLOWING THE FILING OF CHARGES OR NOTICE OF INITIAL**
18 **DENIAL OF A LICENSE APPLICATION, DISCLOSE THE FILING TO THE PUBLIC ON THE**
19 **BOARD'S WEBSITE;**

20 **(2) Provide appropriate and accessible Internet links from the Board's**
21 **[Internet site] WEBSITE:**

22 (i) To the extent available, to the appropriate portion of the
23 **[Internet site] WEBSITE** of each health maintenance organization licensed in this State
24 which will allow the public to ascertain the names of the physicians affiliated with the
25 health maintenance organization; and

26 (ii) To the appropriate portion of the **[Internet site] WEBSITE** of the
27 American Medical Association;

28 **[(2)] (3) Include a statement on each licensee's profile of information to**
29 **be taken into consideration by a consumer when viewing a licensee's profile, including**
30 **factors to consider when evaluating a licensee's malpractice data, and a disclaimer stating**
31 **that a charging document does not indicate a final finding of guilt by a disciplinary panel;**
32 **and**

33 **[(3)] (4) Provide on the Board's [Internet site] WEBSITE:**

1 (i) Notification that a person may contact the Board by telephone,
2 electronic mail, or written request to find out whether the number of medical malpractice
3 settlements involving a particular licensee totals three or more with a settlement amount
4 of \$150,000 or greater within the most recent 5-year period as reported to the Board; and

5 (ii) A telephone number, electronic mail address, and physical
6 address through which a person may contact the Board to request the information required
7 to be provided under item (i) of this item.

8 (d) The Board:

9 (1) On receipt of a written request for a licensee's profile from any person,
10 shall forward a written copy of the profile to the person;

11 (2) Shall maintain a website that serves as a single point of entry where
12 all physician **AND ALLIED HEALTH PROFESSIONAL** profile information is available to the
13 public on the Internet; and

14 (3) On receipt of a verbal, electronic, or written request in accordance with
15 subsection [(c)(3)] **(C)(4)** of this section, shall provide the information within 2 business
16 days of the request.

17 14-413.

18 **(A)** A person may not make any false statement, report, or representation to the
19 Board or a disciplinary panel.

20 **(B) (1) A PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE IS**
21 **GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT**
22 **EXCEEDING \$5,000 OR IMPRISONMENT NOT EXCEEDING 5 YEARS OR BOTH.**

23 **(2) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER THIS**
24 **SECTION INTO THE BOARD OF PHYSICIANS FUND.**

25 14-416.

26 (a) Each court shall report to the Board each conviction of or entry of a plea of
27 guilty or nolo contendere by a [physician] **LICENSEE** for any crime involving moral
28 turpitude.

29 14-417.

30 **(A) (1) EACH LICENSEE SHALL NOTIFY THE SECRETARY OF THE BOARD**
31 **IN WRITING OF ANY CHANGE IN THE LICENSEE'S NAME OR ADDRESS WITHIN 60 DAYS**
32 **AFTER THE CHANGE.**

1 **(2) IF A LICENSEE FAILS TO NOTIFY THE SECRETARY OF THE BOARD**
2 **WITHIN THE TIME REQUIRED UNDER THIS SECTION, THE LICENSEE IS SUBJECT TO**
3 **AN ADMINISTRATIVE PENALTY OF \$100.**

4 **(B) A DISCIPLINARY PANEL MAY IMPOSE A CIVIL PENALTY OF UP TO \$100**
5 **PER CONTINUING MEDICAL EDUCATION CREDIT IN LIEU OF A SANCTION FOR A FIRST**
6 **OFFENSE FOR THE FAILURE OF A LICENSEE TO OBTAIN THE CONTINUING MEDICAL**
7 **EDUCATION CREDITS REQUIRED BY THE BOARD.**

8 Subtitle 5. [Miscellaneous Provisions] **PHYSICIANS.**

9 14–503.

10 (c) **(1)** The Board shall adopt rules and regulations to delineate the scope of
11 this section.

12 **(2)** Before it adopts any rule or regulation under this section, the Board
13 shall invite and consider proposals from any individual or health group that could be
14 affected by the rule or regulation.

15 (e) Except as otherwise provided in this section, an individual may perform
16 X–ray duties without a license **TO PRACTICE MEDICINE** only if the duties:

17 (1) Do not include:

18 (i) Computerized or noncomputerized tomography;

19 (ii) Fluoroscopy;

20 (iii) Invasive radiology;

21 (iv) Mammography;

22 (v) Nuclear medicine;

23 (vi) Radiation therapy; or

24 (vii) Xerography;

25 (2) Are limited to X–ray procedures of the:

26 (i) Chest, anterior–posterior and lateral;

27 (ii) Spine, anterior–posterior and lateral; or

1 (iii) Extremities, anterior–posterior and lateral, not including the
2 head; and

3 (3) Are performed:

4 (i) By an individual who is not employed primarily to perform
5 X–ray duties;

6 (ii) In the medical office of the physician who delegates the duties;
7 and

8 (iii) 1. By an individual who, before October 1, 2002, has:

9 A. Taken a course consisting of at least 30 hours of training
10 in performing X–ray procedures approved by the Maryland Radiological Society in
11 consultation with the Maryland Society of Radiologic Technologists; and

12 B. Successfully passed an examination based on that course
13 that has been approved by the Maryland Radiological Society in consultation with the
14 Maryland Society of Radiologic Technologists; or

15 2. By a licensed physician assistant who has completed a
16 course that includes anterior–posterior and lateral radiographic studies of extremities on
17 at least 20 separate patients under the direct supervision of the delegating physician or
18 radiologist using a mini C–arm or similar low–level radiation machine to perform
19 nonfluoroscopic X–ray procedures, if the duties:

20 A. Include only the X–ray procedures described in paragraph
21 (2)(iii) of this subsection; and

22 B. Are performed pursuant to a Board–approved delegation
23 agreement that includes a request to perform advanced duties under [§ 15–302(c)(2)] §
24 **14–5H–08(C)(2)** of this [article] **TITLE**.

25 **14–504.**

26 **(A) TO QUALIFY FOR A LICENSE TO PRACTICE MEDICINE AS A PHYSICIAN IN**
27 **THE STATE, AN APPLICANT SHALL BE AN INDIVIDUAL WHO MEETS THE**
28 **REQUIREMENTS OF § 14–301 OF THIS TITLE AND THIS SECTION.**

29 **(B) EXCEPT AS PROVIDED IN § 14–505 OF THIS SUBTITLE, THE APPLICANT**
30 **SHALL:**

31 **(1) (I) HAVE A DEGREE OF DOCTOR OF MEDICINE FROM A**
32 **MEDICAL SCHOOL THAT IS ACCREDITED BY AN ACCREDITING ORGANIZATION THAT**
33 **THE BOARD RECOGNIZES IN ITS REGULATIONS; AND**

1 **(II) SUBMIT EVIDENCE ACCEPTABLE TO THE BOARD OF**
2 **SUCCESSFUL COMPLETION OF 1 YEAR OF TRAINING IN A POSTGRADUATE MEDICAL**
3 **TRAINING PROGRAM THAT IS ACCREDITED BY AN ACCREDITING ORGANIZATION**
4 **THAT THE BOARD RECOGNIZES IN ITS REGULATIONS; OR**

5 **(2) (I) HAVE A DEGREE OF DOCTOR OF OSTEOPATHY FROM A**
6 **SCHOOL OF OSTEOPATHY IN THE UNITED STATES, ITS TERRITORIES OR**
7 **POSSESSIONS, PUERTO RICO, OR CANADA THAT HAS STANDARDS FOR GRADUATION**
8 **EQUIVALENT TO THOSE ESTABLISHED BY THE AMERICAN OSTEOPATHIC**
9 **ASSOCIATION; AND**

10 **(II) SUBMIT EVIDENCE ACCEPTABLE TO THE BOARD OF**
11 **SUCCESSFUL COMPLETION OF 1 YEAR OF TRAINING IN A POSTGRADUATE MEDICAL**
12 **TRAINING PROGRAM ACCREDITED BY AN ACCREDITING ORGANIZATION THAT THE**
13 **BOARD RECOGNIZES IN ITS REGULATIONS.**

14 **(C) IF AN EXAMINATION IS REQUIRED FOR A LICENSE TO PRACTICE**
15 **MEDICINE, AN OTHERWISE QUALIFIED APPLICANT WHO PASSES THE EXAMINATION**
16 **AFTER HAVING FAILED THE EXAMINATION OR ANY PART OF THE EXAMINATION**
17 **THREE OR MORE TIMES MAY QUALIFY FOR A LICENSE ONLY IF THE APPLICANT:**

18 **(1) HAS SUCCESSFULLY COMPLETED 2 OR MORE YEARS OF A**
19 **RESIDENCY OR FELLOWSHIP ACCREDITED BY THE ACCREDITATION COUNCIL ON**
20 **GRADUATE MEDICAL EDUCATION OR THE AMERICAN OSTEOPATHIC ASSOCIATION;**

21 **(2) (I) HAS A MINIMUM OF 5 YEARS OF CLINICAL PRACTICE OF**
22 **MEDICINE:**

23 **1. IN THE UNITED STATES OR IN CANADA;**

24 **2. WITH AT LEAST 3 OF THE 5 YEARS HAVING OCCURRED**
25 **WITHIN 5 YEARS OF THE DATE OF THE APPLICATION; AND**

26 **3. THAT OCCURRED UNDER A FULL UNRESTRICTED**
27 **LICENSE TO PRACTICE MEDICINE; AND**

28 **(II) HAS NO DISCIPLINARY ACTION PENDING AND HAS HAD NO**
29 **DISCIPLINARY ACTION TAKEN AGAINST THE APPLICANT THAT WOULD BE GROUNDS**
30 **FOR DISCIPLINE UNDER § 14-515 OF THIS SUBTITLE; OR**

31 **(3) IS BOARD CERTIFIED.**

1 **(D) (1) THE BOARD SHALL LICENSE AN APPLICANT TO PRACTICE**
2 **MEDICINE IF:**

3 **(I) THE APPLICANT:**

4 **1. BECAME LICENSED OR CERTIFIED AS A PHYSICIAN IN**
5 **ANOTHER JURISDICTION UNDER REQUIREMENTS THAT THE BOARD DETERMINES**
6 **ARE SUBSTANTIALLY EQUIVALENT TO THE LICENSING REQUIREMENTS OF THIS**
7 **TITLE;**

8 **2. IS IN GOOD STANDING UNDER THE LAWS OF THE**
9 **OTHER JURISDICTION;**

10 **3. SUBMITS AN APPLICATION TO THE BOARD ON A FORM**
11 **THAT THE BOARD REQUIRES; AND**

12 **4. PAYS TO THE BOARD AN APPLICATION FEE SET BY**
13 **THE BOARD; AND**

14 **(II) THE JURISDICTION IN WHICH THE APPLICANT IS LICENSED**
15 **OR CERTIFIED OFFERS A SIMILAR RECIPROCAL LICENSING PROCESS FOR**
16 **INDIVIDUALS LICENSED TO PRACTICE MEDICINE BY THE BOARD.**

17 **(2) THE BOARD SHALL ADOPT REGULATIONS TO IMPLEMENT THIS**
18 **SUBSECTION.**

19 **(E) (1) IN ESTABLISHING ANY CONTINUING EDUCATION REQUIREMENTS**
20 **FOR THE RENEWAL OF A LICENSE, THE BOARD SHALL EVALUATE EXISTING**
21 **METHODS, DEVICES, AND PROGRAMS IN USE AMONG THE VARIOUS MEDICAL**
22 **SPECIALTIES AND OTHER RECOGNIZED MEDICAL GROUPS.**

23 **(2) THE BOARD SHALL ADOPT REGULATIONS THAT ALLOW A**
24 **LICENSEE SEEKING RENEWAL TO RECEIVE UP TO 5 CONTINUING EDUCATION**
25 **CREDITS PER RENEWAL PERIOD FOR PROVIDING UNCOMPENSATED, VOLUNTARY**
26 **MEDICAL SERVICES DURING EACH RENEWAL PERIOD.**

27 **(3) THE BOARD MAY NOT ESTABLISH OR ENFORCE THESE**
28 **REQUIREMENTS IF THEY WOULD SO REDUCE THE NUMBER OF PHYSICIANS IN A**
29 **COMMUNITY AS TO JEOPARDIZE THE AVAILABILITY OF ADEQUATE MEDICAL CARE IN**
30 **THAT COMMUNITY.**

1 (b) An applicant for a license **TO PRACTICE MEDICINE** is exempt from the
2 educational requirements of [§ 14-307] **§ 14-301 OF THIS TITLE AND § 14-504** of this
3 subtitle, if the applicant:

4 (1) Has studied medicine at a foreign medical school;

5 (2) Is certified by the Educational Commission for Foreign Medical
6 Graduates or by its successor as approved by the Board;

7 (3) Passes a qualifying examination for foreign medical school graduates
8 required by the Board;

9 (4) Meets any other qualifications for foreign medical school graduates that
10 the Board establishes in its regulation for licensing of applicants;

11 (5) Submits acceptable evidence to the Board of the requirements set in the
12 Board's regulations; and

13 (6) Meets one of the following requirements:

14 (i) The applicant graduated from any foreign medical school and
15 submits evidence acceptable to the Board of successful completion of 2 years of training in
16 a postgraduate medical education program accredited by an accrediting organization
17 recognized by the Board; or

18 (ii) The applicant successfully completed a fifth pathway program
19 and submits evidence acceptable to the Board that the applicant:

20 1. Has a document issued by the foreign medical school
21 certifying that the applicant completed all of the formal requirements of that school for the
22 study of medicine, except for the postgraduate or social service components as required by
23 the foreign country or its medical school;

24 2. Has successfully completed a fifth pathway program; and

25 3. Has successfully completed 2 years of training in a
26 postgraduate medical education program following completion of a Board approved fifth
27 pathway program.

28 14-506.

29 (a) An applicant who otherwise qualifies for a license **TO PRACTICE MEDICINE**
30 under this title is entitled to sit for an examination as provided under this section or any
31 regulations adopted to carry out this section.

32 14-510.

