

# SENATE BILL 549

J2

EMERGENCY BILL

7lr0859  
CF HB 1265

---

By: **Chair, Education, Health, and Environmental Affairs Committee**

Introduced and read first time: February 1, 2017

Assigned to: Education, Health, and Environmental Affairs

---

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 13, 2017

---

## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **State Board of Physicians and Allied Health Advisory Committees – Sunset**  
3 **Extension and Program Evaluation**

4 FOR the purpose of continuing the State Board of Physicians and the related allied health  
5 advisory committees in accordance with the provisions of the Maryland Program  
6 Evaluation Act (Sunset Law) by extending to a certain date the termination  
7 provisions relating to statutory and regulatory authority of the State Board of  
8 Physicians and the committees; altering the content of a certain statistical report  
9 regarding complaints of sexual misconduct; authorizing certain health occupations  
10 boards to enter into a certain agreement regarding prescriber–pharmacist  
11 agreements with the State Board of Pharmacy; altering the definition of “allied  
12 health professional” to include naturopathic doctors; authorizing a disciplinary  
13 panel, rather than the State Board of Physicians and subject to the Administrative  
14 Procedure Act and certain hearing provisions, to deny a license to an applicant or  
15 under certain circumstances to refuse to renew or reinstate an applicant’s license for  
16 certain reasons; requiring the State Board of Physicians to submit an annual report  
17 on or before a certain date each year to the Governor, the Secretary of Health and  
18 Mental Hygiene, and the General Assembly that includes certain data ~~related to~~  
19 ~~criminal history records checks~~ on a fiscal year basis; ~~codifying the requirement that~~  
20 ~~requiring the State Board of Physicians to provide certain training on a certain basis~~  
21 ~~rather than at least annually at certain intervals to the Office of Administrative~~  
22 ~~Hearings; authorizing the State Board of Physicians to discipline individuals exempt~~  
23 ~~from licensure under a certain provision of this Act in a certain manner and for~~  
24 ~~certain grounds; altering the circumstances under which certain individuals may~~  
25 practice medicine without a license; authorizing a disciplinary panel, instead of the

---

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.



1 State Board of Physicians, to issue a cease and desist order or obtain injunctive relief  
 2 against an individual for practicing medicine without a license or taking a certain  
 3 action for which a disciplinary panel, instead of the State Board of Physicians,  
 4 determines there is certain evidence and that poses a serious risk; requiring the  
 5 State Board of Physicians to consider certain factors in determining whether to take  
 6 disciplinary action based on criminal history record information against certain  
 7 physicians or allied health professionals, rather than in determining whether to  
 8 renew or reinstate the license; altering the circumstances under which the State  
 9 Board of Physicians may renew or reinstate a license to practice medicine; altering  
 10 the circumstances under which a disciplinary panel is required to refer an allegation  
 11 to peer review; clarifying the application of the requirement that the State Board of  
 12 Physicians or a disciplinary panel give certain individuals an opportunity for a  
 13 certain hearing before taking certain action; repealing certain provisions of law  
 14 rendered obsolete by certain provisions of this Act; repealing the requirement that  
 15 hospitals, related institutions, and alternative health systems report certain  
 16 information to the State Board of Physicians at certain intervals; authorizing a  
 17 disciplinary panel, instead of the State Board of Physicians, on a certain vote of a  
 18 disciplinary panel, instead of the State Board of Physicians, to deny a license to an  
 19 applicant; authorizing a disciplinary panel, instead of the State Board of Physicians,  
 20 to levy certain fines; requiring certain licensees to notify the State Board of  
 21 Physicians in writing of a change in name or address within a certain time period;  
 22 establishing a certain penalty; altering a certain penalty provision; requiring the  
 23 State Board of Physicians to pay certain penalties into the Board of Physicians Fund;  
 24 altering the circumstances under which certain provisions of law related to penalties  
 25 for the unlicensed practice of medicine do not apply to certain licensees; making  
 26 conforming and technical changes requiring the State Board of Physicians, under  
 27 certain circumstances, to submit a certain proposal to certain committees of the  
 28 General Assembly regarding moving certain cases from the jurisdiction of the full  
 29 State Board of Physicians to the jurisdiction of the disciplinary panels; requiring that  
 30 the State Board of Physicians include certain information in certain reports; limiting  
 31 the scope of a certain full evaluation to certain matters; making this Act an  
 32 emergency measure; and generally relating to the State Board of Physicians and the  
 33 related allied health advisory committees.

