

# SENATE BILL 942

J2

EMERGENCY BILL  
**ENROLLED BILL**

(3lr3188)

— *Education, Health, and Environmental Affairs/Health and Government  
Operations* —

Introduced by **Senator Reilly**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
President.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **State Board of Physicians – ~~Licensing Qualifications – Additional Training~~**  
3 **~~Exemption~~ Consultation, Qualification for Licensure, License Renewal, and**  
4 **Representation to the Public**

5 ~~FOR the purpose of exempting certain applicants for a license to practice medicine in~~  
6 ~~the State from a requirement to submit evidence of certain additional clinical~~  
7 ~~training after having failed a certain examination a certain number of times;~~  
8 ~~making this Act an emergency measure; and generally relating to licensing~~  
9 ~~qualifications for physicians.~~

10 FOR the purpose of authorizing certain physicians engaged in certain consultations to  
11 practice medicine without a license from the State Board of Physicians under  
12 certain circumstances; authorizing certain applicants to qualify for licensure  
13 under certain circumstances; requiring the Board to send certain notices and

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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.

*Italics* indicate opposite chamber/conference committee amendments.



1 certain data sheets to certain licensees by certain means; making certain  
 2 stylistic changes; prohibiting certain physicians from making certain  
 3 representations unless the physician is board certified; defining certain terms;  
 4 making this Act an emergency measure; and generally relating to the licensure  
 5 of physicians in the State.

6 BY renumbering

7 Article – Health Occupations  
 8 Section 14–101(c) through (o), respectively  
 9 to be Section 14–101(d) through (p), respectively  
 10 Annotated Code of Maryland  
 11 (2009 Replacement Volume and 2012 Supplement)

12 BY adding to

13 Article – Health Occupations  
 14 Section 14–101(c), 14–101.1, and 14–302.1  
 15 Annotated Code of Maryland  
 16 (2009 Replacement Volume and 2012 Supplement)

17 BY repealing and reenacting, with amendments,

18 Article – Health Occupations  
 19 Section 14–302, 14–307, 14–316(b), 14–401(e)(2)(i), 14–503, and 14–5C–06(a)(2)  
 20 Annotated Code of Maryland  
 21 (2009 Replacement Volume and 2012 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
 23 MARYLAND, That ~~the Laws of Maryland read as follows~~ Section(s) 14–101(c) through  
 24 (o), respectively, of Article – Health Occupations of the Annotated Code of Maryland be  
 25 renumbered to be Section(s) 14–101(d) through (p), respectively.

26 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
 27 read as follows:

28 **Article – Health Occupations**

29 14–101.

30 **(C) “BOARD CERTIFIED” MEANS THE PHYSICIAN IS CERTIFIED BY A**  
 31 **PUBLIC OR PRIVATE BOARD, INCLUDING A MULTIDISCIPLINARY BOARD, AND**  
 32 **THE CERTIFYING BOARD:**

33 **(1) Is:**

34 **(i) A MEMBER OF THE AMERICAN BOARD OF MEDICAL**  
 35 **SPECIALTIES; OR**

1                    (II) AN AMERICAN OSTEOPATHIC ASSOCIATION  
2 CERTIFYING BOARD;

3                    (2) HAS BEEN APPROVED BY THE BOARD UNDER § 14-101.1 OF  
4 THIS SUBTITLE; OR

5                    (3) REQUIRES THAT, IN ORDER TO BE CERTIFIED, THE  
6 PHYSICIAN:

7                    (I) COMPLETE A POSTGRADUATE TRAINING PROGRAM  
8 THAT:

9                    1. PROVIDES COMPLETE TRAINING IN THE  
10 SPECIALTY OR SUBSPECIALTY; AND

11                    2. IS ACCREDITED BY THE ACCREDITATION  
12 COUNCIL FOR GRADUATE MEDICAL EDUCATION OR THE AMERICAN  
13 OSTEOPATHIC ASSOCIATION; AND

14                    (II) BE CERTIFIED BY THE MEMBER BOARD OF THE  
15 AMERICAN BOARD OF MEDICAL SPECIALTIES OR THE AMERICAN  
16 OSTEOPATHIC ASSOCIATION IN THE TRAINING FIELD.