1 (a) The Board may:

2 (1) License **TO PRACTICE MEDICINE** an applicant by virtue of the
3 conceded eminence and authority of the applicant in the profession if the applicant:

4 (i) Is recommended to the Board by:

5 1. The dean of a school of medicine in the State; or

6 2. The Director of the National Institutes of Health;

7 (ii) Is to receive an appointment at the institution making the
8 recommendation under item (i) of this paragraph; and

9 (iii) Meets any other requirement the Board may adopt by regulation
10 under this section;

11 (2) Define by regulation the term “conceded eminence and authority in the
12 profession” and, for this purpose, shall consider such criteria as:

13 (i) Academic appointments;

14 (ii) Length of time in the profession;

15 (iii) Scholarly publications; and

16 (iv) Professional accomplishments;

17 (3) Adopt regulations concerning the further qualifications of an applicant
18 for licensure, including conditions of employment, application procedures, and fees under
19 this section;

20 (4) Allow an exception to the general education and examination
21 requirements of [§ 14-307(d) and (e)] **§ 14-301(E) OF THIS TITLE AND § 14-504(B)** of
22 this subtitle, but may not permit waiver of the requirements of [§ 14-307(a) through (c)] **§**
23 **14-301(A) THROUGH (C)** of this [subtitle] **TITLE**;

24 (5) Qualify, restrict, or otherwise limit a license granted under this section;
25 and

26 (6) Require a 6-month probationary period during which the medical
27 services performed by the applicant granted a license under this section are supervised by
28 another licensed physician.

29 14-511.

1 (b) The Board shall issue a license to an individual who is on inactive status if the
2 individual:

3 (1) Submits to the Board:

4 (i) Satisfactory evidence of compliance with [§ 14–308.1] § 14–302
5 of this [subtitle] TITLE;

6 (ii) Satisfactory evidence of compliance with the continuing
7 education requirements the Board adopts for this purpose; and

8 (iii) A reinstatement fee set by the Board; and

9 (2) Is otherwise entitled to be licensed.

10 14–513.

11 (C) A PERSON WHO VIOLATES ANY PROVISION OF THIS SECTION IS GUILTY
12 OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING
13 \$500.

14 (D) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER THIS
15 SECTION INTO THE BOARD OF PHYSICIANS FUND.

16 14–514.

17 (A) IF AN ALLEGATION OF GROUNDS FOR DISCIPLINARY OR OTHER ACTION
18 IS MADE BY A PATIENT OR A FAMILY MEMBER OF A PATIENT BASED ON §
19 14–515(A)(22) OF THIS SUBTITLE AND A FULL INVESTIGATION RESULTS FROM THAT
20 ALLEGATION, THE FULL INVESTIGATION SHALL INCLUDE AN OFFER OF AN
21 INTERVIEW WITH THE PATIENT OR A FAMILY MEMBER OF THE PATIENT WHO WAS
22 PRESENT AT OR ABOUT THE TIME THAT THE INCIDENT THAT GAVE RISE TO THE
23 ALLEGATION OCCURRED.

24 (B) (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, AFTER
25 BEING ASSIGNED A COMPLAINT UNDER § 14–401.1 OF THIS TITLE, THE
26 DISCIPLINARY PANEL MAY:

27 (I) REFER AN ALLEGATION FOR FURTHER INVESTIGATION TO
28 THE ENTITY THAT HAS CONTRACTED WITH THE BOARD UNDER SUBSECTION (D) OF
29 THIS SECTION; OR

30 (II) TAKE ANY APPROPRIATE AND IMMEDIATE ACTION AS
31 NECESSARY.

1 **(2) (I) IF, AFTER BEING ASSIGNED A COMPLAINT AND**
2 **COMPLETING THE PRELIMINARY INVESTIGATION, THE DISCIPLINARY PANEL FINDS**
3 **THAT THE LICENSEE MAY HAVE VIOLATED § 14-515(A)(22) OF THIS SUBTITLE, THE**
4 **DISCIPLINARY PANEL SHALL REFER THE ALLEGATION TO THE ENTITY OR ENTITIES**
5 **THAT HAVE CONTRACTED WITH THE BOARD UNDER SUBSECTION (D) OF THIS**
6 **SECTION FOR FURTHER INVESTIGATION AND PHYSICIAN PEER REVIEW WITHIN THE**
7 **INVOLVED MEDICAL SPECIALTY OR SPECIALTIES.**

8 **(II) A DISCIPLINARY PANEL SHALL OBTAIN TWO PEER REVIEW**
9 **REPORTS FROM THE ENTITY OR INDIVIDUAL WITH WHOM THE BOARD CONTRACTED**
10 **UNDER SUBSECTION (D) OF THIS SECTION FOR EACH ALLEGATION THE**
11 **DISCIPLINARY PANEL REFERS FOR PEER REVIEW.**

12 **(3) IF, AFTER BEING ASSIGNED A COMPLAINT, THE DISCIPLINARY**
13 **PANEL DETERMINES THAT AN ALLEGATION INVOLVING FEES FOR PROFESSIONAL OR**
14 **ANCILLARY SERVICES DOES NOT CONSTITUTE GROUNDS FOR DISCIPLINARY OR**
15 **OTHER ACTION, THE DISCIPLINARY PANEL SHALL OFFER THE COMPLAINANT AND**
16 **THE LICENSEE AN OPPORTUNITY TO MEDIATE THE DISPUTE.**

17 **(C) COUNTY MEDICAL SOCIETIES SHALL REFER TO THE BOARD ALL**
18 **COMPLAINTS THAT SET FORTH ALLEGATIONS OF GROUNDS FOR DISCIPLINARY**
19 **ACTION UNDER § 14-515 OF THIS SUBTITLE.**

20 **(D) (1) IN ACCORDANCE WITH § 14-401.1(C) OF THIS TITLE, THE BOARD**
21 **SHALL ENTER INTO A WRITTEN CONTRACT WITH AN ENTITY OR INDIVIDUAL FOR**
22 **CONFIDENTIAL PHYSICIAN PEER REVIEW OF ALLEGATIONS BASED ON §**
23 **14-515(A)(22) OF THIS SUBTITLE.**

24 **(2) A PEER REVIEWER SHALL:**

25 **(I) BE BOARD CERTIFIED;**

26 **(II) HAVE SPECIAL QUALIFICATIONS TO JUDGE THE MATTER AT**
27 **HAND;**

28 **(III) HAVE RECEIVED A SPECIFIED AMOUNT OF MEDICAL**
29 **EXPERIENCE AND TRAINING;**

30 **(IV) HAVE NO FORMAL ACTIONS AGAINST THE PEER REVIEWER'S**
31 **OWN LICENSE;**

32 **(V) RECEIVE TRAINING IN PEER REVIEW;**

1 (VI) HAVE A STANDARD FORMAT FOR PEER REVIEW REPORTS;
2 AND

3 (VII) TO THE EXTENT PRACTICABLE, BE LICENSED AND ENGAGED
4 IN THE PRACTICE OF MEDICINE IN THE STATE.

5 (3) THE BOARD MAY CONSULT WITH THE APPROPRIATE SPECIALTY
6 HEALTH CARE PROVIDER SOCIETIES IN THE STATE TO OBTAIN A LIST OF PHYSICIANS
7 QUALIFIED TO PROVIDE PEER REVIEW SERVICES.

8 14–515.

9 (a) Subject to the hearing provisions of § 14–405 of this [subtitle] TITLE, a
10 disciplinary panel, on the affirmative vote of a majority of the quorum of the disciplinary
11 panel, may reprimand any licensee, place any licensee on probation, or suspend or revoke
12 a license if the licensee:

13 (1) Fraudulently or deceptively obtains or attempts to obtain a license for
14 the applicant or licensee or for another;

15 (2) Fraudulently or deceptively uses a license;

16 (3) Is guilty of:

17 (i) Immoral conduct in the practice of medicine; or

18 (ii) Unprofessional conduct in the practice of medicine;

19 (4) Is professionally, physically, or mentally incompetent;

20 (5) Solicits or advertises in violation of [§ 14–503] § 14–513 of this [title]
21 SUBTITLE;

22 (6) Abandons a patient;

23 (7) Habitually is intoxicated;

24 (8) Is addicted to, or habitually abuses, any narcotic or controlled
25 dangerous substance as defined in § 5–101 of the Criminal Law Article;

26 (9) Provides professional services:

27 (i) While under the influence of alcohol; or

1 (ii) While using any narcotic or controlled dangerous substance, as
2 defined in § 5–101 of the Criminal Law Article, or other drug that is in excess of therapeutic
3 amounts or without valid medical indication;

4 (10) Promotes the sale of drugs, devices, appliances, or goods to a patient so
5 as to exploit the patient for financial gain;

6 (11) Willfully makes or files a false report or record in the practice of
7 medicine;

8 (12) Willfully fails to file or record any medical report as required under law,
9 willfully impedes or obstructs the filing or recording of the report, or induces another to fail
10 to file or record the report;

11 (13) On proper request, and in accordance with the provisions of Title 4,
12 Subtitle 3 of the Health – General Article, fails to provide details of a patient’s medical
13 record to the patient, another physician, or hospital;

14 (14) Solicits professional patronage through an agent or other person or
15 profits from the acts of a person who is represented as an agent of the physician;

16 (15) Pays or agrees to pay any sum to any person for bringing or referring a
17 patient or accepts or agrees to accept any sum from any person for bringing or referring a
18 patient;

19 (16) Agrees with a clinical or bioanalytical laboratory to make payments to
20 the laboratory for a test or test series for a patient, unless the licensed physician discloses
21 on the bill to the patient or third-party payor:

22 (i) The name of the laboratory;

23 (ii) The amount paid to the laboratory for the test or test series; and

24 (iii) The amount of procurement or processing charge of the licensed
25 physician, if any, for each specimen taken;

26 (17) Makes a willful misrepresentation in treatment;

27 (18) Practices medicine with an unauthorized person or aids an
28 unauthorized person in the practice of medicine;

29 (19) Grossly overutilizes health care services;

30 (20) Offers, undertakes, or agrees to cure or treat disease by a secret
31 method, treatment, or medicine;

1 (21) Is disciplined by a licensing or disciplinary authority or convicted or
2 disciplined by a court of any state or country or disciplined by any branch of the United
3 States uniformed services or the Veterans' Administration for an act that would be grounds
4 for disciplinary action under this section;

5 (22) Fails to meet appropriate standards as determined by appropriate peer
6 review for the delivery of quality medical and surgical care performed in an outpatient
7 surgical facility, office, hospital, or any other location in this State;

8 (23) Willfully submits false statements to collect fees for which services are
9 not provided;

10 (24) Was subject to investigation or disciplinary action by a licensing or
11 disciplinary authority or by a court of any state or country for an act that would be grounds
12 for disciplinary action under this section and the licensee:

13 (i) Surrendered the license issued by the state or country to the
14 state or country; or

15 (ii) Allowed the license issued by the state or country to expire or
16 lapse;

17 (25) Knowingly fails to report suspected child abuse in violation of § 5-704
18 of the Family Law Article;

19 (26) Fails to educate a patient being treated for breast cancer of alternative
20 methods of treatment as required by § 20-113 of the Health – General Article;

21 (27) Sells, prescribes, gives away, or administers drugs for illegal or
22 illegitimate medical purposes;

23 (28) Fails to comply with the provisions of § 12-102 of this article;

24 (29) Refuses, withholds from, denies, or discriminates against an individual
25 with regard to the provision of professional services for which the licensee is licensed and
26 qualified to render because the individual is HIV positive;

27 (30) Except as to an association that has remained in continuous existence
28 since July 1, 1963:

29 (i) Associates with a pharmacist as a partner or co-owner of a
30 pharmacy for the purpose of operating a pharmacy;

31 (ii) Employs a pharmacist for the purpose of operating a pharmacy;
32 or

1 (iii) Contracts with a pharmacist for the purpose of operating a
2 pharmacy;

3 (31) Except in an emergency life-threatening situation where it is not
4 feasible or practicable, fails to comply with the Centers for Disease Control and
5 Prevention's guidelines on universal precautions;

6 (32) Fails to display the notice required under [§ 14-415] § 14-519 of this
7 subtitle;

8 (33) Fails to cooperate with a lawful investigation conducted by the Board
9 or a disciplinary panel;

10 (34) Is convicted of insurance fraud as defined in § 27-801 of the Insurance
11 Article;

12 (35) Is in breach of a service obligation resulting from the applicant's or
13 licensee's receipt of State or federal funding for the licensee's medical education;

14 (36) Willfully makes a false representation when seeking or making
15 application for licensure or any other application related to the practice of medicine;

16 (37) By corrupt means, threats, or force, intimidates or influences, or
17 attempts to intimidate or influence, for the purpose of causing any person to withhold or
18 change testimony in hearings or proceedings before the Board or a disciplinary panel or
19 those otherwise delegated to the Office of Administrative Hearings;

20 (38) By corrupt means, threats, or force, hinders, prevents, or otherwise
21 delays any person from making information available to the Board or a disciplinary panel
22 in furtherance of any investigation of the Board or a disciplinary panel;

23 (39) Intentionally misrepresents credentials for the purpose of testifying or
24 rendering an expert opinion in hearings or proceedings before the Board or a disciplinary
25 panel or those otherwise delegated to the Office of Administrative Hearings;

26 (40) Fails to keep adequate medical records as determined by appropriate
27 peer review;

28 (41) Performs a cosmetic surgical procedure in an office or a facility that is
29 not:

30 (i) Accredited by:

31 1. The American Association for Accreditation of Ambulatory
32 Surgical Facilities;

1 2. The Accreditation Association for Ambulatory Health
2 Care; or

3 3. The Joint Commission on the Accreditation of Healthcare
4 Organizations; or

5 (ii) Certified to participate in the Medicare program, as enacted by
6 Title XVIII of the Social Security Act;

7 (42) Fails to complete a criminal history records check under [§ 14–308.1] §
8 **14–302** of this title;

9 (43) Except for the licensure process described under Subtitle 3A of this title,
10 violates any provision of this title, any rule or regulation adopted by the Board, or any State
11 or federal law pertaining to the practice of medicine;

12 (44) Fails to meet the qualifications for licensure under **THIS SUBTITLE**
13 **AND** Subtitle 3 of this title;

14 (45) Fails to comply with § 1–223 of this article; or

15 (46) Fails to comply with the requirements of the Prescription Drug
16 Monitoring Program under Title 21, Subtitle 2A of the Health – General Article.