34 BY repealing and reenacting, with amendments,

35 Article – Health Occupations

36 Section 1-212(e), 12-6A-03(b), 14-101(a-1), 14-205(b), 14-206(e), 14-302(a),  
 37 14-316(g), 14-401.1(a)(5)(i), (c)(2), (k), and (l), 14-405(a), 14-411.1(b)(6)(iv),  
 38 14-413(a)(1) and (2), 14-414(a)(1) and (2), 14-5A-13(g), 14-5A-17(a),  
 39 14-5A-23(b), 14-5A-25, 14-5B-12(g), 14-5B-14(a), 14-5B-21, 14-5C-14(g),  
 40 14-5C-17(a), 14-5C-25, 14-5D-12(h), 14-5D-14(a), 14-5D-18(b), 14-5D-20,  
 41 14-5E-13(g), 14-5E-16(a), 14-5E-23(b), 14-5E-25, 14-5F-15(d),  
 42 14-5F-18(a), 14-5F-25, 14-5F-29, 14-5F-32, ~~14-602(e), 14-606(a)(5)~~  
 43 14-606(a)(4) and (5), 14-702, 15-307(g), 15-311, 15-313, and 15-502

44 Annotated Code of Maryland

45 (2014 Replacement Volume and 2016 Supplement)

- 1 BY adding to  
2 Article – Health Occupations  
3 Section 14–205.1, 14–205.2, ~~and 14–302.2~~ 14–5C–14.1, and 14–5F–15.1  
4 Annotated Code of Maryland  
5 (2014 Replacement Volume and 2016 Supplement)
- 6 BY repealing and reenacting, without amendments,  
7 Article – Health Occupations  
8 Section 14–401.1(c)(1) ~~and 14–606(a)(4)~~  
9 Annotated Code of Maryland  
10 (2014 Replacement Volume and 2016 Supplement)
- 11 BY repealing  
12 Article – Health Occupations  
13 Section 14–401.1(j)  
14 Annotated Code of Maryland  
15 (2014 Replacement Volume and 2016 Supplement)
- 16 ~~BY repealing and reenacting, without amendments,  
17 Article – Insurance  
18 Section 24–201(a)  
19 Annotated Code of Maryland  
20 (2011 Replacement Volume and 2016 Supplement)~~
- 21 ~~BY repealing and reenacting, with amendments,  
22 Article – Insurance  
23 Section 24–201(d)  
24 Annotated Code of Maryland  
25 (2011 Replacement Volume and 2016 Supplement)~~
- 26 BY repealing and reenacting, without amendments,  
27 Article – State Government  
28 Section 8–405(a)  
29 Annotated Code of Maryland  
30 (2014 Replacement Volume and 2016 Supplement)
- 31 BY repealing and reenacting, with amendments,  
32 Article – State Government  
33 Section 8–405(b)(5)  
34 Annotated Code of Maryland  
35 (2014 Replacement Volume and 2016 Supplement)
- 36 BY repealing  
37 Chapter 539 of the Acts of the General Assembly of 2007  
38 Section 4 and 5
- 39 BY repealing

1 Chapter 109 of the Acts of the General Assembly of 1988, as amended by Chapter  
2 271 of the Acts of the General Assembly of 1992 and Chapter 662 of the Acts  
3 of the General Assembly of 1994

4 Section 5

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

7 **Article – Health Occupations**

8 1–212.

9 (e) (1) (i) Each year, each health occupations board shall submit a  
10 statistical report to the Secretary, indicating [the]:

11 **1. THE number of complaints of sexual misconduct received**  
12 **[and the resolution of each complaint];**

13 **2. THE NUMBER OF LICENSEES, CERTIFICATE HOLDERS,**  
14 **AND COMPLAINANTS INVOLVED IN THE COMPLAINTS OF SEXUAL MISCONDUCT**  
15 **LISTED SEPARATELY BY CATEGORY;**