17 14-101.1.

18                    THE BOARD MAY APPROVE A PUBLIC OR PRIVATE BOARD INCLUDING A  
19 MULTIDISCIPLINARY BOARD AS A CERTIFYING BOARD ONLY IF THE CERTIFYING  
20 BOARD REQUIRES THAT, IN ORDER TO BE CERTIFIED, A PHYSICIAN:

21                    (1) COMPLETE A POSTGRADUATE TRAINING PROGRAM THAT:

22                    (I) PROVIDES COMPLETE TRAINING IN THE SPECIALTY OR  
23 SUBSPECIALTY BEING CERTIFIED; AND

24                    (II) IS ACCREDITED BY THE ACCREDITATION COUNCIL FOR  
25 GRADUATE MEDICAL EDUCATION OR THE AMERICAN OSTEOPATHIC  
26 ASSOCIATION; AND

27                    (2) BE CERTIFIED BY THE AMERICAN BOARD OF MEDICAL  
28 SPECIALTIES OR THE AMERICAN OSTEOPATHIC ASSOCIATION IN THE SAME  
29 TRAINING FIELD.

30 14-302.

1 Subject to the rules, regulations, and orders of the Board, the following  
2 individuals may practice medicine without a license:

3 (1) A medical student or an individual in a postgraduate medical  
4 training program that is approved by the Board, while doing the assigned duties at  
5 any office of a licensed physician, hospital, clinic, or similar facility;

6 (2) A physician licensed by and residing in another jurisdiction, [while  
7 engaging in consultation with a physician licensed in this State;] IF THE PHYSICIAN:

8 (I) IS ENGAGED IN CONSULTATION WITH A PHYSICIAN  
9 LICENSED IN THE STATE ABOUT A PARTICULAR PATIENT AND DOES NOT DIRECT  
10 PATIENT CARE; OR

11 (II) MEETS THE REQUIREMENTS OF § 14-302.1 OF THIS  
12 SUBTITLE;

13 (3) A physician employed in the service of the federal government  
14 while performing the duties incident to that employment;

15 (4) A physician who resides in and is authorized to practice medicine  
16 by any state adjoining this State and whose practice extends into this State, if:

17 (i) The physician does not have an office or other regularly  
18 appointed place in this State to meet patients; and

19 (ii) The same privileges are extended to licensed physicians of  
20 this State by the adjoining state; and

21 (5) An individual while under the supervision of a licensed physician  
22 who has specialty training in psychiatry, and whose specialty training in psychiatry  
23 has been approved by the Board, if the individual submits an application to the Board  
24 on or before October 1, 1993, and either:

25 (i) 1. Has a master's degree from an accredited college or  
26 university; and

27 2. Has completed a graduate program accepted by the  
28 Board in a behavioral science that includes 1,000 hours of supervised clinical  
29 psychotherapy experience; or

30 (ii) 1. Has a baccalaureate degree from an accredited college  
31 or university; and

32 2. Has 4,000 hours of supervised clinical experience that  
33 is approved by the Board.

1 14-302.1.

2 A PHYSICIAN WHO IS LICENSED AND RESIDES IN ANOTHER JURISDICTION  
3 MAY PRACTICE MEDICINE WITHOUT A LICENSE WHILE ENGAGED IN CLINICAL  
4 TRAINING WITH A LICENSED PHYSICIAN IF:

5 (1) THE BOARD FINDS, ON APPLICATION BY A HOSPITAL IN THE  
6 STATE, THAT:

7 (i) THE PHYSICIAN POSSESSES A SKILL OR USES A  
8 PROCEDURE THAT:

9 1. IS ADVANCED BEYOND THOSE SKILLS OR  
10 PROCEDURES NORMALLY TAUGHT OR EXERCISED IN THE HOSPITAL AND IN  
11 STANDARD MEDICAL EDUCATION OR TRAINING;