17 **14–516.**

18 **THE PUBLIC INDIVIDUAL PROFILE FOR A LICENSED PHYSICIAN CREATED AND**
19 **MAINTAINED UNDER § 14–411.1 OF THIS TITLE SHALL INCLUDE, AS REPORTED TO**
20 **THE BOARD BY THE LICENSEE, EDUCATION AND PRACTICE INFORMATION ABOUT**
21 **THE LICENSEE INCLUDING:**

22 **(1) THE NAME OF ANY MEDICAL SCHOOL THAT THE LICENSEE**
23 **ATTENDED AND THE DATE ON WHICH THE LICENSEE GRADUATED FROM THE**
24 **SCHOOL;**

25 **(2) A DESCRIPTION OF ANY INTERNSHIP AND RESIDENCY TRAINING;**

26 **(3) A DESCRIPTION OF ANY SPECIALTY BOARD CERTIFICATION BY A**
27 **RECOGNIZED BOARD OF THE AMERICAN BOARD OF MEDICAL SPECIALTIES OR THE**
28 **AMERICAN OSTEOPATHIC ASSOCIATION;**

29 **(4) THE NAME OF ANY HOSPITAL WHERE THE LICENSEE HAS MEDICAL**
30 **PRIVILEGES;**

31 **(5) THE LOCATION OF THE LICENSEE’S PRIMARY PRACTICE SETTING;**

1 **(6) WHETHER THE LICENSEE PARTICIPATES IN THE MARYLAND**
2 **MEDICAL ASSISTANCE PROGRAM;**

3 **(7) WHETHER THE LICENSEE MAINTAINS MEDICAL PROFESSIONAL**
4 **LIABILITY INSURANCE; AND**

5 **(8) THE NUMBER OF MEDICAL MALPRACTICE FINAL COURT**
6 **JUDGMENTS AND ARBITRATION AWARDS AGAINST THE LICENSEE WITHIN THE MOST**
7 **RECENT 10-YEAR PERIOD.**

8 14-517.

9 (a) (1) Each hospital and related institution shall submit to the Board a report
10 within 10 days after:

11 (i) The hospital or related institution denied the application of a
12 physician for staff privileges or limited, reduced, otherwise changed, or terminated the staff
13 privileges of a physician, or the physician resigned whether or not under formal accusation,
14 if the denial, limitation, reduction, change, termination, or resignation is for reasons that
15 might be grounds for disciplinary action under [§ 14-404] **§ 14-515** of this subtitle;

16 (ii) The hospital or related institution took any disciplinary action
17 against a salaried, licensed physician without staff privileges, including termination of
18 employment, suspension, or probation, for reasons that might be grounds for disciplinary
19 action under [§ 14-404] **§ 14-515** of this subtitle;

20 (iii) A licensed physician voluntarily resigned from the staff, employ,
21 or training program of the hospital or related institution for reasons that might be grounds
22 for disciplinary action under [§ 14-404] **§ 14-515** of this subtitle; or

23 (iv) The hospital or related institution placed any other restrictions
24 or conditions on any of the licensed physicians as listed in items (i) through (iii) of this
25 paragraph for any reasons that might be grounds for disciplinary action under [§ 14-404]
26 **§ 14-515** of this subtitle.

27 14-518.

28 (a) (1) Each alternative health system as defined in § 1-401 of this article shall
29 submit to the Board a report within 10 days after:

30 (i) The alternative health system denied the formal application of a
31 physician to contract with the alternative health system or limited, reduced, otherwise
32 changed, or terminated the contract of a physician, or the physician resigned whether or
33 not under formal accusation, if the denial, limitation, reduction, change, termination, or

1 resignation is for reasons that might be grounds for disciplinary action under [§ 14-404] §
2 **14-515** of this subtitle; or

3 (ii) The alternative health system placed any other restrictions or
4 conditions on any licensed physician for any reasons that might be grounds for disciplinary
5 action under [§ 14-404] § **14-515** of this subtitle.

6 14-521.

7 (C) (1) A PERSON WHO VIOLATES ANY PROVISION OF THIS SECTION IS
8 GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT
9 EXCEEDING \$5,000 OR IMPRISONMENT NOT EXCEEDING 5 YEARS OR BOTH.

10 (2) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER THIS
11 SECTION INTO THE BOARD OF PHYSICIANS FUND.

12 14-524.

13 (B) (1) A PERSON WHO VIOLATES ANY PROVISION OF THIS SECTION IS
14 GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT
15 EXCEEDING \$5,000 OR IMPRISONMENT NOT EXCEEDING 5 YEARS OR BOTH.

16 (2) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER THIS
17 SECTION INTO THE BOARD OF PHYSICIANS FUND.

18 [(b)] (C) (1) The Board shall investigate any alleged violation of this section
19 or [§ 14-507] § **14-523** of this [title] SUBTITLE and may enforce any provision of this title
20 by injunction or other appropriate proceedings.

21 [(c)] (2) An action under this [section] SUBSECTION is in addition to and not
22 instead of criminal prosecution under [§ 14-606 of this subtitle] SUBSECTION (B) OF THIS
23 SECTION.

24 14-525.

25 (D) (1) A PERSON WHO VIOLATES ANY PROVISION OF THIS SECTION IS
26 GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT
27 EXCEEDING \$5,000 OR IMPRISONMENT NOT EXCEEDING 5 YEARS OR BOTH.

28 (2) A PERSON WHO IS REQUIRED TO GIVE NOTICE UNDER THIS
29 SECTION, AND WHO FAILS TO GIVE THE REQUIRED NOTICE, IS LIABLE FOR A CIVIL
30 PENALTY OF NOT MORE THAN \$100.

1 **(3) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER THIS**
2 **SECTION INTO THE BOARD OF PHYSICIANS FUND.**

3 14-527.

4 **(A)** Except as otherwise provided in this title, a person may not practice, attempt
5 to practice, or offer to practice medicine in this State unless licensed by the Board.

6 **(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A**
7 **PERSON WHO VIOLATES THIS SECTION IS:**

8 **(I) GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO A**
9 **FINE NOT EXCEEDING \$10,000 OR IMPRISONMENT NOT EXCEEDING 5 YEARS OR**
10 **BOTH; AND**

11 **(II) SUBJECT TO A CIVIL FINE OF NOT MORE THAN \$50,000 TO**
12 **BE LEVIED BY A DISCIPLINARY PANEL.**

13 **(2) THE PROVISIONS OF PARAGRAPH (1) OF THIS SUBSECTION DO**
14 **NOT APPLY TO A FORMER LICENSEE WHO HAS FAILED TO RENEW A LICENSE UNDER**
15 **§ 14-306 OF THIS TITLE IF:**

16 **(I) LESS THAN 60 DAYS HAVE ELAPSED SINCE THE EXPIRATION**
17 **OF THE LICENSE; AND**

18 **(II) THE FORMER LICENSEE HAS APPLIED FOR LICENSE**
19 **REINSTATEMENT, INCLUDING PAYMENT OF THE REINSTATEMENT FEE.**

20 **(3) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER THIS**
21 **SECTION INTO THE BOARD OF PHYSICIANS FUND.**

22 14-528.

23 (c) An unlicensed individual who acts under [§ 14-302 or § 14-306] **§ 14-502 OR**
24 **§ 14-503** of this [title] SUBTITLE may use the word “physician” together with another
25 word to describe the occupation of the individual as in phrases such as “physician’s
26 assistant” or “physician’s aide”.

27 **(D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A**
28 **PERSON WHO VIOLATES THIS SECTION IS:**

29 **(I) GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO A**
30 **FINE NOT EXCEEDING \$10,000 OR IMPRISONMENT NOT EXCEEDING 5 YEARS OR**
31 **BOTH; AND**

1 **(II) SUBJECT TO A CIVIL FINE OF NOT MORE THAN \$50,000 TO**
2 **BE LEVIED BY A DISCIPLINARY PANEL.**

3 **(2) THE PROVISIONS OF PARAGRAPH (1) OF THIS SUBSECTION DO**
4 **NOT APPLY TO A FORMER LICENSEE WHO HAS FAILED TO RENEW A LICENSE UNDER**
5 **§ 14-306 OF THIS TITLE IF:**

6 **(I) LESS THAN 60 DAYS HAVE ELAPSED SINCE THE EXPIRATION**
7 **OF THE LICENSE; AND**

8 **(II) THE FORMER LICENSEE HAS APPLIED FOR LICENSE**
9 **REINSTATEMENT, INCLUDING PAYMENT OF THE REINSTATEMENT FEE.**

10 **(3) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER THIS**
11 **SECTION INTO THE BOARD OF PHYSICIANS FUND.**

12 14-5A-01.

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

14 (c) "Committee" means the Respiratory Care [Professional Standards]
15 **ADVISORY** Committee established under § 14-5A-05 of this subtitle.

16 14-5A-05.

17 There is a Respiratory Care [Professional Standards] **ADVISORY** Committee within
18 the Board.

19 14-5A-06.

20 **(E) A QUORUM OF THE COMMITTEE CONSISTS OF FOUR MEMBERS.**

21 14-5A-09.

22 (a) [To qualify for a license, an applicant shall be an individual who meets the
23 requirements of this section.

24 (b) The applicant shall be of good moral character.

25 (c) The applicant shall be at least 18 years old.

26 (d) The applicant] **TO QUALIFY FOR A LICENSE, IN ADDITION TO THE**
27 **REQUIREMENTS UNDER § 14-301 OF THIS TITLE, AN APPLICANT shall[:**

1 (1) Meet] **MEET** any educational, training, or examination requirements
2 established by the Board including:

3 [(i)] **(1)** Graduation from an appropriate educational program as
4 determined by the Board; and

5 [(ii)] **(2)** Certification by a national certifying board approved by
6 the Board]; and

7 (2) Demonstrate oral and written competency in English as required by the
8 Board].

9 [(e) The applicant shall complete a criminal history records check in accordance
10 with § 14–308.1 of this title.]

11 14–5A–17.

12 (a) Subject to the hearing provisions of § 14–405 of this title, a disciplinary panel,
13 on the affirmative vote of a majority of a quorum of the disciplinary panel, may [deny a
14 license to any applicant,] reprimand any licensee, place any licensee on probation, or
15 suspend or revoke a license, if the [applicant or] licensee:

16 (1) Fraudulently or deceptively obtains or attempts to obtain a license for
17 the applicant, licensee, or for another;

18 (2) Fraudulently or deceptively uses a license;

19 (3) Is guilty of unprofessional or immoral conduct in the practice of
20 respiratory care;

21 (4) Is professionally, physically, or mentally incompetent;

22 (5) Abandons a patient;

23 (6) Is habitually intoxicated;

24 (7) Is addicted to or habitually abuses any narcotic or controlled dangerous
25 substance as defined in § 5–101 of the Criminal Law Article;

26 (8) Provides professional services while:

27 (i) Under the influence of alcohol; or

28 (ii) Using any narcotic or controlled dangerous substance as defined
29 in § 5–101 of the Criminal Law Article or any other drug that is in excess of therapeutic
30 amounts or without valid medical indication;

1 (9) Promotes the sale of services, drugs, devices, appliances, or goods to a
2 patient so as to exploit the patient for financial gain;

3 (10) Willfully makes or files a false report or record in the practice of
4 respiratory care;

5 (11) Willfully fails to file or record any report as required under law,
6 willfully impedes or obstructs the filing or recording of a report, or induces another to fail
7 to file or record a report;

8 (12) Breaches patient confidentiality;

9 (13) Pays or agrees to pay any sum or provide any form of remuneration or
10 material benefit to any person for bringing or referring a patient or accepts or agrees to
11 accept any sum or any form of remuneration or material benefit from an individual for
12 bringing or referring a patient;

13 (14) Knowingly makes a misrepresentation while practicing respiratory
14 care;

15 (15) Knowingly practices respiratory care with an unauthorized individual
16 or aids an unauthorized individual in the practice of respiratory care;

17 (16) Offers, undertakes, or agrees to cure or treat disease by a secret
18 method, treatment, or medicine;

19 (17) Is disciplined by a licensing or disciplinary authority or is convicted or
20 disciplined by a court of any state or country or is disciplined by any branch of the United
21 States uniformed services or the Veterans' Administration for an act that would be grounds
22 for disciplinary action under the Board's disciplinary statutes;

23 (18) Fails to meet appropriate standards for the delivery of respiratory care
24 performed in any inpatient or outpatient facility, office, hospital or related institution,
25 domiciliary care facility, patient's home, or any other location in this State;

26 (19) Knowingly submits false statements to collect fees for which services
27 are not provided;

28 (20) (i) Has been subject to investigation or disciplinary action by a
29 licensing or disciplinary authority or by a court of any state or country for an act that would
30 be grounds for disciplinary action under the Board's disciplinary statutes; and

31 (ii) Has:

32 1. Surrendered the license issued by the state or country; or

1 2. Allowed the license issued by the state or country to expire
2 or lapse;

3 (21) Knowingly fails to report suspected child abuse in violation of § 5-704
4 of the Family Law Article;

5 (22) Sells, prescribes, gives away, or administers drugs for illegal or
6 illegitimate medical purposes;

7 (23) Practices or attempts to practice beyond the authorized scope of
8 practice;

9 (24) Refuses, withholds from, denies, or discriminates against an individual
10 with regard to the provision of professional services for which the licensee is licensed and
11 qualified to render because the individual is HIV positive;

12 (25) Practices or attempts to practice a respiratory care procedure or uses or
13 attempts to use respiratory care equipment if the applicant or licensee has not received
14 education and training in the performance of the procedure or the use of the equipment;

15 (26) Fails to cooperate with a lawful investigation conducted by the Board
16 or a disciplinary panel;

17 (27) Fails to practice under the supervision of a physician or violates a
18 supervisory order of a supervising physician; or

19 (28) Fails to complete a criminal history records check under [§ 14-308.1] §
20 **14-302** of this title.

21 14-5B-05.

22 **(F) A QUORUM OF THE COMMITTEE CONSISTS OF FIVE MEMBERS.**

23 14-5B-07.

24 (a) (2) The failure of a licensed physician to properly supervise a licensee is
25 unprofessional conduct in the practice of medicine under [§ 14-404(a)(3)] § **14-515(A)(3)**
26 of this title.

27 14-5B-09.

28 (a) [To qualify for a license, an applicant shall be an individual who meets the
29 requirements of this section.

1 (b) Except as provided in subsection [(c)] (B) of this section, [the] **TO QUALIFY**
2 **FOR A LICENSE, IN ADDITION TO THE REQUIREMENTS UNDER § 14-301 OF THIS**
3 **TITLE, AN** applicant shall[:

4 (1) Be of good moral character;

5 (2) Be at least 18 years old;

6 (3) Demonstrate oral and written competency in English as required by the
7 Board;

8 (4) Meet] **MEET** any educational, training, or examination requirements
9 established by the Board, including:

10 [(i)] (1) Graduation from an appropriate educational program as
11 determined by the Board; and

12 [(ii)] (2) Certification]; and

13 (5) Complete a criminal history records check in accordance with §
14 14-308.1 of this title].