16 **3. THE NUMBER OF COMPLAINTS OF SEXUAL**  
17 **MISCONDUCT STILL UNDER INVESTIGATION;**

18 **4. THE NUMBER OF COMPLAINTS OF SEXUAL**  
19 **MISCONDUCT THAT WERE CLOSED WITH NO DISCIPLINARY ACTION;**

20 **5. THE NUMBER OF COMPLAINTS OF SEXUAL**  
21 **MISCONDUCT THAT RESULTED IN INFORMAL OR NONPUBLIC ACTION;**

22 **6. THE NUMBER OF COMPLAINTS OF SEXUAL**  
23 **MISCONDUCT THAT WERE REFERRED TO THE OFFICE OF THE ATTORNEY GENERAL**  
24 **FOR PROSECUTORIAL ACTION;**

25 **7. THE NUMBER OF COMPLAINTS OF SEXUAL**  
26 **MISCONDUCT THAT RESULTED IN EACH OF THE FOLLOWING:**

27 **A. LICENSE REVOCATION;**

28 **B. SUSPENSION;**

29 **C. PROBATION;**

30 **D. REPRIMAND; AND**

1                   **E. DENIAL OF LICENSURE;**

2                   **8. THE NUMBER OF COMPLAINTS OF SEXUAL**  
3 **MISCONDUCT THAT WERE FORWARDED TO LAW ENFORCEMENT FOR POSSIBLE**  
4 **CRIMINAL PROSECUTION; AND**

5                   **9. FOR ANY OTHER ACTIONS TAKEN REGARDING**  
6 **COMPLAINTS OF SEXUAL MISCONDUCT, A DETAILED BREAKDOWN OF THE TYPES OF**  
7 **ACTIONS TAKEN.**

8                   (ii) The report shall cover the period beginning October 1 and ending  
9 the following September 30 and shall be submitted by the board not later than the  
10 November 15 following the reporting period.

11                   (2) The Secretary shall compile the information received from the health  
12 occupations boards and submit an annual report to the General Assembly, in accordance  
13 with § 2–1246 of the State Government Article, not later than December 31 of each year.

14 12–6A–03.

15                   (b) (1) **(I) [An] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**  
16 **PARAGRAPH, AN** authorized prescriber who has entered into a prescriber–pharmacist  
17 agreement shall submit to the health occupations board that regulates the authorized  
18 prescriber a copy of the prescriber–pharmacist agreement and any subsequent  
19 modifications made to the prescriber–pharmacist agreement or the protocols specified in  
20 the prescriber–pharmacist agreement.

21                   **(II) A HEALTH OCCUPATIONS BOARD MAY ENTER INTO AN**  
22 **AGREEMENT WITH THE BOARD OF PHARMACY THAT REQUIRES AUTHORIZED**  
23 **PRESCRIBERS REGULATED BY THE HEALTH OCCUPATIONS BOARD TO SUBMIT TO**  
24 **THE BOARD OF PHARMACY DOCUMENTATION THAT OTHERWISE WOULD BE**  
25 **REQUIRED TO BE SUBMITTED TO THE HEALTH OCCUPATIONS BOARD UNDER**  
26 **SUBPARAGRAPH (I) OF THIS PARAGRAPH.**

27                   (2) A licensed pharmacist who has entered into a prescriber–pharmacist  
28 agreement shall submit to the Board of Pharmacy a copy of the prescriber–pharmacist  
29 agreement and any subsequent modifications made to the prescriber–pharmacist  
30 agreement or the protocols specified in the prescriber–pharmacist agreement.

31 14–101.

32                   (a–1) “Allied health professional” means an individual licensed by the Board under  
33 Subtitle 5A, 5B, 5C, 5D, [or] 5E, **OR 5F** of this title or Title 15 of this article.

34 14–205.

1           (b)   (1)   In addition to the powers set forth elsewhere in this title, the Board  
2 may:

3                       (i)   Adopt regulations to regulate the performance of acupuncture,  
4 but only to the extent authorized by § 14–504 of this title;

5                       (ii)   After consulting with the State Board of Pharmacy, adopt rules  
6 and regulations regarding the dispensing of prescription drugs by a licensed physician;

7                       [(iii)]   Subject to the Administrative Procedure Act, deny a license to an  
8 applicant or, if an applicant has failed to renew the applicant’s license, refuse to renew or  
9 reinstate an applicant’s license for:

10                                       1.   Any of the reasons that are grounds for action under §  
11 14–404 of this title; or

12                                       2.   Failure to submit to a criminal history records check in  
13 accordance with § 14–308.1 of this title;]

14                       [(iv)] (III)   On receipt of a written and signed complaint, including a  
15 referral from the Commissioner of Labor and Industry, conduct an unannounced inspection  
16 of the office of a physician or acupuncturist, other than an office of a physician or  
17 acupuncturist in a hospital, related institution, freestanding medical facility, or a  
18 freestanding birthing center, to determine compliance at that office with the Centers for  
19 Disease Control and Prevention’s guidelines on universal precautions; and

20                       [(v)] (IV)   Contract with others for the purchase of administrative  
21 and examination services to carry out the provisions of this title.