12 2. COULD NOT BE OTHERWISE CONVENIENTLY  
13 TAUGHT OR DEMONSTRATED IN STANDARD MEDICAL EDUCATION OR TRAINING  
14 IN THAT HOSPITAL; AND

15 3. IS LIKELY TO BENEFIT MARYLAND PATIENTS IN  
16 THIS INSTANCE;

17 (ii) THE DEMONSTRATION OF THE SKILL OR PROCEDURE  
18 WOULD TAKE NO MORE THAN 14 ~~DAYS~~ CONSECUTIVE DAYS WITHIN A CALENDAR  
19 YEAR;

20 (iii) A LICENSED PHYSICIAN WHO PRACTICES AT A HOSPITAL  
21 IN THE STATE HAS CERTIFIED TO THE BOARD THAT THE LICENSED PHYSICIAN  
22 WILL BE RESPONSIBLE FOR THE MEDICAL CARE PROVIDED BY THAT VISITING  
23 PHYSICIAN TO PATIENTS IN THE STATE;

24 (iv) THE VISITING PHYSICIAN HAS NO HISTORY OF ANY  
25 MEDICAL DISCIPLINARY ACTION IN ANY OTHER STATE, TERRITORY, NATION, OR  
26 ANY BRANCH OF THE UNITED STATES UNIFORMED SERVICES OR THE  
27 VETERANS ADMINISTRATION, AND HAS NO SIGNIFICANT DETRIMENTAL  
28 MALPRACTICE HISTORY IN THE JUDGMENT OF THE BOARD;

29 (v) THE PHYSICIAN IS COVERED BY MALPRACTICE  
30 INSURANCE IN THE JURISDICTION IN WHICH THE PHYSICIAN PRACTICES; AND

31 (vi) THE HOSPITAL ASSURES THE BOARD THAT THE  
32 PATIENTS WILL BE PROTECTED BY ADEQUATE MALPRACTICE INSURANCE; OR

1           **(2) THE BOARD FINDS, ON APPLICATION BY A MARYLAND**  
 2 **HOSPITAL, THAT:**

3                   **(I) THE HOSPITAL PROVIDES TRAINING IN A SKILL OR USES**  
 4 **A PROCEDURE THAT:**

5                           **1. IS ADVANCED BEYOND THOSE SKILLS OR**  
 6 **PROCEDURES NORMALLY TAUGHT OR EXERCISED IN STANDARD MEDICAL**  
 7 **EDUCATION OR TRAINING;**

8                           **2. COULD NOT BE OTHERWISE CONVENIENTLY**  
 9 **TAUGHT OR DEMONSTRATED IN THE VISITING PHYSICIAN'S PRACTICE; AND**

10                           **3. IS LIKELY TO BENEFIT MARYLAND PATIENTS IN**  
 11 **THIS INSTANCE;**

12                   **(II) THE DEMONSTRATION OR EXERCISE OF THE SKILL OR**  
 13 **PROCEDURE WILL TAKE NO MORE THAN 14 ~~DAYS~~ CONSECUTIVE DAYS WITHIN A**  
 14 **CALENDAR YEAR;**

15                   **(III) A HOSPITAL PHYSICIAN LICENSED IN THE STATE HAS**  
 16 **CERTIFIED TO THE BOARD THAT THE PHYSICIAN WILL BE RESPONSIBLE FOR**  
 17 **THE MEDICAL CARE PROVIDED BY THAT VISITING PHYSICIAN TO PATIENTS IN**  
 18 **THE STATE;**

19                   **(IV) THE VISITING PHYSICIAN HAS NO HISTORY OF ANY**  
 20 **MEDICAL DISCIPLINARY ACTION IN ANY OTHER STATE, TERRITORY, NATION, OR**  
 21 **ANY BRANCH OF THE UNITED STATES UNIFORMED SERVICES OR THE**  
 22 **VETERANS ADMINISTRATION, AND HAS NO SIGNIFICANT DETRIMENTAL**  
 23 **MALPRACTICE HISTORY IN THE JUDGMENT OF THE BOARD;**

24                   **(V) THE PHYSICIAN IS COVERED BY MALPRACTICE**  
 25 **INSURANCE IN THE JURISDICTION WHERE THE PHYSICIAN PRACTICES; AND**

26                   **(VI) THE HOSPITAL ASSURES THE BOARD THAT THE**  
 27 **PATIENTS WILL BE PROTECTED BY ADEQUATE MALPRACTICE INSURANCE.**

28 14-307.