15 [(c)] (B) To qualify for a license to practice as a radiologist assistant, an
16 applicant shall:

17 (1) Be issued a general license to perform radiography;

18 (2) Complete an advanced academic program with a nationally recognized
19 radiology curriculum that results in a baccalaureate degree, post baccalaureate certificate,
20 or graduate degree and incorporates a radiologist-directed clinical preceptorship;

21 (3) Be certified in advanced cardiac life support; and

22 (4) Be certified as a radiologist assistant by the American Registry of
23 Radiologic Technologists.

24 [(d)] (C) Except for requirements adopted by the Board for license renewal under
25 [§ 14-5B-12 of this subtitle] **§ 14-306 OF THIS TITLE**, nothing in this subtitle may be
26 construed to require an individual who is certified by the Board as a radiation
27 oncology/therapy technologist, medical radiation technologist, or nuclear medicine
28 technologist as of October 1, 2008, to meet additional education, training, or examination
29 requirements.

30 14-5B-11.

1 (a) Licensure as a radiation therapist authorizes an individual to practice
2 radiation therapy **IN THE STATE** while the license is effective.

3 (b) Licensure as a radiographer authorizes an individual to practice radiography
4 **IN THE STATE** while the license is effective.

5 (c) Licensure as a nuclear medicine technologist authorizes an individual to
6 practice nuclear medicine technology **IN THE STATE** while the license is effective.

7 (d) Licensure as a radiologist assistant authorizes an individual to practice
8 radiology assistance **IN THE STATE** while the license is effective.

9 14-5B-14.

10 (a) Subject to the hearing provisions of § 14-405 of this title, a disciplinary panel,
11 on the affirmative vote of a majority of the quorum of the disciplinary panel, may [deny a
12 license to any applicant,] reprimand any licensee, place any licensee on probation, or
13 suspend or revoke a license, if the [applicant or] licensee:

14 (1) Fraudulently or deceptively obtains or attempts to obtain a license for
15 the applicant, licensed individual, or for another;

16 (2) Fraudulently or deceptively uses a license;

17 (3) Is guilty of unprofessional or immoral conduct in the practice of
18 radiation therapy, radiography, nuclear medicine technology, or radiology assistance;

19 (4) Is professionally, physically, or mentally incompetent;

20 (5) Abandons a patient;

21 (6) Is habitually intoxicated;

22 (7) Is addicted to or habitually abuses any narcotic or controlled dangerous
23 substance as defined in § 5-101 of the Criminal Law Article;

24 (8) Provides professional services while:

25 (i) Under the influence of alcohol; or

26 (ii) Using any narcotic or controlled dangerous substance as defined
27 in § 5-101 of the Criminal Law Article or any other drug that is in excess of therapeutic
28 amounts or without valid medical indication;

29 (9) Promotes the sale of services, drugs, devices, appliances, or goods to a
30 patient so as to exploit the patient for financial gain;

1 (10) Willfully makes or files a false report or record in the practice of
2 radiation therapy, radiography, nuclear medicine technology, or radiology assistance;

3 (11) Willfully fails to file or record any report as required under law,
4 willfully impedes or obstructs the filing or recording of a report, or induces another to fail
5 to file or record a report;

6 (12) Breaches patient confidentiality;

7 (13) Pays or agrees to pay any sum or provide any form of remuneration or
8 material benefit to any person for bringing or referring a patient or accepts or agrees to
9 accept any sum or any form of remuneration or material benefit from an individual for
10 bringing or referring a patient;

11 (14) Knowingly makes a misrepresentation while practicing radiation
12 therapy, radiography, nuclear medicine technology, or radiology assistance;

13 (15) Knowingly practices radiation therapy, radiography, nuclear medicine
14 technology, or radiology assistance with an unauthorized individual or aids an
15 unauthorized individual in the practice of radiation therapy, radiography, nuclear medicine
16 technology, or radiology assistance;

17 (16) Offers, undertakes, or agrees to cure or treat disease by a secret
18 method, treatment, or medicine;

19 (17) Is disciplined by a licensing or disciplinary authority or is convicted or
20 disciplined by a court of any state or country or is disciplined by any branch of the United
21 States uniformed services or the Veterans' Administration for an act that would be grounds
22 for disciplinary action under the Board's disciplinary statutes;

23 (18) Fails to meet appropriate standards for the delivery of quality radiation
24 therapy, radiography, nuclear medicine technology, or radiology assistance care performed
25 in any outpatient surgical facility, office, hospital or related institution, or any other
26 location in this State;

27 (19) Knowingly submits false statements to collect fees for which services
28 are not provided;

29 (20) (i) Has been subject to investigation or disciplinary action by a
30 licensing or disciplinary authority or by a court of any state or country for an act that would
31 be grounds for disciplinary action under the Board's disciplinary statutes; and

32 (ii) Has:

33 1. Surrendered the license issued by the state or country; or

1 2. Allowed the license issued by the state or country to expire
2 or lapse;

3 (21) Knowingly fails to report suspected child abuse in violation of § 5–704
4 of the Family Law Article;

5 (22) Sells, prescribes, gives away, or administers drugs for illegal or
6 illegitimate medical purposes;

7 (23) Practices or attempts to practice beyond the authorized scope of
8 practice;

9 (24) Refuses, withholds from, denies, or discriminates against an individual
10 with regard to the provision of professional services for which the licensee is licensed and
11 qualified to render because the individual is HIV positive;

12 (25) Practices or attempts to practice a radiation therapy, radiography,
13 nuclear medicine technology, or radiology assistance procedure or uses radiation therapy,
14 radiography, nuclear medicine technology, or radiology assistance equipment if the
15 applicant or licensee has not received education, internship, training, or experience in the
16 performance of the procedure or the use of the equipment;

17 (26) Fails to cooperate with a lawful investigation conducted by the Board
18 or a disciplinary panel;

19 (27) Fails to practice under the supervision of a physician or violates a
20 supervisory order of a supervising physician; or

21 (28) Fails to complete a criminal history records check under [§ 14–308.1] §
22 **14–302** of this title.

23 14–5C–01.

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

25 (c) “Committee” means the Polysomnography [Professional Standards]
26 **ADVISORY** Committee established under § 14–5C–05 of this subtitle.

27 14–5C–05.

28 There is a Polysomnography [Professional Standards] **ADVISORY** Committee within
29 the Board.

30 14–5C–06.

31 **(E) A QUORUM OF THE COMMITTEE CONSISTS OF FOUR MEMBERS.**

1 14-5C-08.

2 (b) This section does not apply to a student enrolled in an education program
3 under [§ 14-5C-09(c)(3)] **§ 14-5C-09(3)** of this subtitle while practicing polysomnography
4 in that program.

5 14-5C-09.

6 [(a) To qualify for a license, an applicant shall be an individual who meets the
7 requirements of this section.

8 (b) The applicant shall:

9 (1) Be of good moral character;

10 (2) Be at least 18 years old; and

11 (3) Complete a criminal history records check in accordance with §
12 14-308.1 of this title.

13 (c) **An] TO QUALIFY FOR A LICENSE, IN ADDITION TO THE REQUIREMENTS**
14 **SET FORTH IN § 14-301 OF THIS TITLE, AN** applicant for a polysomnographic technologist
15 license shall:

16 (1) Have passed the national certifying examination given by the Board of
17 Registered Polysomnographic Technologists or another examination approved by the
18 Board;

19 (2) Submit to the Board proof of certification as a registered
20 polysomnographic technologist or other national certification approved by the Board;

21 (3) (i) 1. Have graduated from a polysomnographic educational
22 program that is accredited by the Commission on Accreditation of Allied Health Education
23 Programs; or

24 2. A. Have graduated from a sleep technologist
25 educational program that is accredited by the American Academy of Sleep Medicine; and

26 B. Have completed a clinical component of an educational
27 program as established by the Committee and approved by the Board;

28 (ii) 1. Have graduated from a respiratory care educational
29 program that is accredited by the Commission on Accreditation of Allied Health Education
30 Programs; and

1 2. Have completed the Committee on Accreditation for
2 Respiratory Care's curriculum for a polysomnography certificate that is accredited by the
3 Commission on Accreditation of Allied Health Education Programs; or

4 (iii) 1. Have graduated from an electroneuro–diagnostic
5 educational program that is accredited by the Commission on Accreditation of Allied Health
6 Education Programs; and

7 2. Have completed additional units, modules, and courses of
8 instruction focused on polysomnographic technology that are accredited by the Commission
9 on Accreditation of Allied Health Education Programs; and

10 (4) Meet any other educational or clinical requirements established by the
11 Committee and approved by the Board.

12 14–5C–10.

13 **[(a)]** The Board shall waive the education requirement under **[\S 14–5C–09(c)(3)] \S**
14 **14–5C–09(3)** of this subtitle if on or before September 30, 2013, an individual:

15 (1) Has passed the national certifying examination by the Board of
16 Registered Polysomnographic Technologists or another examination approved by the
17 Board;

18 (2) Is certified by the Board of Registered Polysomnographic Technologists
19 as a registered polysomnographic technologist;

20 (3) Has submitted an application for licensure to the Board; and

21 (4) Meets all of the requirements under **[\S 14–5C–09(b) and (c)(1) and (2)]**
22 **\S 14–301(B), (C), AND (D) OF THIS TITLE AND \S 14–5C–09(1) AND (2)** of this subtitle.

23 **[(b)]** (1) If an individual has not satisfied the requirements under subsection (a)
24 of this section on or before September 30, 2013, the individual may petition the Board for
25 an extension.

26 (2) The Board shall determine whether to grant an extension under this
27 subsection on a case–by–case basis.]

28 14–5C–17.

29 (a) Subject to the hearing provisions of \S 14–405 of this title, a disciplinary panel,
30 on the affirmative vote of a majority of a quorum of the disciplinary panel, may **[deny a**
31 **license to any applicant,]** reprimand any licensee, place any licensee on probation, or
32 suspend or revoke a license, if the **[applicant or]** licensee:

- 1 (1) Fraudulently or deceptively obtains or attempts to obtain a license for
2 the applicant, licensee, or for another;
- 3 (2) Fraudulently or deceptively uses a license;
- 4 (3) Is guilty of unprofessional or immoral conduct in the practice of
5 polysomnography;
- 6 (4) Is professionally, physically, or mentally incompetent;
- 7 (5) Abandons a patient;
- 8 (6) Is habitually intoxicated;
- 9 (7) Is addicted to or habitually abuses any narcotic or controlled dangerous
10 substance as defined in § 5–101 of the Criminal Law Article;
- 11 (8) Provides professional services while:
- 12 (i) Under the influence of alcohol; or
- 13 (ii) Using any narcotic or controlled dangerous substance as defined
14 in § 5–101 of the Criminal Law Article or any other drug that is in excess of therapeutic
15 amounts or without valid medical indication;
- 16 (9) Promotes the sale of services, drugs, devices, appliances, or goods to a
17 patient so as to exploit the patient for financial gain;
- 18 (10) Willfully makes or files a false report or record in the practice of
19 polysomnography;
- 20 (11) Willfully fails to file or record any report as required under law,
21 willfully impedes or obstructs the filing or recording of a report, or induces another to fail
22 to file or record a report;
- 23 (12) Breaches patient confidentiality;
- 24 (13) Pays or agrees to pay any sum or provide any form of remuneration or
25 material benefit to any person for bringing or referring a patient or accepts or agrees to
26 accept any sum or any form of remuneration or material benefit from an individual for
27 bringing or referring a patient;
- 28 (14) Knowingly makes a misrepresentation while practicing
29 polysomnography;
- 30 (15) Knowingly practices polysomnography with an unauthorized individual
31 or aids an unauthorized individual in the practice of polysomnography;

1 (16) Knowingly delegates a polysomnographic duty to an unlicensed
2 individual;

3 (17) Offers, undertakes, or agrees to cure or treat disease by a secret
4 method, treatment, or medicine;

5 (18) Is disciplined by a licensing or disciplinary authority or is convicted or
6 disciplined by a court of any state or country or is disciplined by any branch of the United
7 States uniformed services or the U.S. Department of Veterans Affairs for an act that would
8 be grounds for disciplinary action under the Board's disciplinary statutes;

9 (19) Fails to meet appropriate standards for the delivery of
10 polysomnographic services performed in a hospital sleep laboratory or a stand-alone sleep
11 center;

12 (20) Knowingly submits false statements to collect fees for which services
13 are not provided;

14 (21) (i) Has been subject to investigation or disciplinary action by a
15 licensing or disciplinary authority or by a court of any state or country for an act that would
16 be grounds for disciplinary action under the Board's disciplinary statutes; and

17 (ii) Has:

18 1. Surrendered the license, if any, issued by the state or
19 country; or

20 2. Allowed the license, if any, issued by the state or country
21 to expire or lapse;

22 (22) Knowingly fails to report suspected child abuse in violation of § 5-704
23 of the Family Law Article;

24 (23) Sells, prescribes, gives away, or administers drugs for illegal or
25 illegitimate medical purposes;

26 (24) Practices or attempts to practice beyond the authorized scope of
27 practice;

28 (25) Refuses, withholds from, denies, or discriminates against an individual
29 with regard to the provision of professional services for which the licensee is licensed and
30 qualified to render because the individual is HIV positive;

31 (26) Practices or attempts to practice a polysomnography procedure or uses
32 or attempts to use polysomnography equipment if the applicant or licensee has not received
33 education and training in the performance of the procedure or the use of the equipment;

1 (27) Fails to cooperate with a lawful investigation conducted by the Board;
2 or

3 (28) Fails to complete a criminal history records check under [§ 14-308.1] §
4 **14-302** of this title.

5 14-5D-05.

6 (F) **A QUORUM OF THE COMMITTEE CONSISTS OF SIX MEMBERS.**

7 14-5D-07.