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

24                       (3)   SUBJECT TO THE ADMINISTRATIVE PROCEDURE ACT AND THE  
25 HEARING PROVISIONS OF § 14–405 OF THIS TITLE, A DISCIPLINARY PANEL MAY  
26 DENY A LICENSE TO AN APPLICANT OR, IF AN APPLICANT HAS FAILED TO RENEW THE  
27 APPLICANT’S LICENSE, REFUSE TO RENEW OR REINSTATE AN APPLICANT’S LICENSE  
28 FOR:

29                                       (I)   ANY OF THE REASONS THAT ARE GROUNDS FOR ACTION  
30 UNDER § 14–404 OF THIS TITLE; OR

31                                       (II)   FAILURE TO SUBMIT TO A CRIMINAL HISTORY RECORDS  
32 CHECK IN ACCORDANCE WITH § 14–308.1 OF THIS TITLE.

33 14–205.1.

1 ON OR BEFORE ~~DECEMBER~~ OCTOBER 1 EACH YEAR, THE BOARD SHALL  
2 SUBMIT TO THE GOVERNOR, THE SECRETARY, AND, IN ACCORDANCE WITH § 2-1246  
3 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY AN ANNUAL  
4 REPORT THAT INCLUDES THE FOLLOWING DATA ~~FOR BOTH PHYSICIANS AND ALLIED~~  
5 ~~HEALTH PROFESSIONALS~~ CALCULATED ON A FISCAL YEAR BASIS:

6 (1) RELEVANT DISCIPLINARY INDICATORS, INCLUDING:

7 (i) THE NUMBER OF PHYSICIANS INVESTIGATED UNDER EACH  
8 OF THE DISCIPLINARY GROUNDS ENUMERATED UNDER § 14-404 OF THIS ARTICLE;

9 (ii) THE NUMBER OF PHYSICIANS WHO WERE REPRIMANDED OR  
10 PLACED ON PROBATION OR WHO HAD THEIR LICENSES SUSPENDED OR REVOKED;

11 (iii) THE NUMBER OF CASES PROSECUTED AND DISMISSED AND  
12 ON WHAT GROUNDS;

13 (iv) THE CRITERIA USED TO ACCEPT AND REJECT CASES FOR  
14 PROSECUTION; AND

15 (v) THE NUMBER OF UNRESOLVED ALLEGATIONS PENDING  
16 BEFORE THE BOARD;

17 (2) THE AVERAGE LENGTH OF THE TIME SPENT INVESTIGATING  
18 ALLEGATIONS BROUGHT AGAINST PHYSICIANS UNDER EACH OF THE DISCIPLINARY  
19 GROUNDS ENUMERATED UNDER § 14-404 OF THIS ARTICLE;

20 (3) THE NUMBER OF CASES NOT COMPLETED WITHIN 18 MONTHS AND  
21 THE REASONS FOR THE FAILURE TO COMPLETE THE CASES IN 18 MONTHS;

22 (4) FOR BOTH PHYSICIANS AND ALLIED HEALTH PROFESSIONALS:

23 ~~(1)~~ (i) THE NUMBER OF INITIAL AND RENEWAL LICENSES ISSUED;

24 ~~(2)~~ (ii) THE NUMBER OF POSITIVE AND NEGATIVE CRIMINAL  
25 HISTORY RECORDS CHECKS RESULTS RECEIVED;

26 ~~(3)~~ (iii) THE NUMBER OF INDIVIDUALS DENIED INITIAL OR  
27 RENEWAL LICENSURE DUE TO POSITIVE CRIMINAL HISTORY RECORDS CHECKS  
28 RESULTS; AND