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

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

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

2 (d) Except as provided in § 14–308 of this subtitle, the applicant shall:

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

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

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

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

17 (e) Except as otherwise provided in this title, the applicant shall pass an  
18 examination required by the Board under this subtitle.

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

21 (g) An applicant who has failed the examination or any part of the  
22 examination 3 or more times [shall submit evidence of having completed 1 year of  
23 additional clinical training in an approved postgraduate training program following  
24 the latest failure] **MAY QUALIFY FOR A LICENSE IF THE APPLICANT:**

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

29 (2) (i) HAS A MINIMUM OF 5 YEARS OF CLINICAL PRACTICE OF  
30 MEDICINE ~~IN~~:

31 1. *IN THE UNITED STATES OR IN CANADA, WITH;*

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

1 ~~(H) THE CLINICAL PRACTICE REQUIRED UNDER ITEM (I) OF~~  
 2 ~~THIS PARAGRAPH OCCURRED~~

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

5 ~~(H) (II) NO HAS NO DISCIPLINARY ACTION IS PENDING~~  
 6 ~~OR HAS BEEN AND HAS HAD NO DISCIPLINARY ACTION TAKEN AGAINST THE~~  
 7 ~~APPLICANT THAT WOULD BE GROUNDS FOR DISCIPLINE UNDER § 14-404 OF~~  
 8 ~~THIS TITLE; OR~~

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

10 (h) (1) The Board shall require as part of its examination or licensing  
 11 procedures that an applicant for a license to practice medicine demonstrate an oral  
 12 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  
 15 3 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  
 17 under 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  
 20 satisfactorily a 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  
 23 this title, the Board shall require the licensee to take and pass a Board approved  
 24 standardized test of oral competency.

25 14-316.

26 (b) (1) ~~At~~ SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AT least  
 27 1 month before the license expires, the Board shall send to the licensee, by  
 28 ELECTRONIC OR first-class mail to the last known ELECTRONIC OR PHYSICAL  
 29 address of the licensee;

30 ~~(1)~~ (I) A renewal notice that states:

31 ~~(1)~~ 1. The date on which the current license expires;



1 ~~(ii)~~ **2.** The date by which the renewal application must be  
 2 received by the Board for the renewal to be issued and mailed before the license  
 3 expires; and

4 ~~(iii)~~ **3.** The amount of the renewal fee; and

5 ~~(2)~~ **(II)** A blank panel data sheet supplied by the Health Care  
 6 Alternative Dispute Resolution Office.

7 **(2)** **IF THE BOARD CHOOSES TO SEND RENEWAL NOTICES**  
 8 **EXCLUSIVELY BY ELECTRONIC MAIL UNDER PARAGRAPH (1) OF THIS**  
 9 **SUBSECTION, THE BOARD SHALL SEND A RENEWAL NOTICE BY FIRST-CLASS**  
 10 **MAIL TO A LICENSEE ON REQUEST OF THE LICENSEE.**

11 14-401.

12 (e) (2) A peer reviewer shall:

13 (i) Be [Board] **BOARD** certified;

14 14-503.

15 (a) A physician may not represent to the public that the physician is  
 16 [certified by a public or private board, including a multidisciplinary board, or that the  
 17 physician is] board certified unless:

18 **(1) THE PHYSICIAN IS BOARD CERTIFIED; AND**

19 **[(1) (2)** The physician discloses the full name of the board from  
 20 which the physician is certified and the name of the specialty or subspecialty in which  
 21 the physician is certified]; and

22 (2) The certifying board meets one of the following requirements:

23 (i) The certifying board is:

24 1. A member of the American Board of Medical  
 25 Specialties; or

26 2. An American Osteopathic Association certifying  
 27 board;

28 (ii) The certifying board has been approved by the Board; or

29 (iii) The certifying board requires that, in order to be certified,  
 30 the physician:

- 1                   1.     Complete a postgraduate training program that:
- 2                   A.     Provides complete training in the specialty or  
3 subspecialty; and
- 4                   B.     Is accredited by the Accreditation Council for  
5 Graduate Medical Education or the American Osteopathic Association; and
- 6                   2.     Be certified by the member board of the American  
7 Board of Medical Specialties or the American Osteopathic Association in the training  
8 field.