8 (b) This section does not apply to:

9 (1) An individual employed by the federal government as an athletic
10 trainer while the individual is practicing within the scope of that employment;

11 (2) An individual employed by or under contract with an entity located in
12 another state who represents that entity:

13 (i) At an athletic event in the State;

14 (ii) For a period of time not to exceed 45 days within a calendar year;
15 and

16 (iii) By providing athletic training services to individuals
17 representing the entity at the event; or

18 (3) A student enrolled in an education program that meets the criteria of
19 [§ 14-5D-08(c)(2)] **§ 14-5D-08(A)(2)** of this subtitle while engaged in an unpaid, clinical
20 educational experience of athletic training.

21 14-5D-08.

22 [(a) To qualify for a license, an applicant shall be an individual who meets the
23 requirements of this section.

24 (b) The applicant shall:

25 (1) Be of good moral character;

26 (2) Be at least 18 years old; and

27 (3) Complete a criminal history records check in accordance with §
28 14-308.1 of this title.]

1 **[(c)] (A)** **[The] TO QUALIFY FOR A LICENSE, IN ADDITION TO THE**
2 **REQUIREMENTS UNDER § 14–301 OF THIS TITLE, AN** applicant shall:

3 (1) Have a current certification by a national certifying board approved by
4 the Board; **AND**

5 (2) Have received a bachelor's or master's degree from an athletic training
6 educational program that is accredited by the Commission on Accreditation of Athletic
7 Training Education or its successor[;

8 (3) Demonstrate oral and written competency in English as required by the
9 Board; and

10 (4) Meet any other requirements established by the Board].

11 **[(d)] (B)** The Board shall waive the education requirements under this section if
12 an individual was certified by the National Athletic Trainers' Association Board of
13 Certification, Inc., on or before October 1, 2012, and is currently in good standing.

14 14–5D–10.

15 (a) An athletic trainer license authorizes the licensee to practice athletic training
16 services **IN THE STATE** while the license is effective.

17 14–5D–14.

18 (a) Subject to the hearing provisions of § 14–405 of this title, a disciplinary panel,
19 on the affirmative vote of a majority of a quorum of the disciplinary panel, may [deny a
20 license to any applicant,] reprimand any licensee, place any licensee on probation, or
21 suspend or revoke a license, if the [applicant or] licensee:

22 (1) Fraudulently or deceptively obtains or attempts to obtain a license for
23 the applicant, licensee, or for another;

24 (2) Fraudulently or deceptively uses a license;

25 (3) Is guilty of unprofessional or immoral conduct in the practice of athletic
26 training;

27 (4) Is professionally, physically, or mentally incompetent;

28 (5) Abandons a patient;

29 (6) Habitually is intoxicated;

1 (7) Is addicted to, or habitually abuses, any narcotic or controlled
2 dangerous substance as defined in § 5–101 of the Criminal Law Article;

3 (8) Provides professional services while:

4 (i) Under the influence of alcohol; or

5 (ii) Using any narcotic or controlled dangerous substance as defined
6 in § 5–101 of the Criminal Law Article, or any other drug that is in excess of therapeutic
7 amounts or without valid medical indication;

8 (9) Promotes the sale of services, drugs, devices, appliances, or goods to a
9 patient so as to exploit the patient for financial gain;

10 (10) Willfully makes or files a false report or record in the practice of athletic
11 training;

12 (11) Willfully fails to file or record any report as required under law,
13 willfully impedes or obstructs the filing or recording of the report, or induces another to fail
14 to file or record the report;

15 (12) Breaches patient confidentiality;

16 (13) Pays or agrees to pay any sum or provide any form of remuneration or
17 material benefit to any individual for bringing or referring a patient or accepts or agrees to
18 accept any sum or any form of remuneration or material benefit from an individual for
19 bringing or referring a patient;

20 (14) Knowingly makes a misrepresentation while practicing athletic
21 training;

22 (15) Knowingly practices athletic training with an unauthorized individual
23 or aids an unauthorized individual in the practice of athletic trainer services;

24 (16) Offers, undertakes, or agrees to cure or treat disease by a secret
25 method, treatment, or medicine;

26 (17) Is disciplined by a licensing, certifying, or disciplinary authority or is
27 convicted or disciplined by a court of any state or country or is disciplined by any branch of
28 the United States uniformed services or the Veterans Administration for an act that would
29 be grounds for disciplinary action under this section;

30 (18) Fails to meet appropriate standards for the delivery of athletic training
31 services;

32 (19) Knowingly submits false statements to collect fees for which services
33 have not been provided;

1 (20) (i) Has been subject to investigation or disciplinary action by a
2 licensing or disciplinary authority or by a court of any state or country for an act that would
3 be grounds for disciplinary action under the Board's disciplinary statutes; and

4 (ii) Has:

5 1. Surrendered the license issued by the state or country; or

6 2. Allowed the license issued by the state or country to expire
7 or lapse;

8 (21) Knowingly fails to report suspected child abuse in violation of § 5-704
9 of the Family Law Article;

10 (22) Sells, prescribes, gives away, or administers drugs for illegal or
11 illegitimate medical purposes;

12 (23) Practices or attempts to practice beyond the authorized scope of
13 practice;

14 (24) Refuses, withholds from, denies, or discriminates against an individual
15 with regard to the provision of professional services for which the licensee is licensed and
16 qualified to render because the individual is HIV positive;

17 (25) Practices or attempts to practice an athletic training procedure or uses
18 or attempts to use athletic training equipment if the applicant or licensee has not received
19 education and training in the performance of the procedure or the use of the equipment;

20 (26) Fails to cooperate with a lawful investigation conducted by the Board
21 or a disciplinary panel;

22 (27) Fails to practice under the supervision of a physician or violates the
23 approved evaluation and treatment protocol;

24 (28) Violates an order of the Board or a disciplinary panel, including any
25 condition of probation; or

26 (29) Fails to complete a criminal history records check under [§ 14-308.1] §
27 **14-302** of this title.

28 14-5E-01.

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

30 (g) "Student" means an individual who, in accordance with [§ 14-5E-09(c)] §
31 **14-5E-09** of this subtitle, is:

1 (1) Enrolled in an accredited educational program to qualify for a license
2 under this subtitle; and

3 (2) Performing perfusion services within the accredited program under the
4 supervision of a licensed perfusionist and without compensation.

5 14-5E-06.

6 (E) **A QUORUM OF THE COMMITTEE CONSISTS OF FOUR MEMBERS.**

7 14-5E-08.

8 (b) This section does not apply to a student enrolled in an education program
9 under [§ 14-5E-09(c)(2)] **§ 14-5E-09(2)** of this subtitle while practicing perfusion in that
10 program.

11 14-5E-09.

12 [(a) To qualify for a license, an applicant shall be an individual who meets the
13 requirements of this section.

14 (b) The applicant shall:

15 (1) Be of good moral character;

16 (2) Be at least 18 years old; and

17 (3) Complete a criminal history records check in accordance with §
18 14-308.1 of this title.

19 (c) **An] TO QUALIFY FOR A LICENSE, IN ADDITION TO THE REQUIREMENTS**
20 **UNDER § 14-301 OF THIS TITLE, AN** applicant for a license to practice perfusion shall:

21 (1) (i) Submit to the Board satisfactory evidence of certification as a
22 certified perfusionist or other national certification approved by the Board; and

23 (ii) Meet any other educational or clinical requirements established
24 by the Committee and approved by the Board; or

25 (2) (i) Submit to the Board satisfactory evidence of graduation from a
26 perfusion educational program that is accredited by the Commission on Accreditation of
27 Allied Health Education Programs, or the Commission's predecessor or successor; and

28 (ii) Meet any other educational or clinical requirements established
29 by the Committee and approved by the Board.

1 14-5E-10.

2 (a) Except as provided in subsection (b) of this section, an applicant who
3 otherwise qualifies for a license under [§ 14-5E-09(c)(2)] **§ 14-5E-09(2)** of this subtitle is
4 entitled to be licensed for a single 2-year term before taking the national certifying
5 examination given by the American Board of Cardiovascular Perfusion or its successor
6 organization or another examination given or approved by the Board.

7 14-5E-13.

8 [(a) (1) A license expires on a date set by the Board, unless the license is
9 renewed for an additional term as provided in this section.

10 (2) The term of a license issued by the Board may not exceed 3 years.

11 (b) At least 1 month before a license expires, the Board shall send to the licensed
12 perfusionist a renewal notice that states:

13 (1) The date on which the current license expires;

14 (2) The date by which the renewal application must be received by the
15 Board for the renewal to be issued and sent before the license expires;

16 (3) The amount of the renewal fee; and]

17 [(4) (A) For licensees who qualified for an initial license under [§
18 14-5E-09(c)(2)] **§ 14-5E-09(2)** of this subtitle, **THE NOTIFICATION SENT TO
19 LICENSEES UNDER § 14-306(B) OF THIS TITLE SHALL INCLUDE A STATEMENT** that
20 the licensee must submit satisfactory evidence of a passing score on the examination as
21 required under subsection [(c)(2)] **(B)** of this section.

22 [(c) (1) Except as otherwise provided in this subtitle, before a license expires,
23 the licensed perfusionist periodically may renew it for an additional term, if the licensee:

24 (i) Otherwise is entitled to be licensed;

25 (ii) Is of good moral character;

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

27 (iv) Except as provided in paragraph (2) of this subsection, submits
28 to the Board:

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

30 and

1 2. Satisfactory evidence of compliance with any continuing
2 education or competency requirements and other requirements set under this section for
3 license renewal.]

4 **[(2)] (B)** A licensee who qualified for an initial license under **[§**
5 **14-5E-09(c)(2)] § 14-5E-09(2)** of this subtitle shall submit to the Board satisfactory
6 evidence of a passing score on the national certifying examination given by the American
7 Board of Cardiovascular Perfusion or its successor organization or another examination
8 given or approved by the Board.

9 **[(d)]** In addition to any other qualifications and requirements established by the
10 Board, the Board shall establish continuing education or competency requirements as a
11 condition of the renewal of a license under this section.]

12 **[(e)] (C)** (1) The Board shall renew the license of each licensee who meets the
13 requirements of this section **AND § 14-306 OF THIS TITLE.**

14 (2) The Board may not renew the license of a licensee who fails to submit
15 satisfactory evidence of a passing score on the examination as required under subsection
16 **[(c)(2)] (B)** of this section.

17 **[(f)]** The Board shall reinstate the license of an individual who has failed to renew
18 the license for any reason if the individual:

19 (1) Applies for reinstatement after the date the license expires;

20 (2) Meets the renewal requirements of this section; and

21 (3) Pays to the Board the reinstatement fee set by the Board.

22 **[(g)] (1)** Beginning October 1, 2016, the Board shall require a criminal history
23 records check in accordance with § 14-308.1 of this title for:

24 (i) Renewal applicants as determined by regulations adopted by the
25 Board; and

26 (ii) Each former licensee who files for reinstatement under
27 subsection (f) of this section.

28 (2) On receipt of the criminal history record information of a licensee
29 forwarded to the Board in accordance with § 14-308.1 of this title, in determining whether
30 disciplinary action should be taken, based on the criminal history record information,
31 against a licensee who renewed or reinstated a license, the Board shall consider:

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

- 1 (ii) The nature of the crime;
- 2 (iii) The circumstances surrounding the crime;
- 3 (iv) The length of time that has passed since the crime;
- 4 (v) Subsequent work history;
- 5 (vi) Employment and character references; and
- 6 (vii) Other evidence that demonstrates whether the licensee poses a
7 threat to the public health or safety.

8 (3) The Board may renew or reinstate a license only if the licensee or
9 applicant attests that the licensee or applicant has submitted to a criminal history records
10 check under § 14–308.1 of this title.

11 (h) A disciplinary panel may impose a civil penalty of up to \$100 per continuing
12 education credit in lieu of a sanction under § 14–5E–16 of this subtitle, for a first offense
13 for failure of a licensee to obtain the continuing education credits required by the Board.]

14 14–5E–14.

15 [(a) (1) A licensed perfusionist shall notify the Board in writing of a change in
16 name or address within 60 days after the change.

17 (2) A licensed perfusionist who fails to comply with the requirements of
18 paragraph (1) of this subsection is subject to an administrative penalty of \$100.]

19 [(b)] Each licensed perfusionist shall:

20 (1) Keep a copy of the license in the licensee’s employment file; and

21 (2) Make the license available for inspection on request.

22 14–5E–16.

23 (a) Subject to the hearing provisions of § 14–405 of this title, a disciplinary panel,
24 on the affirmative vote of a majority of the quorum of the disciplinary panel, may [deny a
25 license to any applicant,] reprimand any licensee, place any licensee on probation, or
26 suspend or revoke a license, if the [applicant or] licensee:

27 (1) Fraudulently or deceptively obtains or attempts to obtain a license for
28 the applicant or licensee or for another;

29 (2) Fraudulently or deceptively uses a license;

- 1 (3) Is guilty of unprofessional or immoral conduct in the practice of
2 perfusion;
- 3 (4) Is professionally, physically, or mentally incompetent;
- 4 (5) Abandons a patient;
- 5 (6) Is habitually intoxicated;
- 6 (7) Is addicted to or habitually abuses any narcotic or controlled dangerous
7 substance as defined in § 5–101 of the Criminal Law Article;
- 8 (8) Provides professional services while:
- 9 (i) Under the influence of alcohol; or
- 10 (ii) Using any narcotic or controlled dangerous substance as defined
11 in § 5–101 of the Criminal Law Article or any other drug that is in excess of therapeutic
12 amounts or without valid medical indication;
- 13 (9) Promotes the sale of services, drugs, devices, appliances, or goods to a
14 patient so as to exploit the patient for financial gain;
- 15 (10) Willfully makes or files a false report or record in the practice of
16 perfusion;
- 17 (11) Willfully fails to file or record any report as required under law,
18 willfully impedes or obstructs the filing or recording of a report, or induces another to fail
19 to file or record a report;
- 20 (12) Breaches patient confidentiality;
- 21 (13) Pays or agrees to pay any sum or provide any form of remuneration or
22 material benefit to any person for bringing or referring a patient or accepts or agrees to
23 accept any sum or any form of remuneration or material benefit from an individual for
24 bringing or referring a patient;
- 25 (14) Knowingly makes a misrepresentation while practicing perfusion;
- 26 (15) Knowingly practices perfusion with an unauthorized individual or aids
27 an unauthorized individual in the practice of perfusion;
- 28 (16) Knowingly delegates a perfusion duty to an unlicensed individual;
- 29 (17) Offers, undertakes, or agrees to cure or treat disease by a secret
30 method, treatment, or medicine;

- 1 (18) Is disciplined by a licensing or disciplinary authority or is convicted or
2 disciplined by a court of any state or country or is disciplined by any branch of the United
3 States uniformed services or the U.S. Department of Veterans Affairs for an act that would
4 be grounds for disciplinary action under the Board's disciplinary statutes;
- 5 (19) Fails to meet appropriate standards for the delivery of perfusion
6 services;
- 7 (20) Knowingly submits false statements to collect fees for which services
8 are not provided;
- 9 (21) (i) Has been subject to investigation or disciplinary action by a
10 licensing or disciplinary authority or by a court of any state or country for an act that would
11 be grounds for disciplinary action under the Board's disciplinary statutes; and
- 12 (ii) Has:
- 13 1. Surrendered the license, if any, issued by the state or
14 country; or
- 15 2. Allowed the license, if any, issued by the state or country
16 to expire or lapse;
- 17 (22) Knowingly fails to report suspected child abuse in violation of § 5–704
18 of the Family Law Article;
- 19 (23) Sells, prescribes, gives away, or administers drugs for illegal or
20 illegitimate medical purposes;
- 21 (24) Practices or attempts to practice beyond the authorized scope of
22 practice;
- 23 (25) Refuses, withholds from, denies, or discriminates against an individual
24 with regard to the provision of professional services for which the licensee is licensed and
25 qualified to render because the individual is HIV positive;
- 26 (26) Practices or attempts to practice a perfusion procedure or uses or
27 attempts to use perfusion equipment if the applicant or licensee has not received education
28 and training in the performance of the procedure or the use of the equipment;
- 29 (27) Fails to cooperate with a lawful investigation of the Board or a
30 disciplinary panel; or
- 31 (28) Fails to complete a criminal history records check under [§ 14–308.1] §
32 **14–302** of this title.