1           ~~(4)~~ **(IV) THE NUMBER OF INDIVIDUALS DENIED INITIAL OR**  
 2 **RENEWAL LICENSURE DUE TO REASONS OTHER THAN A POSITIVE CRIMINAL**  
 3 **HISTORY RECORDS CHECK; AND**

4           **(5) THE ADEQUACY OF CURRENT BOARD STAFFING IN MEETING THE**  
 5 **WORKLOAD OF THE BOARD.**

6 **14-205.2.**

7           ~~(A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE~~ **THE BOARD SHALL**  
 8 **PROVIDE TRAINING AT LEAST ANNUALLY ON AN AS-NEEDED BASIS TO THE**  
 9 **PERSONNEL OF THE OFFICE OF ADMINISTRATIVE HEARINGS IN ORDER TO IMPROVE**  
 10 **THE QUALITY AND EFFICIENCY OF THE HEARINGS IN PHYSICIAN DISCIPLINE CASES.**

11           ~~(B) THE TRAINING PROVIDED UNDER SUBSECTION (A) OF THIS SECTION~~  
 12 ~~SHALL INCLUDE MEDICAL TERMINOLOGY, MEDICAL ETHICS, AND, TO THE EXTENT~~  
 13 ~~POSSIBLE, DESCRIPTIONS OF BASIC MEDICAL AND SURGICAL PROCEDURES~~  
 14 ~~CURRENTLY IN USE.~~

15 **14-206.**

16           (e) **[The Board] A DISCIPLINARY PANEL** may issue a cease and desist order or  
 17 **obtain injunctive relief against an individual for:**

18           (1) **Practicing medicine without a license; or**

19           (2) **Taking any action:**

20           (i) **For which [the Board] A DISCIPLINARY PANEL determines**  
 21 **there is a preponderance of evidence of grounds for discipline under § 14-404 of this title;**  
 22 **and**

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

25 **14-302.**

26           (a) Subject to the rules, regulations, and orders of the Board, the following  
 27 individuals may practice medicine without a license ~~if the individuals submit to a criminal~~  
 28 ~~history records check in accordance with § 14-308.1 of this subtitle:~~

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



1                   ~~[(2)] (1)~~     A physician licensed by and residing in another jurisdiction, if  
2 the physician:

3                   (i)     Is engaged in consultation with a physician licensed in the State  
4 about a particular patient and does not direct patient care; or

5                   (ii)    Meets the requirements of § 14–302.1 of this subtitle;

6                   ~~[(3)] (2)~~     A physician employed in the service of the federal government  
7 while performing the duties incident to that employment;

8                   ~~[(4)] (3)~~     A physician who resides in and is authorized to practice medicine  
9 by any state adjoining this State and whose practice extends into this State, if:

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

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

14                  ~~[(5)] (4)~~     An individual while under the supervision of a licensed physician  
15 who has specialty training in psychiatry, and whose specialty training in psychiatry has  
16 been approved by the Board, if the individual submits an application to the Board on or  
17 before October 1, 1993, and either:

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

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

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

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

27 ~~14-302.2.~~

28                  ~~(A)    SUBJECT TO THE RULES, REGULATIONS, AND ORDERS OF THE BOARD,~~  
29 ~~A MEDICAL STUDENT OR AN INDIVIDUAL IN A POSTGRADUATE MEDICAL TRAINING~~  
30 ~~PROGRAM THAT IS APPROVED BY THE BOARD, WHILE DOING ASSIGNED DUTIES AT~~  
31 ~~ANY OFFICE OF A LICENSED PHYSICIAN, HOSPITAL, CLINIC, OR SIMILAR FACILITY,~~  
32 ~~MAY PRACTICE MEDICINE WITHOUT A LICENSE IF THE INDIVIDUAL SUBMITS TO A~~

1 ~~CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 14-308.1 OF THIS~~  
 2 ~~SUBTITLE.~~

3 ~~(B) THE BOARD MAY DISCIPLINE AN INDIVIDUAL WHO IS EXEMPT FROM~~  
 4 ~~LICENSURE UNDER SUBSECTION (A) OF THIS SECTION IN THE SAME MANNER AND~~  
 5 ~~BASED ON THE SAME GROUNDS AS IF THE INDIVIDUAL WERE A LICENSED PHYSICIAN.~~

6 14-316.

