

## Article - Health Occupations

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§14–202.

(a) (1) The Board shall consist of 22 members appointed by the Governor with the advice of the Secretary and the advice and consent of the Senate.

(2) Of the 22 members:

(i) 11 shall be practicing licensed physicians, at least one of whom shall be a doctor of osteopathy, appointed as provided in subsections (d) and (e) of this section;

(ii) 1 shall be a practicing licensed physician appointed at the Governor's discretion;

(iii) 1 shall be a representative of the Department nominated by the Secretary;

(iv) 1 shall be a licensed physician assistant appointed at the Governor's discretion as provided in subsections (f) and (g) of this section;

(v) 2 shall be practicing licensed physicians with full-time faculty appointments appointed to serve as representatives of academic medical institutions in the State and of whom:

1. 1 shall be appointed from a list containing 3 names submitted by the Johns Hopkins University School of Medicine; and

2. 1 shall be appointed from a list containing 3 names submitted by the University of Maryland School of Medicine;

(vi) 5 shall be consumer members; and

(vii) 1 shall be a public member knowledgeable in risk management or quality assurance matters appointed from a list submitted by the Maryland Hospital Association.

(b) (1) Each consumer or public member of the Board:

(i) Shall be a member of the general public;

(ii) Shall be a resident of the State for at least 5 years;

(iii) May not be or ever have been a physician or in training to become a physician;

(iv) May not have a household member who is a physician or in training to become a physician;

(v) May not have a household member who participates in a commercial or professional field related to medicine; and

(vi) May not have had within 2 years before appointment a substantial financial interest in a person regulated by the Board.

(2) A consumer member of the Board may not have a substantial personal, business, professional, or pecuniary connection with a medical field or with an institution of medical education or a health care facility.

(c) While serving as a member of the Board, each consumer member and the public member shall continue to meet the requirements of subsection (b) of this section.

(d) (1) For each vacancy of a practicing licensed physician appointed in accordance with subsection (a)(2)(i) of this section, the Board shall:

(i) Notify all practicing licensed physicians and professional organizations representing at least 25 licensed physicians in the State of the vacancy;

(ii) Provide information regarding the selection process as provided under subsection (a)(2)(i) of this section;

(iii) Solicit nominations for the vacancy; and

(iv) Forward to the Governor:

1. Valid nominations submitted by professional organizations representing at least 25 licensed physicians in the State; and

2. Valid petitions submitted by practicing licensed physicians.

(2) The Board shall meet the requirements of paragraph (1) of this subsection within:

(i) 4 months prior to an upcoming vacancy on the Board; or

(ii) 2 months after a vacancy exists on the Board.

(e) For each vacancy of a practicing licensed physician appointed in accordance with subsection (a)(2)(i) of this section, the Governor:

(1) May:

(i) Reappoint a member who has not served for more than 2 consecutive full terms; or

(ii) Appoint a practicing licensed physician in accordance with subsection (a)(2)(i) of this section from lists submitted by the Board as provided in subsection (d)(1)(iv) of this section; and

(2) May not reappoint or appoint a practicing licensed physician from a particular medical specialty if there are two current members serving on the Board from the same medical specialty.

(f) (1) For the vacancy of a certified physician assistant appointed in accordance with subsection (a)(2)(iv) of this section, the Board shall:

(i) Notify all practicing certified physician assistants and professional organizations representing at least 25 certified physician assistants in the State of the vacancy;

(ii) Provide information regarding the selection process as provided under subsection (a)(2)(iv) of this section;

(iii) Solicit nominations for the vacancy; and

(iv) Forward to the Governor:

1. Valid nominations submitted by professional organizations representing at least 25 certified physician assistants in the State; and

2. Valid petitions submitted by practicing certified physician assistants supporting the appointment of the certified physician assistant to the Board that are signed by at least 25 practicing certified physician assistants in the State.

(2) The Board shall meet the requirements of paragraph (1) of this subsection within:

(i) 4 months prior to an upcoming vacancy on the Board; or

(ii) 2 months after a vacancy exists on the Board.

(g) For each vacancy of a certified physician assistant appointed in accordance with subsection (a)(2)(iv) of this section, the Governor may:

(1) Reappoint a member who has not served for more than two consecutive full terms; or

(2) Appoint a certified physician assistant in accordance with subsection (a)(2)(iv) of this section from lists submitted by the Board as provided in subsection (f)(1)(iv) of this section.

(h) Before taking office, each appointee to the Board shall take the oath required by Article I, § 9 of the Maryland Constitution.

(i) (1) The term of a member is 4 years.

(2) The terms of members are staggered as required by the terms provided for members of the Board on August 1, 2003.

(3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(4) A member may not serve more than 2 consecutive full terms.

(j) (1) If a vacancy occurs as to a member, the Governor shall appoint a new member to serve only for the rest of the term and until a successor is appointed and qualifies.

(2) To the extent practicable, the Governor shall fill any vacancy on the Board within 60 days of the date of the vacancy.

(k) (1) On the recommendation of the Board, the Secretary may remove any member of the Board for neglect of duty, misconduct, malfeasance, or misfeasance in office.

(2) Upon the recommendation of the Secretary, the Governor may remove a member whom the Secretary finds to have been absent from 2 successive Board meetings without adequate reason.

(3) The Governor may remove a member for incompetence or misconduct.

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