1 14-5F-07.

2 (G) A QUORUM OF THE COMMITTEE CONSISTS OF THREE MEMBERS.

3 14-5F-11.

4 (a) [To] IN ADDITION TO THE REQUIREMENTS UNDER § 14-301 OF THIS
5 TITLE, TO qualify for a license, an [applicant shall be an individual who meets the
6 requirements of this section.

7 (b) The applicant shall be of good moral character.

8 (c) The] applicant shall be at least 21 years old.

9 [(d)] (B) Except as provided in § 14-5F-12 of this subtitle, the applicant shall:

10 (1) Have a doctorate in naturopathic medicine from an approved
11 naturopathic medical program; and

12 (2) Pass the competency-based national naturopathic licensing
13 examination Part I and Part II administered by the North American Board of Naturopathic
14 Examiners, or its successor agency that has been nationally recognized to administer a
15 naturopathic examination that represents federal standards of education and training.

16 [(e)] (C) An applicant shall be physically and mentally capable of safely
17 practicing naturopathic medicine with or without reasonable accommodation.

18 [(f)] (D) If an applicant is licensed, certified, or registered to practice
19 naturopathic medicine or any other health occupation in another state, the applicant shall
20 be in good standing with the applicable state licensing, certification, or registration
21 authority.

22 [(g) An applicant shall complete a criminal history records check in accordance
23 with § 14-308.1 of this title.]

24 14-5F-12.

25 To apply for a license, an applicant shall:

26 [(1) Complete a criminal history records check in accordance with §
27 14-308.1 of this title;

28 (2) Submit an application to the Board on a form that the Board requires;

29 (3) Pay to the Board an application fee set by the Board;]

1 **[(4)] (1)** If the applicant has been licensed, certified, or registered to
2 practice naturopathic medicine in another state, submit all evidence relating to:

3 (i) Any disciplinary action taken or any administrative penalties
4 assessed against the applicant by the appropriate state licensing, certification, or
5 registration authority; and

6 (ii) Any consent agreements the applicant entered into that contain
7 conditions placed on the applicant's professional conduct and practice, including any
8 voluntary surrender of a license;

9 **[(5)] (2)** Complete and submit to the Board a Board-approved written
10 attestation that:

11 (i) States that the applicant has a collaboration and consultation
12 agreement with a physician licensed under this article;

13 (ii) Includes the name and license number of the physician with
14 whom the applicant has a collaboration and consultation agreement;

15 (iii) States that the applicant will refer patients to and consult with
16 physicians and other health care providers licensed or certified under this article as needed;
17 and

18 (iv) States that the applicant will require patients to sign a consent
19 form that states that the applicant's practice of naturopathic medicine is limited to the
20 scope of practice identified in § 14-5F-14 of this subtitle; and

21 **[(6)] (3)** Inform the physician named in the attestation that the physician
22 has been named.

23 14-5F-15.

24 **[(a)] (1)** The term of a license issued by the Board may not exceed 3 years.

25 (2) A license expires on a date set by the Board, unless the license is
26 renewed as provided in this section.

27 **(b)** At least 1 month before the license expires, the Board shall send to the licensee
28 a renewal notice that states:

29 (1) The date on which the current license expires;

30 (2) The date by which the renewal application must be received by the
31 Board for the renewal to be issued and mailed before the license expires; and

32 (3) The amount of the renewal fee.

1 (c) The Board shall renew the license of a licensee who:

2 (1) Submits a renewal application on the form that the Board requires;

3 (2) Is of good moral character;

4 (3) Pays a renewal fee set by the Board;

5 (4) Is otherwise entitled to be licensed;

6 (5) Meets the continuing education requirements adopted by the Board;

7 and

8 (6) Provides] **IN ADDITION TO MEETING THE LICENSE RENEWAL**
9 **REQUIREMENTS UNDER § 14-306 OF THIS TITLE, THE LICENSEE SHALL PROVIDE**
10 evidence of biennial cardiopulmonary resuscitation certification.

11 [(d) (1) Beginning October 1, 2016, the Board shall require a criminal history
12 records check in accordance with § 14-308.1 of this title for:

13 (i) Renewal applicants as determined by regulations adopted by the
14 Board; and

15 (ii) Each former licensee who files for reinstatement under §
16 14-5F-16(b) of this subtitle.

17 (2) On receipt of the criminal history record information of a licensee
18 forwarded to the Board in accordance with § 14-308.1 of this title, in determining whether
19 disciplinary action should be taken, based on the criminal history record information,
20 against a licensee who renewed or reinstated a license, the Board shall consider:

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

22 (ii) The nature of the crime;

23 (iii) The circumstances surrounding the crime;

24 (iv) The length of time that has passed since the crime;

25 (v) Subsequent work history;

26 (vi) Employment and character references; and

27 (vii) Other evidence that demonstrates whether the licensee poses a
28 threat to the public health or safety.

1 (3) The Board may renew or reinstate a license only if the licensee or
2 applicant attests that the licensee or applicant has submitted to a criminal history records
3 check under § 14–308.1 of this title.

4 (e) A disciplinary panel may impose a civil penalty of up to \$100 per continuing
5 education credit in lieu of a sanction under § 14–5F–18 of this subtitle, for a first offense
6 for failure of a licensee to obtain the continuing education credits required by the Board.]

7 14–5F–16.

8 (a) [(1)] The Board may place a licensee on inactive status if the licensee
9 submits to the Board:

10 [(i)] (1) An application for inactive status on the form required by
11 the Board; and

12 [(ii)] (2) The inactive status fee set by the Board.

13 [(2)] (B) The Board shall issue a license to a naturopathic doctor who is
14 on inactive status if the individual is otherwise entitled to be licensed under this subtitle
15 and submits to the Board:

16 [(i)] (1) Satisfactory evidence of compliance with the requirements
17 of [§ 14–308.1] § 14–302 of this title;

18 [(ii)] (2) Satisfactory evidence of compliance with the continuing
19 education requirements the Board adopts for this purpose; and

20 [(iii)] (3) A reinstatement fee set by the Board.

21 [(b)] The Board shall reinstate the license of a naturopathic doctor who has failed
22 to renew the license for any reason if the naturopathic doctor:

23 (1) Meets the renewal requirements of § 14–5F–15 of this subtitle;

24 (2) Pays to the Board a reinstatement fee set by the Board; and

25 (3) Submits to the Board satisfactory evidence of compliance with the
26 qualifications and requirements adopted by the Board under this subtitle for license
27 reinstatements.]

28 14–5F–18.

29 (a) Subject to the hearing provisions of § 14–405 of this title, a disciplinary panel,
30 on the affirmative vote of a majority of a quorum of the disciplinary panel, may [deny a

1 license to any applicant,] reprimand any licensee, place any licensee on probation, or
2 suspend or revoke a license of any licensee if the [applicant or] licensee:

3 (1) Is habitually intoxicated, or is addicted to or habitually abuses any
4 narcotic or controlled dangerous substance, as defined in § 5–101 of the Criminal Law
5 Article, or any drug without a valid prescription or indication, or provides professional
6 services while under the influence of alcohol or using any narcotic or controlled dangerous
7 substance, as defined in § 5–101 of the Criminal Law Article;

8 (2) Has been found to be mentally incompetent by a physician if the mental
9 incompetence impairs the ability of the applicant or licensee to undertake the practice of
10 naturopathic medicine in a manner consistent with the safety of the public;

11 (3) Has entered into a consent agreement with or has been assessed an
12 administrative penalty by a licensing authority in another state;

13 (4) Fraudulently or deceptively obtains, attempts to obtain, or uses a
14 license for the applicant, the licensee, or another;

15 (5) Has a license revoked or suspended, or was otherwise acted against,
16 including the denial of licensure, by the licensing authority of another state;

17 (6) Uses false, deceptive, or misleading advertising;

18 (7) Advertises, practices, or attempts to practice under a name other than
19 the applicant's or licensee's own name;

20 (8) Aids, assists, employs, or advises any unlicensed individual to practice
21 naturopathic medicine in violation of this subtitle;

22 (9) Willfully makes or files a false report or record in the practice of
23 naturopathic medicine;

24 (10) Willfully or negligently fails to file a report or record as required by law,
25 willfully impedes or obstructs the filing or recording of a report, or induces another to fail
26 to file or record a report;

27 (11) Pays or receives any commission, bonus, kickback, or rebate, or engages
28 in any split-fee arrangement in any form with a licensed physician, organization, agency,
29 or other person, either directly or indirectly, for patients referred to health care providers;

30 (12) Exercises influence within a patient–doctor relationship for purposes of
31 engaging a patient in sexual activity;

32 (13) Engages in sexual misconduct with a patient;

- 1 (14) Fails to keep written medical records justifying the course of treatment
2 of a patient;
- 3 (15) Engages in an act or omission that does not meet generally accepted
4 standards of practice of naturopathic medicine or of safe care of patients, whether or not
5 actual injury to a patient is established;
- 6 (16) Delegates professional responsibilities to an individual when the
7 licensee delegating the responsibilities knows or has reason to know that the individual is
8 not qualified by training, experience, or licensure to perform the responsibilities;
- 9 (17) Promotes the sale of services, drugs, devices, appliances, or goods to a
10 patient so as to exploit the patient for financial gain;
- 11 (18) Breaches patient confidentiality;
- 12 (19) Is guilty of unprofessional or immoral conduct in the practice of
13 naturopathic medicine;
- 14 (20) Offers, undertakes, or agrees to cure or treat a disease by a secret
15 method, treatment, or medicine;
- 16 (21) Knowingly fails to report suspected child abuse in violation of § 5-704
17 of the Family Law Article;
- 18 (22) Sells, prescribes, gives away, or administers drugs for illegal or
19 illegitimate purposes;
- 20 (23) Denies or discriminates against an individual with regard to the
21 provision of professional services for which the licensee is licensed and qualified to render
22 because the individual is HIV positive;
- 23 (24) Fails to cooperate with a lawful investigation of the Board;
- 24 (25) Abandons a patient;
- 25 (26) Violates any provision of this title or any regulation adopted by the
26 Board; or
- 27 (27) Fails to complete a criminal history records check under [§ 14-308.1] §
28 **14-302** of this title.
- 29 14-5F-21.
- 30 [(a) The Board shall give notice and hold a hearing in accordance with the
31 Administrative Procedure Act.

1 (b) The individual may be represented at the hearing by counsel.

2 (c) Over the signature of an officer or the administrator of the Board, the Board
3 or a disciplinary panel may issue subpoenas and administer oaths in connection with any
4 investigation under this subtitle and any hearings or proceedings before the Board or a
5 disciplinary panel.

6 (d) If, without lawful excuse, a person disobeys a subpoena from the Board or a
7 disciplinary panel or an order by the Board or a disciplinary panel to take an oath or to
8 testify or answer a question, then, on petition of the Board, a court of competent jurisdiction
9 may punish the person as for contempt of court.

10 (e) If, after due notice, the individual against whom the action is contemplated
11 fails or refuses to appear, the Board or a disciplinary panel may hear and determine the
12 matter.

13 (f) If, after a hearing **IN ACCORDANCE WITH THE ADMINISTRATIVE**
14 **PROCEDURE ACT**, an individual is found in violation of § 14-5F-18 of this subtitle, the
15 individual shall pay the costs of the hearing as specified in a regulation adopted by the
16 Board.

17 14-5F-24.

18 (c) A disciplinary panel may not reinstate a surrendered or revoked license that
19 has been surrendered or revoked for a period of more than 1 year unless the licensee:

20 (1) Meets the requirements for reinstatement as established under this
21 title; and

22 (2) Completes a criminal history records check in accordance with [§
23 14-308.1] **§ 14-302** of this title.

24 14-5G-09.

25 (a) To qualify for a license to practice genetic counseling, an applicant shall be an
26 individual who meets the requirements of this section **AND § 14-301 OF THIS TITLE**.

27 (b) [The applicant must be of good moral character.

28 (c) The applicant must be at least 18 years old.

29 (d) The applicant must be a graduate of an appropriate education program
30 approved by the Board.

1 [(e) (C)] Except as provided in subsection [(f) (D)] of this section, the applicant
2 shall submit to the Board satisfactory evidence of certification by a national certifying
3 organization approved by the Board.

4 [(f) (D)] If an applicant does not meet the requirement under subsection [(e)]
5 (C) of this section, the applicant may qualify for licensure if the applicant:

6 (1) Has worked as a genetic counselor for:

7 (i) At least 10 years before January 1, 2024; and

8 (ii) At least 5 consecutive years immediately preceding the date on
9 which the applicant submits the application for licensure;

10 (2) Has graduated from an education program approved by the Board;

11 (3) Submits to the Board three letters of recommendation from licensed
12 physicians who have been licensed for at least 5 years or certified genetic counselors eligible
13 for licensure and who:

14 (i) Have worked with the applicant in an employment or
15 professional setting for 3 years before the applicant submits the application for licensure;
16 and

17 (ii) Can attest to the applicant's competency in providing genetic
18 counseling services; and

19 (4) Applies for initial licensure on or before December 31, 2024.