7 (g) (1) Beginning October 1, 2016, the Board shall require a criminal history  
 8 records check in accordance with § 14-308.1 of this subtitle for:

9 (i) Annual renewal applicants as determined by regulations  
 10 adopted by the Board; and

11 (ii) Each former licensee who files for reinstatement under § 14-317  
 12 of this subtitle ~~after failing to renew the license for a period of 1 year or more.~~

13 (2) On receipt of the criminal history record information of a licensee  
 14 forwarded to the Board in accordance with § 14-308.1 of this subtitle, in determining  
 15 whether [to renew or reinstate a license] **DISCIPLINARY ACTION SHOULD BE TAKEN,**  
 16 **BASED ON THE CRIMINAL RECORD INFORMATION, AGAINST A LICENSEE WHO**  
 17 **RENEWED OR REINSTATED A LICENSE,** the Board shall consider:

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

19 (ii) The nature of the crime;

20 (iii) The circumstances surrounding the crime;

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

22 (v) Subsequent work history;

23 (vi) Employment and character references; and

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

26 (3) The Board may ~~not~~ renew or reinstate a license **ONLY** if the **LICENSEE**  
 27 **OR APPLICANT ATTESTS THAT THE LICENSEE OR APPLICANT HAS SUBMITTED TO A**  
 28 **criminal history ~~record~~ RECORDS CHECK information required** under § 14-308.1 of this  
 29 subtitle ~~has not been received.~~

30 14-401.1.

1 (a) (5) (i) If a complaint proceeds to a hearing under § 14-405 of this  
2 subtitle, § 14-5A-17, § 14-5B-14, § 14-5C-17, § 14-5D-15, [or] § 14-5E-16, **OR §**  
3 **14-5F-21** of this title, or § 15-315 of this article, the chair of the disciplinary panel that  
4 was assigned the complaint under paragraph (2)(i) of this subsection shall refer the  
5 complaint to the other disciplinary panel.

6 (c) (1) Except as otherwise provided in this subsection, after being assigned a  
7 complaint under subsection (a) of this section, the disciplinary panel may:

8 (i) Refer an allegation for further investigation to the entity that  
9 has contracted with the Board under subsection (e) of this section;

10 (ii) Take any appropriate and immediate action as necessary; or

11 (iii) Come to an agreement for corrective action with a licensee  
12 pursuant to paragraph (4) of this subsection.

13 (2) (i) **[After] IF, AFTER** being assigned a complaint **AND**  
14 **COMPLETING THE PRELIMINARY INVESTIGATION**, the disciplinary panel **FINDS THAT**  
15 **THE LICENSEE MAY HAVE VIOLATED § 14-404(A)(22) OF THIS SUBTITLE, THE**  
16 **DISCIPLINARY PANEL** shall refer [any] **THE** allegation [in the complaint based on §  
17 14-404(a)(22) of this subtitle] to the entity or entities that have contracted with the Board  
18 under subsection (e) of this section for further investigation and physician peer review  
19 within the involved medical specialty or specialties.

20 (ii) A disciplinary panel shall obtain two peer review reports from  
21 the entity or individual with whom the Board contracted under subsection (e) of this section  
22 for each allegation the disciplinary panel refers for peer review.

23 **[(j)]** Those individuals not licensed under this title but covered under §  
24 14-413(a)(1)(ii)3 and 4 of this subtitle are subject to the hearing provisions of § 14-405 of  
25 this subtitle.]

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

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

33 **[(l)] (K)** A disciplinary panel, in conducting a meeting with a physician or allied  
34 health professional to discuss the proposed disposition of a complaint, shall provide an  
35 opportunity to appear before the disciplinary panel to both the licensee who has been

1 charged and the individual who has filed the complaint against the licensee giving rise to  
2 the charge.

3 14-405.

4 (a) Except as otherwise provided in the Administrative Procedure Act, before the  
5 Board or a disciplinary panel takes any action under § 14-404(a) of this subtitle or §  
6 14-205(B)(3), § 14-5A-17(a), § 14-5B-14(A), § 14-5C-17(A), § 14-5D-14(A), §  
7 14-5E-16(A), OR § 14-5F-18 of this title, it shall give the individual against whom the  
8 action is contemplated an opportunity for a hearing before a hearing officer.

9 14-411.1.

