

SENATE BILL 375

J2

3lr1190

By: **Senator Ellis**

Introduced and read first time: February 1, 2023

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 5, 2023

CHAPTER _____

1 AN ACT concerning

2 **State Board of Physicians – Inactive and Emeritus Status**

3 FOR the purpose of authorizing the Board to place a licensee on emeritus status under
4 certain circumstances; requiring the Board, under certain circumstances, to
5 reinstate the license of an individual who is on inactive or emeritus status;
6 exempting licensees who are on inactive status or emeritus status from continuing
7 medical education requirements; repealing the requirement that the Board issue a
8 license to an individual who is on inactive status under certain circumstances;
9 prohibiting licensees who are on inactive status or emeritus status from practicing,
10 attempting, offering to practice medicine, or delegating medical acts; exempting,
11 under certain circumstances, licensees who are on emeritus status from the
12 prohibition on persons using certain words or terms with the intent to represent that
13 the person practices medicine; and generally relating to the State Board of
14 Physicians and license status.

15 BY repealing and reenacting, with amendments,
16 Article – Health Occupations
17 Section 14–316(a), 14–317, 14–320, 14–601, and 14–602
18 Annotated Code of Maryland
19 (2021 Replacement Volume and 2022 Supplement)

20 BY adding to
21 Article – Health Occupations
22 Section 14–320.1
23 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



(2021 Replacement Volume and 2022 Supplement)

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

Article – Health Occupations

14–316.

(a) (1) **THIS SUBSECTION DOES NOT APPLY TO A PHYSICIAN WHO IS ON INACTIVE STATUS UNDER § 14–320 OF THIS SUBTITLE OR EMERITUS STATUS UNDER § 14–320.1 OF THIS SUBTITLE.**

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

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

14–317.

The Board shall reinstate the license of a physician who has failed to renew the license for any reason, **IS ON INACTIVE STATUS UNDER § 14–320 OF THIS SUBTITLE, OR IS ON EMERITUS STATUS UNDER § 14–320.1 OF THIS SUBTITLE** if the physician:

(1) ~~[(Meets)] EXCEPT AS PROVIDED UNDER §§ 14–320(B) AND 14–320.1(C) OF THIS SUBTITLE, MEETS~~ the renewal requirements of § 14–316 of this subtitle;

(2) Pays to the Board a reinstatement fee set by the Board; and

(3) Submits to the Board satisfactory evidence of compliance with the qualifications and requirements established under this title for license reinstatements.

14–320.

(a) The Board may place a licensee on inactive status, if the licensee submits to the Board:

(1) An application for inactive status on the form required by the Board;
and

(2) The inactive status fee set by the Board.

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

- 1 (1) Submits to the Board:
- 2 (i) Satisfactory evidence of compliance with § 14-308.1 of this
3 subtitle;
- 4 (ii) Satisfactory evidence of compliance with the continuing
5 education requirements the Board adopts for this purpose; and
- 6 (iii) A reinstatement fee set by the Board; and
- 7 (2) Is otherwise entitled to be licensed.]

8 **(B) A LICENSEE ON INACTIVE STATUS IS EXEMPT FROM THE CONTINUING**
9 **EDUCATION REQUIREMENTS UNDER § 14-316(D) OF THIS SUBTITLE.**

10 **14-320.1.**

11 **(A) THE BOARD MAY PLACE A LICENSEE ON EMERITUS STATUS, IF THE**
12 **LICENSEE SUBMITS TO THE BOARD:**

13 **(1) AN APPLICATION FOR EMERITUS STATUS ON THE FORM**
14 **REQUIRED BY THE BOARD; AND**

15 **(2) THE EMERITUS STATUS FEE SET BY THE BOARD.**

16 **(B) THE BOARD SHALL PLACE A LICENSEE ON EMERITUS STATUS IF THE**
17 **INDIVIDUAL:**

18 **(1) HAS AN ACTIVE, UNRESTRICTED LICENSE TO PRACTICE MEDICINE**
19 **UNDER THIS SUBTITLE;**

20 **(2) IS NOT UNDER INVESTIGATION BY THE BOARD FOR A VIOLATION**
21 **OF THIS TITLE;**

22 **(3) HAS PRACTICED MEDICINE IN THIS STATE FOR AT LEAST 10**
23 **YEARS;**

24 **(4) HAS NOT BEEN THE SUBJECT OF DISCIPLINARY ACTION IN A**
25 **JURISDICTION WHERE THE INDIVIDUAL IS LICENSED THAT RESULTED IN THE**
26 **REVOCATION OR SUSPENSION OF THE INDIVIDUAL'S LICENSE; AND**

27 **(5) ATTESTS THAT THE INDIVIDUAL IS RETIRED AND IS NO LONGER**
28 **ACTIVELY PRACTICING MEDICINE IN THIS STATE.**

1 **(C) A LICENSEE ON EMERITUS STATUS IS EXEMPT FROM THE CONTINUING**
2 **EDUCATION REQUIREMENTS UNDER § 14-316(D) OF THIS SUBTITLE.**

3 14-601.

4 Except as otherwise provided in this title[, a]:

5 **(1) A person may not practice, attempt to practice, or offer to practice**
6 **medicine in [this] THE State unless licensed by the Board; AND**

7 **(2) A LICENSEE ON INACTIVE STATUS UNDER § 14-320 OF THIS**
8 **SUBTITLE OR EMERITUS STATUS UNDER § 14-320.1 OF THIS SUBTITLE MAY NOT:**

9 **(I) PRACTICE, ATTEMPT TO PRACTICE, OR OFFER TO PRACTICE**
10 **MEDICINE IN THE STATE; OR**

11 **(II) DELEGATE MEDICAL ACTS.**

12 14-602.

13 (a) Unless authorized to practice medicine under this title, a person may not
14 represent to the public, by description of services, methods, or procedures, or otherwise,
15 that the person is authorized to practice medicine in this State.

16 (b) Except as otherwise provided in this article, a person may not use the words
17 or terms “Dr.”, “doctor”, “physician”, “D.O.”, or “M.D.” with the intent to represent that the
18 person practices medicine, unless the person is:

19 (1) Licensed to practice medicine under this title;

20 (2) A physician licensed by and residing in another jurisdiction, while
21 engaging in consultation with a physician licensed in this State;

22 (3) A physician employed by the federal government while performing
23 duties incident to that employment;

24 (4) A physician who resides in and is licensed to practice medicine by any
25 state adjoining this State and whose practice extends into this State; [or]

26 (5) An individual in a postgraduate medical program that is accredited by
27 an accrediting organization recognized by the Board in regulations while the individual is
28 practicing medicine in the program; **OR**

29 **(6) A LICENSEE WHO IS ON EMERITUS STATUS UNDER § 14-320.1 OF**
30 **THIS TITLE, PROVIDED THAT THE LICENSEE DOES NOT REPRESENT TO THE PUBLIC**
31 **THAT THE LICENSEE IS AUTHORIZED TO PRACTICE MEDICINE IN THE STATE.**

1 (c) An unlicensed individual who acts under § 14–302 or § 14–306 of this title may
2 use the word “physician” together with another word to describe the occupation of the
3 individual as in phrases such as “physician’s assistant” or “physician’s aide”.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2023.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.