20 [(g)] The applicant shall complete a criminal history records check in accordance
21 with § 14-308.1 of this title.]

22 [(h) (E)] The applicant shall meet any additional education, training, or
23 examination requirements established by the Board.

24 14-5G-14.

25 (h) A supervised genetic counselor is subject to discipline under [§ 14-5G-19] §
26 14-5G-18 of this subtitle to the same extent as a genetic counselor.

27 14-5G-17.

28 A disciplinary panel may issue a cease and desist order for[:

29 (1) Practicing genetic counseling without a license or with an unauthorized
30 person; or

1 (13) Pays or agrees to pay any sum or provide any form of remuneration or
2 material benefit to any person for bringing or referring a patient or accepts or agrees to
3 accept any sum or any form of remuneration or material benefit from an individual for
4 bringing or referring a patient;

5 (14) Knowingly makes a misrepresentation while practicing genetic
6 counseling;

7 (15) Knowingly practices genetic counseling with an unauthorized
8 individual or aids an unauthorized individual in practicing genetic counseling;

9 (16) Knowingly delegates a genetic counseling duty to an unlicensed
10 individual;

11 (17) Grossly overutilizes health care services;

12 (18) Offers, undertakes, or agrees to cure or treat disease by a secret
13 method, treatment, or medicine;

14 (19) Is disciplined by a licensing or disciplinary authority or is convicted or
15 disciplined by a court of any state or country or is disciplined by any branch of the United
16 States uniformed services or the U.S. Department of Veterans Affairs for an act that would
17 be grounds for disciplinary action under the Board's disciplinary statutes;

18 (20) Fails to meet appropriate standards for the delivery of genetic
19 counseling services;

20 (21) Knowingly submits false statements to collect fees for which services
21 are not provided;

22 (22) (i) Has been subject to investigation or disciplinary action by a
23 licensing or disciplinary authority or by a court of any state or country for an act that would
24 be grounds for disciplinary action under the Board's disciplinary statutes; and

25 (ii) Has:

26 1. Surrendered the license, if any, issued by the state or
27 country; or

28 2. Allowed the license, if any, issued by the state or country
29 to expire or lapse;

30 (23) Knowingly fails to report suspected child abuse in violation of § 5-704
31 of the Family Law Article;

1 (24) Practices or attempts to practice beyond the authorized scope of
2 practice;

3 (25) Refuses, withholds from, denies, or discriminates against an individual
4 with regard to the provision of professional services for which the licensee is licensed and
5 qualified to render because the individual is HIV positive;

6 (26) Practices or attempts to practice genetic counseling procedures or uses
7 or attempts to use genetic assessments if the applicant or licensee has not received
8 education and training in the performance of the procedure or the use of the genetic
9 assessment;

10 (27) Fails to cooperate with a lawful investigation of the Board or a
11 disciplinary panel;

12 (28) Fails to complete a criminal history records check under [§ 14–308.1] §
13 **14–302** of this title; or

14 (29) Violates any provision of this title or any rule or regulation pertaining
15 to genetic counseling that is adopted by the Board, the State, or the federal government.

16 **SUBTITLE 5H. PHYSICIAN ASSISTANTS.**

17 14–5H–01.

18 (a) In this title the following words have the meanings indicated.

19 [(d) “Board” means the State Board of Physicians, established under § 14–201 of
20 this article.]

21 [(e) (D) “Committee” means the Physician Assistant Advisory Committee.

22 [(f) (E) “Controlled dangerous substances” has the meaning stated in § 5–101
23 of the Criminal Law Article.

24 [(g) (F) “Correctional facility” includes a State or local correctional facility.

25 [(h) (G) “Delegated medical acts” means activities that constitute the practice
26 of medicine delegated by a physician under [Title 14 of this article] **THIS TITLE**.

27 [(i) (H) “Delegation agreement” means a document that is executed by a
28 primary supervising physician and a physician assistant containing the requirements of [§
29 15–302] **§ 14–5H–08** of this [title] **SUBTITLE**.

30 [(i–1) “Disciplinary panel” means a disciplinary panel of the Board established
31 under § 14–401 of this article.]

1 [(j)] (I) “Dispense” or “dispensing” has the meaning stated in § 12–101 of this
2 article.

3 [(k)] (J) “Drug sample” means a unit of a prescription drug that is intended to
4 promote the sale of the drug and is not intended for sale.

5 [(l)] (K) “Hospital” means:

6 (1) A hospital as defined under § 19–301 of the Health – General Article;

7 (2) A comprehensive care facility that:

8 (i) Meets the requirements of a hospital–based skilled nursing
9 facility under federal law; and

10 (ii) Offers acute care in the same building; and

11 (3) An emergency room that is physically connected to a hospital or a
12 freestanding medical facility that is licensed under Title 19, Subtitle 3A of the Health –
13 General Article.

14 [(m)] (L) “License” means a license issued by the Board to a physician assistant
15 under this title.

16 [(n)] (M) “National certifying examination” means the Physician Assistant
17 National Certifying Examination administered by the National Commission on
18 Certification of Physician Assistants or its successor.

19 [(o)] (N) “Physician assistant” means an individual who is licensed under this
20 title to practice medicine with physician supervision.

21 [(p)] (O) “Practice as a physician assistant” means the performance of medical
22 acts that are:

23 (1) Delegated by a supervising physician to a physician assistant;

24 (2) Within the supervising physician’s scope of practice; and

25 (3) Appropriate to the physician assistant’s education, training, and
26 experience.

27 [(q)] (P) “Prescriptive authority” means the authority delegated by a primary or
28 alternate supervising physician to a physician assistant to:

1 (1) Prescribe and administer controlled dangerous substances, prescription
2 drugs, medical devices, and the oral, written, or electronic ordering of medications; and

3 (2) Dispense as provided under [§ 15–302.2(b), (c), and (d)] §
4 **14–5H–10(B), (C), AND (D)** of this [title] SUBTITLE.

5 [(r)] (Q) “Primary supervising physician” means a physician who:

6 (1) Completes a delegation agreement that meets the requirements under
7 [§§ 15–301(d) and (e) and 15–302] §§ **14–5H–07(D) AND (E) AND 14–5H–08** of this [title]
8 SUBTITLE and files a copy with the Board;

9 (2) Acts as the physician responsible to ensure that a physician assistant
10 practices medicine in accordance with this title and the regulations adopted under this title;

11 (3) Ensures that a physician assistant practices within the scope of practice
12 of the primary supervising physician or any designated alternate supervising physician;
13 and

14 (4) Ensures that a list of alternate supervising physicians is maintained at
15 the practice setting.

16 [(s)] (R) “Public health facility” means a site where clinical public health
17 services are rendered under the auspices of the Department, a local health department in
18 a county, or the Baltimore City Health Department.

19 [(t)] (S) “Starter dosage” means an amount of a drug sufficient to begin therapy:

20 (1) Of short duration of 72 hours or less; or

21 (2) Prior to obtaining a larger quantity of the drug to complete therapy.

22 [(u)] (T) (1) “Supervision” means the responsibility of a physician to exercise
23 on-site supervision or immediately available direction for physician assistants performing
24 delegated medical acts.

25 (2) “Supervision” includes physician oversight of and acceptance of direct
26 responsibility for the patient services and care rendered by a physician assistant, including
27 continuous availability to the physician assistant in person, through written instructions,
28 or by electronic means and by designation of one or more alternate supervising physicians.

29 14–5H–02.

30 [(a)] A physician assistant may not practice within the scope of practice of any of
31 the following health occupations authorized under this article:

- 1 (1) Nursing;
- 2 (2) Optometry;
- 3 (3) Physical therapy; or
- 4 (4) Psychology.

5 [(b) This title does not limit the right of an individual to practice a health
6 occupation that the individual is authorized to practice under this article.]

7 14-5H-03.

8 (c) Except as otherwise provided under subsections (b) and (d) of this section, a
9 hospital, a related institution, an alternative health care system, or an employer of a
10 physician assistant shall report to the Board any limitation, reduction, or other change of
11 the terms of employment of the physician assistant or any termination of employment of
12 the physician assistant for any reason that might be grounds for disciplinary action under
13 [§ 15-314] § 14-5H-16 of this [title] SUBTITLE.

14 (d) A hospital, related institution, alternative health system, or employer that has
15 reason to know that a physician assistant has committed an action or has a condition that
16 might be grounds for reprimand or probation of the physician assistant or suspension or
17 revocation of the license of the physician assistant under [§ 15-314] § 14-5H-16 of this
18 [title] SUBTITLE because the physician assistant is alcohol- or drug-impaired is not
19 required to report to the Board if:

20 (1) The hospital, related institution, alternative health system, or
21 employer knows that the physician assistant is:

22 (i) In an alcohol or drug treatment program that is accredited by the
23 Joint Commission [on the Accreditation of Healthcare Organizations] or is certified by the
24 Department; or

25 (ii) Under the care of a health care practitioner who is competent
26 and capable of dealing with alcoholism and drug abuse;

27 (2) The hospital, related institution, alternative health system, or
28 employer is able to verify that the physician assistant remains in the treatment program
29 until discharge; and

30 (3) The action or condition of the physician assistant has not caused injury
31 to any person while the physician assistant is practicing as a licensed physician assistant.

32 (e) (1) If the physician assistant enters, or is considering entering, an alcohol
33 or drug treatment program that is accredited by the Joint Commission [on Accreditation of

1 Healthcare Organizations] or that is certified by the Department, the physician assistant
2 shall notify the hospital, related institution, alternative health system, or employer of the
3 physician assistant's decision to enter the treatment program.

4 14-5H-06.

5 (a) In addition to the powers set forth elsewhere in this title, the Committee, on
6 its initiative or on the Board's request, may:

7 (1) Recommend to the Board regulations for carrying out the provisions of
8 this title;

9 (2) Recommend to the Board approval, modification, or disapproval of an
10 application for licensure or a delegation agreement;

11 (3) Report to the Board any conduct of a supervising physician or a
12 physician assistant that may be cause for disciplinary action under this [title] SUBTITLE
13 or under [§ 14-404 of this article] § 14-515 OF THIS TITLE; and

14 (4) Report to the Board any alleged unauthorized practice of a physician
15 assistant.

16 14-5H-07.

17 (c) Patient services that may be provided by a physician assistant include:

18 (1) (i) Taking complete, detailed, and accurate patient histories; and

19 (ii) Reviewing patient records to develop comprehensive medical
20 status reports;

21 (2) Performing physical examinations and recording all pertinent patient
22 data;

23 (3) Interpreting and evaluating patient data as authorized by the primary
24 or alternate supervising physician for the purpose of determining management and
25 treatment of patients;

26 (4) Initiating requests for or performing diagnostic procedures as indicated
27 by pertinent data and as authorized by the supervising physician;

28 (5) Providing instructions and guidance regarding medical care matters to
29 patients;

1 (6) Assisting the primary or alternate supervising physician in the delivery
2 of services to patients who require medical care in the home and in health care institutions,
3 including:

4 (i) Recording patient progress notes;

5 (ii) Issuing diagnostic orders; and

6 (iii) Transcribing or executing specific orders at the direction of the
7 primary or alternate supervising physician; and

8 (7) Exercising prescriptive authority under a delegation agreement and in
9 accordance with [§ 15–302.2] **§ 14–5H–10** of this subtitle.

10 14–5H–08.

11 (c) (2) (ii) 1. Before a physician assistant may perform X–ray duties
12 authorized under [§ 14–306(e)] **§ 14–503(E)** of this [article] **TITLE** in the medical office of
13 the physician delegating the duties, a primary supervising physician shall obtain the
14 Board’s approval of a delegation agreement that includes advanced duties in accordance
15 with subparagraph 2 of this subparagraph.

16 (g) If the Board determines that a primary or alternate supervising physician or
17 physician assistant is practicing in a manner inconsistent with the requirements of this
18 title [or Title 14 of this article], the Board on its own initiative or on the recommendation
19 of the Committee may demand modification of the practice, withdraw the approval of the
20 delegation agreement, or refer the matter to a disciplinary panel for the purpose of taking
21 other disciplinary action under [§ 14–404 or §15–314] **§ 14–5H–16 OF THIS SUBTITLE OR**
22 **§ 14–515** of this [article] **TITLE**.

23 (k) Subject to the [notice] **NOTIFICATION** required under [§ 15–103] **§**
24 **14–5H–03** of this [title] **SUBTITLE**, a physician assistant may terminate a delegation
25 agreement filed with the Board under this subtitle at any time.

26 (l) (2) If there is no designated alternate supervising physician or the
27 designated alternate supervising physician does not agree to supervise the physician
28 assistant, the physician assistant may not practice until the physician assistant receives
29 approval of a new delegation agreement under [§ 15–302.1] **§ 14–5H–09** of this subtitle.

30 (m) A physician assistant whose delegation agreement is terminated may not
31 practice as a physician assistant until the physician assistant receives preliminary
32 approval of a new delegation agreement under [§ 15–302.1] **§ 14–5H–09** of this subtitle.

33 14–5H–09.

1 (a) If a delegation agreement does not include advanced duties or the advanced
2 duties have been approved under [§ 15-302(c)(1)] **§ 14-5H-08(C)(1)** of this subtitle, a
3 physician assistant may assume the duties under a delegation agreement on the date that
4 the Board acknowledges receipt of the completed delegation agreement.

5 (b) In this section, “pending” means that a delegation agreement that includes
6 delegation of advanced duties in a setting that does not meet the requirements under [§
7 15-302(c)(1)] **§ 14-5H-08(C)(1)** of this subtitle has been executed and submitted to the
8 Board for its approval, but:

9 (1) The Committee has not made a recommendation to the Board; or

10 (2) The Board has not made a final decision regarding the delegation
11 agreement.

12 14-5H-10.

13 (e) Before a physician assistant may renew a license for an additional 2-year
14 term under [§ 15-307] **§ 14-306** of this [subtitle] **TITLE**, the physician assistant shall
15 submit evidence to the Board of successful completion of 8 category 1 hours of pharmacology
16 education within the previous 2 years.

17 14-5H-12.

