

SENATE BILL 1027

E1, J2

4lr2993

By: **Senator Kittleman**

Introduced and read first time: February 13, 2014

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Maryland Controlled Dangerous Substances Act –**
3 **Registration of Licensed Physicians**

4 FOR the purpose of requiring the Department of Health and Mental Hygiene, under
5 certain circumstances, to notify the State Board of Physicians of the amount of a
6 certain fee; requiring the Board, under certain circumstances, to include a
7 certain fee in certain licensing fees and remit the collected fees to the
8 Department; prohibiting the Department from charging certain authorized
9 providers a fee that is separate from the fee included in certain license fees
10 under a certain provision of this Act; requiring the Department to register
11 certain authorized providers without requiring that the authorized providers
12 submit a separate registration application; requiring the Board to submit to the
13 Department certain information; and generally relating to the registration of
14 licensed physicians under the Maryland Controlled Dangerous Substances Act.

15 BY repealing and reenacting, with amendments,
16 Article – Criminal Law
17 Section 5–204 and 5–304
18 Annotated Code of Maryland
19 (2012 Replacement Volume and 2013 Supplement)

20 BY adding to
21 Article – Health Occupations
22 Section 14–205(d)
23 Annotated Code of Maryland
24 (2009 Replacement Volume and 2013 Supplement)

25 BY repealing and reenacting, with amendments,
26 Article – Health Occupations
27 Section 14–207(b) and (c)(1)
28 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2009 Replacement Volume and 2013 Supplement)

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

4 **Article – Criminal Law**

5 5–204.

6 (A) [The] **EXCEPT AS PROVIDED IN SUBSECTION (B)(3) OF THIS**
7 **SECTION, THE** Department may charge reasonable fees relating to the registration
8 and control of the manufacture, distribution, and dispensing of controlled dangerous
9 substances in the State.

10 (B) (1) **IF THE DEPARTMENT DETERMINES THAT A FEE SHOULD BE**
11 **CHARGED UNDER SUBSECTION (A) OF THIS SECTION TO AUTHORIZED**
12 **PROVIDERS WHO ARE PHYSICIANS LICENSED BY THE STATE BOARD OF**
13 **PHYSICIANS, THE DEPARTMENT SHALL NOTIFY THE BOARD OF THE AMOUNT OF**
14 **THE FEE.**

15 (2) **IF THE STATE BOARD OF PHYSICIANS RECEIVES**
16 **NOTIFICATION OF A FEE UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE**
17 **BOARD SHALL:**

18 (i) **INCLUDE THE FEE IN THE INITIAL AND RENEWAL**
19 **LICENSING FEES CHARGED BY THE BOARD TO PHYSICIANS; AND**

20 (ii) **REMIT THE COLLECTED FEE TO THE DEPARTMENT.**

21 (3) **THE DEPARTMENT MAY NOT CHARGE AN AUTHORIZED**
22 **PROVIDER WHO IS A PHYSICIAN LICENSED BY THE STATE BOARD OF**
23 **PHYSICIANS A FEE UNDER SUBSECTION (A) OF THIS SECTION THAT IS SEPARATE**
24 **FROM THE FEE INCLUDED IN THE INITIAL AND RENEWAL LICENSING FEES**
25 **CHARGED BY THE BOARD UNDER PARAGRAPH (2)(I) OF THIS SUBSECTION.**

26 5–304.

27 (a) If an authorized provider is authorized to dispense or conduct research
28 under State law, the Department shall register the authorized provider to dispense a
29 controlled dangerous substance or to conduct research with a controlled dangerous
30 substance listed in Schedule II through Schedule V.

31 (b) The Department need not require separate registration under this section
32 for an authorized provider who is:

1 (1) engaged in research with a nonnarcotic controlled dangerous
2 substance in Schedule II through Schedule V; and

3 (2) already registered under this subtitle in another capacity.

4 (c) An authorized provider may conduct research in the State with a
5 controlled dangerous substance listed in Schedule I if the authorized provider is
6 registered under federal law to conduct research with a controlled dangerous
7 substance listed in Schedule I and gives evidence of the registration to the
8 Department.

9 **(D) THE DEPARTMENT SHALL REGISTER AN AUTHORIZED PROVIDER**
10 **WHO IS A PHYSICIAN LICENSED BY THE STATE BOARD OF PHYSICIANS AND**
11 **WHOSE INFORMATION IS SUBMITTED TO THE DEPARTMENT UNDER § 14-205(D)**
12 **OF THE HEALTH OCCUPATIONS ARTICLE WITHOUT REQUIRING THAT THE**
13 **AUTHORIZED PROVIDER SUBMIT A SEPARATE REGISTRATION APPLICATION.**

14 **Article – Health Occupations**

15 14-205.

16 **(D) IN ADDITION TO THE DUTIES SET FORTH ELSEWHERE IN THIS TITLE,**
17 **THE BOARD SHALL SUBMIT TO THE DEPARTMENT INFORMATION REGARDING**
18 **LICENSED PHYSICIANS THAT IS REQUIRED BY THE DEPARTMENT TO REGISTER**
19 **THE PHYSICIANS UNDER § 5-304 OF THE CRIMINAL LAW ARTICLE.**

20 14-207.

21 (b) (1) The Board may set reasonable fees for the issuance and renewal of
22 licenses and its other services.

23 (2) The fees charged shall be set so as to approximate the cost of
24 maintaining the Board, including the cost of providing a rehabilitation program for
25 physicians under § 14-401.1(g) of this title.

26 **(3) THE INITIAL AND RENEWAL LICENSING FEES CHARGED SHALL**
27 **INCLUDE A FEE THAT THE BOARD IS REQUIRED TO INCLUDE UNDER §**
28 **5-204(B)(2) OF THE CRIMINAL LAW ARTICLE.**

29 ~~[(3)]~~ (4) Funds to cover the compensation and expenses of the Board
30 members shall be generated by fees set under this section.

31 (c) (1) **(I) [The] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF**
32 **THIS PARAGRAPH, THE Board shall pay all fees collected under the provisions of this**
33 **title to the Comptroller of the State.**

1 **(II) FEES THAT THE BOARD INCLUDED IN THE INITIAL AND**
2 **RENEWAL LICENSING FEES UNDER SUBSECTION (B)(3) OF THIS SECTION SHALL**
3 **BE REMITTED TO THE DEPARTMENT.**

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2014.