9           (b)     The Board may approve a certifying board under subsection (a)(2)(ii) of  
10 this section only if the certifying board requires that, in order to be certified, the  
11 physician:

- 12                   (1)     Complete a postgraduate training program that:
- 13                   (i)     Provides complete training in the specialty or subspecialty  
14 being certified; and
- 15                   (ii)    Is accredited by the Accreditation Council for Graduate  
16 Medical Education or the American Osteopathic Association; and
- 17                   (2)     Be certified by the American Board of Medical Specialties or  
18 American Osteopathic Association in the same training field].

19           **[(c) (B)]**     A physician may advertise only as permitted by the rules and  
20 regulations of the Board and subject to subsection (a) of this section.

21     14-5C-06.

22           (a)     The Committee consists of seven members appointed by the Board as  
23 follows:

- 24                   (2)     Three physicians who are [Board] BOARD certified in sleep  
25 medicine:
- 26                   (i)     One of whom is a specialist in psychiatry or internal  
27 medicine;
- 28                   (ii)    One of whom is a specialist in pulmonary medicine; and
- 29                   (iii)   One of whom is a specialist in neurology; and

1 ~~14-307.~~

2       ~~(a) To qualify for a license, an applicant shall be an individual who meets the~~  
3 ~~requirements of this section.~~

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

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

6       ~~(d) Except as provided in § 14-308 of this subtitle, the applicant shall:~~

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

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

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

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

21       ~~(e) Except as otherwise provided in this title, the applicant shall pass an~~  
22 ~~examination required by the Board under this subtitle.~~

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

25       ~~(g) (1) [An] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS~~  
26 ~~SUBSECTION, AN applicant who has failed the examination or any part of the~~  
27 ~~examination 3 or more times shall submit evidence of having completed 1 year of~~  
28 ~~additional clinical training in an approved postgraduate training program following~~  
29 ~~the latest failure.~~

30       ~~(2) THE PROVISIONS OF PARAGRAPH (1) OF THIS SUBSECTION DO~~  
31 ~~NOT APPLY TO AN APPLICANT WHO:~~

32             ~~(i) HOLDS A VALID LICENSE TO PRACTICE MEDICINE IN~~  
33 ~~ANOTHER STATE;~~

1                   ~~(II) HAS PRACTICED MEDICINE FOR AT LEAST 8 YEARS~~  
 2 ~~SINCE THE ISSUANCE OF THE APPLICANT'S INITIAL LICENSE TO PRACTICE~~  
 3 ~~MEDICINE; AND~~

4                   ~~(III) OTHERWISE MEETS THE REQUIREMENTS OF THIS~~  
 5 ~~SECTION.~~

6           ~~(h) (1) The Board shall require as part of its examination or licensing~~  
 7 ~~procedures that an applicant for a license to practice medicine demonstrate an oral~~  
 8 ~~competency in the English language.~~

9           ~~(2) Graduation from a recognized English speaking undergraduate~~  
 10 ~~school or high school, including General Education Development (GED), after at least~~  
 11 ~~3 years of enrollment, or from a recognized English speaking professional school is~~  
 12 ~~acceptable as proof of proficiency in the oral communication of the English language~~  
 13 ~~under this section.~~

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

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

21           SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act is an  
 22 emergency measure, is necessary for the immediate preservation of the public health  
 23 or safety, has been passed by a yea and nay vote supported by three-fifths of all the  
 24 members elected to each of the two Houses of the General Assembly, and shall take  
 25 effect from the date it is enacted.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.