18 (a) **[To] IN ADDITION TO THE REQUIREMENTS UNDER § 14-301 OF THIS**
19 **TITLE, TO** qualify for a license, an applicant shall:

20 [(1) Complete a criminal history records check in accordance with §
21 14-308.1 of this article;

22 (2) Be of good moral character;

23 (3) Demonstrate oral and written competency in the English language as
24 required by the Board;

25 (4) Be at least 18 years old; and

26 (5) (i) **(1)** Be a graduate of a physician assistant training program
27 approved by the Board; or

28 [(ii) **(2)** Have passed the physician assistant national certifying
29 examination administered by the National Commission on Certification of Physician
30 Assistants prior to 1986, maintained all continuing education and recertification
31 requirements, and been in continuous practice since passage of the examination.

32 14-5H-14.

1 [(a)] Each licensee shall keep a license and delegation agreement for inspection at
2 the primary place of business of the licensee.

3 [(b) (1)] Each licensee shall give the Board written notice of any change of name
4 or address within 60 days of the date of the change.

5 (2) A licensee who fails to comply with this subsection is subject to an
6 administrative penalty of \$100.]

7 14–5H–15.

8 (a) [(1)] Except as otherwise provided under § 10–226 of the State Government
9 Article, before the Board takes any action to reject or modify a delegation agreement or
10 advanced duty, the Board shall give the licensee the opportunity for a hearing before the
11 Board.

12 [(2)] (B) The Board shall give notice and hold the hearing under Title 10,
13 Subtitle 2 of the State Government Article.

14 [(3)] (C) The Board may administer oaths in connection with any
15 proceeding under this section.

16 [(4)] (D) At least 14 days before the hearing, the hearing notice shall be
17 sent to the last known address of the applicant or licensee.

18 [(b) Any licensee aggrieved under this subtitle by a final decision of the Board
19 rejecting or modifying a delegation agreement or advanced duty may petition for judicial
20 review as allowed by the Administrative Procedure Act.]

21 14–5H–16.

22 (a) Subject to the hearing provisions of [§ 15–315] § 14–405 of this [subtitle]
23 TITLE, a disciplinary panel, on the affirmative vote of a majority of the quorum, may
24 reprimand any physician assistant, place any physician assistant on probation, or suspend
25 or revoke a license if the physician assistant:

26 (1) Fraudulently or deceptively obtains or attempts to obtain a license for
27 the applicant or licensee or for another;

28 (2) Fraudulently or deceptively uses a license;

29 (3) Is guilty of:

30 (i) Immoral conduct in the practice of medicine; or

- 1 (ii) Unprofessional conduct in the practice of medicine;
- 2 (4) Is professionally, physically, or mentally incompetent;
- 3 (5) Solicits or advertises in violation of [§ 14–503] § 14–5H–19 of this
4 [article] SUBTITLE;
- 5 (6) Abandons a patient;
- 6 (7) Habitually is intoxicated;
- 7 (8) Is addicted to, or habitually abuses, any narcotic or controlled
8 dangerous substance as defined in § 5–101 of the Criminal Law Article;
- 9 (9) Provides professional services:
- 10 (i) While under the influence of alcohol; or
- 11 (ii) While using any narcotic or controlled dangerous substance, as
12 defined in § 5–101 of the Criminal Law Article, or other drug that is in excess of therapeutic
13 amounts or without valid medical indication;
- 14 (10) Promotes the sale of drugs, devices, appliances, or goods to a patient so
15 as to exploit the patient for financial gain;
- 16 (11) Willfully makes or files a false report or record in the practice of
17 medicine;
- 18 (12) Willfully fails to file or record any medical report as required under law,
19 willfully impedes or obstructs the filing or recording of the report, or induces another to fail
20 to file or record the report;
- 21 (13) On proper request, and in accordance with the provisions of Title 4,
22 Subtitle 3 of the Health – General Article, fails to provide details of a patient’s medical
23 record to the patient, another physician, or hospital;
- 24 (14) Solicits professional patronage through an agent or other person or
25 profits from the acts of a person who is represented as an agent of the physician;
- 26 (15) Pays or agrees to pay any sum to any person for bringing or referring a
27 patient or accepts or agrees to accept any sum from any person for bringing or referring a
28 patient;
- 29 (16) Agrees with a clinical or bioanalytical laboratory to make payments to
30 the laboratory for a test or test series for a patient, unless the licensed physician assistant
31 discloses on the bill to the patient or third-party payor;

- 1 (i) The name of the laboratory;
- 2 (ii) The amount paid to the laboratory for the test or test series; and
- 3 (iii) The amount of procurement or processing charge of the licensed
4 physician, if any, for each specimen taken;
- 5 (17) Makes a willful misrepresentation in treatment;
- 6 (18) Practices medicine with an unauthorized person or aids an
7 unauthorized person in the practice of medicine;
- 8 (19) Grossly overutilizes health care services;
- 9 (20) Offers, undertakes, or agrees to cure or treat disease by a secret
10 method, treatment, or medicine;
- 11 (21) Is disciplined by a licensing or disciplinary authority or convicted or
12 disciplined by a court of any state or country or disciplined by any branch of the United
13 States uniformed services or the Veterans' Administration for an act that would be grounds
14 for disciplinary action under this section;
- 15 (22) Fails to meet appropriate standards for the delivery of quality medical
16 and surgical care performed in an outpatient surgical facility, office, hospital, or any other
17 location in this State;
- 18 (23) Willfully submits false statements to collect fees for which services are
19 not provided;
- 20 (24) Was subject to investigation or disciplinary action by a licensing or
21 disciplinary authority or by a court of any state or country for an act that would be grounds
22 for disciplinary action under this section and the licensee:
- 23 (i) Surrendered the license issued by the state or country to the
24 state or country; or
- 25 (ii) Allowed the license issued by the state or country to expire or
26 lapse;
- 27 (25) Knowingly fails to report suspected child abuse in violation of § 5–704
28 of the Family Law Article;
- 29 (26) Fails to educate a patient being treated for breast cancer of alternative
30 methods of treatment as required by § 20–113 of the Health – General Article;
- 31 (27) Sells, prescribes, gives away, or administers drugs for illegal or
32 illegitimate medical purposes;

1 (28) Fails to comply with the provisions of § 12–102 of this article;

2 (29) Refuses, withholds from, denies, or discriminates against an individual
3 with regard to the provision of professional services for which the physician assistant is
4 licensed and qualified to render because the individual is HIV positive;

5 (30) Except as to an association that has remained in continuous existence
6 since July 1, 1963:

7 (i) Associates with a pharmacist as a partner or co-owner of a
8 pharmacy for the purpose of operating a pharmacy;

9 (ii) Employs a pharmacist for the purpose of operating a pharmacy;
10 or

11 (iii) Contracts with a pharmacist for the purpose of operating a
12 pharmacy;

13 (31) Except in an emergency life-threatening situation where it is not
14 feasible or practicable, fails to comply with the Centers for Disease Control and
15 Prevention's guidelines on universal precautions;

16 (32) Fails to display the notice required under [§ 14–415] § 14–519 of this
17 [article] TITLE;

18 (33) Fails to cooperate with a lawful investigation conducted by the Board
19 or a disciplinary panel;

20 (34) Is convicted of insurance fraud as defined in § 27–801 of the Insurance
21 Article;

22 (35) Is in breach of a service obligation resulting from the applicant's or
23 licensee's receipt of State or federal funding for the physician assistant's medical education;

24 (36) Willfully makes a false representation when seeking or making
25 application for licensure or any other application related to the practice of medicine;

26 (37) By corrupt means, threats, or force, intimidates or influences, or
27 attempts to intimidate or influence, for the purpose of causing any person to withhold or
28 change testimony in hearings or proceedings before the Board or a disciplinary panel or
29 those otherwise delegated to the Office of Administrative Hearings;

30 (38) By corrupt means, threats, or force, hinders, prevents, or otherwise
31 delays any person from making information available to the Board or a disciplinary panel
32 in furtherance of any investigation of the Board or a disciplinary panel;

1 (39) Intentionally misrepresents credentials for the purpose of testifying or
2 rendering an expert opinion in hearings or proceedings before the Board or a disciplinary
3 panel or those otherwise delegated to the Office of Administrative Hearings;

4 (40) Fails to keep adequate medical records;

5 (41) Performs delegated medical acts beyond the scope of the delegation
6 agreement filed with the Board or after notification from the Board that an advanced duty
7 has been disapproved;

8 (42) Performs delegated medical acts without the supervision of a physician;

9 (43) Fails to complete a criminal history records check under [§ 14–308.1] §
10 **14–302** of this [article] **TITLE**;

11 (44) Fails to comply with the requirements of the Prescription Drug
12 Monitoring Program in Title 21, Subtitle 2A of the Health – General Article;

13 (45) Fails to comply with the requirements of the Prescription Drug
14 Monitoring Program under Title 21, Subtitle 2A of the Health – General Article; or

15 (46) Fails to comply with any State or federal law pertaining to the practice
16 as a physician assistant.

17 **(C) IF, AFTER A HEARING UNDER § 14–405 OF THIS TITLE, A DISCIPLINARY**
18 **PANEL FINDS THAT THERE ARE GROUNDS FOR DISCIPLINE UNDER SUBSECTION (A)**
19 **OF THIS SECTION TO SUSPEND OR REVOKE A LICENSE OF A PHYSICIAN ASSISTANT,**
20 **REPRIMAND A LICENSED PHYSICIAN ASSISTANT, OR PLACE THE LICENSED**
21 **PHYSICIAN ASSISTANT ON PROBATION, THE DISCIPLINARY PANEL MAY IMPOSE A**
22 **FINE SUBJECT TO THE BOARD’S REGULATIONS IN ADDITION TO SUSPENDING OR**
23 **REVOKING THE LICENSE, REPRIMANDING THE LICENSEE, OR PLACING THE**
24 **LICENSEE ON PROBATION.**

25 **(D) THE BOARD SHALL PAY ANY FINES COLLECTED UNDER THIS SECTION**
26 **INTO THE GENERAL FUND OF THE STATE.**

27 **(E) IN ADDITION TO ANY SANCTION AUTHORIZED UNDER THIS SUBTITLE, A**
28 **DISCIPLINARY PANEL MAY REQUIRE A LICENSEE TO COMPLY WITH SPECIFIED**
29 **TERMS AND CONDITIONS DETERMINED BY THE DISCIPLINARY PANEL.**

30 14–5H–21.

31 (a) A person who violates [§ 15–401 or § 15–402] § **14–5H–18** OR § **14–5H–19**
32 of this subtitle:

1 (1) Is guilty of a misdemeanor and on conviction is subject to a fine not
2 exceeding \$5,000 or imprisonment not exceeding 5 years or both; and

3 (2) Shall lose licensure as a physician assistant under this title.

4 (b) (1) In addition to the penalties under subsection (a) of this section, a person
5 who violates [§ 15-401] § 14-5H-18 of this subtitle may be subject to a civil penalty
6 assessed by a disciplinary panel in an amount not exceeding \$5,000.

7 (2) In addition to the penalties under paragraph (1) of this subsection, a
8 person who violates [§ 15-309] § 14-5H-14 of this [title] SUBTITLE may be subject to a
9 civil penalty assessed by a disciplinary panel in an amount not exceeding \$100.

10 (3) The Board shall pay any civil penalty collected under this subsection
11 into the Board of Physicians Fund.

12 14-5H-22.

13 This [title] SUBTITLE may be cited as the “Maryland Physician Assistants Act”.

14 14-5H-23.

15 Subject to the evaluation and reestablishment provisions of the Maryland Program
16 Evaluation Act, this [title] SUBTITLE and all regulations adopted under this [title]
17 SUBTITLE shall terminate and be of no effect after July 1, 2030.

18 Article – Transportation

19 13-616.

20 (a) (1) In this subtitle the following words have the meanings indicated.

21 (7) “Licensed physician assistant” means an individual who is licensed
22 under Title [15] 14, SUBTITLE 5H of the Health Occupations Article to practice medicine
23 with physician supervision.

24 SECTION 4. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
25 as follows:

26 Article – Health Occupations

27 14-3A-01.

28 The Interstate Medical Licensure Compact is enacted into law and entered into with
29 all other states legally joining in it in the form substantially as it appears in this section as
30 follows:

1 SECTION 5. APPLICATION AND ISSUANCE OF EXPEDITED LICENSURE

2 (b) (3) (i) The member board within the state selected as the state of
 3 principal license shall, in the course of verifying eligibility, require the applicant to obtain
 4 a criminal background check as required under [§ 14–308.1] § 14–302 of this title,
 5 including the use of the results of fingerprint or other biometric data checks compliant with
 6 the requirements of the Federal Bureau of Investigation, with the exception of federal
 7 employees who have suitability determination in accordance with U.S. C.F.R. § 731.202.

8 SECTION 5. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
 9 as follows:

10 **Article – Tax – General**

11 10–752.

12 (a) (1) In this section the following words have the meanings indicated.

13 (3) “Health care practitioner” means an individual who:

14 (i) is licensed to practice medicine under Title 14 of the Health
 15 Occupations Article;

16 (ii) is a physician assistant, as defined in [§ 15–101] § 14–5H–01 of
 17 the Health Occupations Article; or

18 (iii) is a registered nurse practitioner, as defined in § 8–101 of the
 19 Health Occupations Article.

20 (d) (7) The Fund consists of:

21 (i) revenue distributed to the Fund under [§ 15–206] § 14–207 of
 22 the Health Occupations Article;

23 (ii) money appropriated in the State budget to the Fund; and

24 (iii) any other money from any other source accepted for the benefit
 25 of the Fund.

26 SECTION 6. AND BE IT FURTHER ENACTED, That the publisher of the
 27 Annotated Code of Maryland, in consultation with and subject to the approval of the
 28 Department of Legislative Services, shall correct, with no further action required by the
 29 General Assembly, cross–references and terminology rendered incorrect by this Act. The
 30 publisher shall adequately describe any correction that is made in an editor’s note following
 31 the section affected.

1 SECTION 7. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2022. Section 4 of this Act shall remain effective until the taking effect of the
3 termination provision specified in Section 5 of Chapter 470 of the Acts of the General
4 Assembly of 2018. If that termination provision takes effect, Section 4 of this Act shall be
5 abrogated and of no further force and effect. Section 5 of this Act shall remain effective
6 until the taking effect of the termination provision specified in Section 6 of Chapters 153
7 and 154 of the Acts of the General Assembly of 2021. If that termination provision takes
8 effect, Section 5 of this Act shall be abrogated and of no further force and effect. This Act
9 may not be interpreted to have any effect on those termination provisions.