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

12 (6) Medical education and practice information about the licensee  
13 including:

14 (iv) The name of any hospital where the licensee has medical  
15 privileges [as reported], **IF KNOWN** to the Board [under § 14-413 of this subtitle];

16 14-413.

17 (a) (1) [Every 6 months, each] **EACH** hospital and related institution shall  
18 [file with] **SUBMIT TO** the Board a report [that:

19 (i) Contains the name of each licensed physician who, during the 6  
20 months preceding the report:

- 21 1. Is employed by the hospital or related institution;
- 22 2. Has privileges with the hospital or related institution; and
- 23 3. Has applied for privileges with the hospital or related  
24 institution; and

25 (ii) States whether, as to each licensed physician, during the 6  
26 months preceding the report] **WITHIN 10 DAYS AFTER:**

27 [1.] **(I)** The hospital or related institution denied the  
28 application of a physician for staff privileges or limited, reduced, otherwise changed, or  
29 terminated the staff privileges of a physician, or the physician resigned whether or not  
30 under formal accusation, if the denial, limitation, reduction, change, termination, or  
31 resignation is for reasons that might be grounds for disciplinary action under § 14-404 of  
32 this subtitle;

1           **[2.] (II)**       The hospital or related institution took any  
 2 disciplinary action against a salaried, licensed physician without staff privileges, including  
 3 termination of employment, suspension, or probation, for reasons that might be grounds  
 4 for disciplinary action under § 14-404 of this subtitle;

5           ~~**[3.] (III)**       The hospital or related institution took any~~  
 6 ~~disciplinary action against an individual in a postgraduate medical training program,~~  
 7 ~~including removal from the training program, suspension, or probation for reasons that~~  
 8 ~~might be grounds for disciplinary action under § 14-404 of this subtitle;~~

9           **[4.] ~~(IV)~~ (III)**       A licensed physician ~~or an individual in a~~  
 10 ~~postgraduate training program~~ voluntarily resigned from the staff, employ, or training  
 11 program of the hospital or related institution for reasons that might be grounds for  
 12 disciplinary action under § 14-404 of this subtitle; or

13           **[5.] ~~(V)~~ (IV)**       The hospital or related institution placed any  
 14 other restrictions or conditions on any of the licensed physicians ~~OR INDIVIDUALS IN A~~  
 15 ~~POSTGRADUATE TRAINING PROGRAM~~ as listed in items [1 through 4 of this item] **(I)**  
 16 **THROUGH ~~(IV)~~ (III) OF THIS PARAGRAPH** for any reasons that might be grounds for  
 17 disciplinary action under § 14-404 of this subtitle.

18           (2)       The hospital or related institution shall[:

19                   (i)       Submit the report within 10 days of any action described in  
 20 paragraph (1)(ii) of this subsection; and

21                   (ii)       State] **STATE** in the report the reasons for its action or the nature  
 22 of the formal accusation pending when the physician resigned.

23       14-414.

24           (a)       (1)       **[Every 6 months, each] EACH** alternative health system as defined in  
 25 § 1-401 of this article shall **[file with] SUBMIT TO** the Board a report **[that:**

26                   (i)       Contains the name of each licensed physician who, during the 6  
 27 months preceding the report:

- 28                               1.       Is employed by the alternative health system;
- 29                               2.       Is under contract with the alternative health system; and
- 30                               3.       Has completed a formal application process to become  
 31 under contract with the alternative health system; and

1 (ii) States whether, as to each licensed physician, during the 6  
2 months preceding the report] **WITHIN 10 DAYS AFTER:**

3 [1.] (I) The alternative health system denied the formal  
4 application of a physician to contract with the alternative health system or limited,  
5 reduced, otherwise changed, or terminated the contract of a physician, or the physician  
6 resigned whether or not under formal accusation, if the denial, limitation, reduction,  
7 change, termination, or resignation is for reasons that might be grounds for disciplinary  
8 action under § 14–404 of this subtitle; or

9 [2.] (II) The alternative health system placed any other  
10 restrictions or conditions on any licensed physician for any reasons that might be grounds  
11 for disciplinary action under § 14–404 of this subtitle.

12 (2) The alternative health system shall[:

13 (i) Submit the report within 10 days of any action described in  
14 paragraph (1)(ii) of this subsection; and

15 (ii) State] **STATE** in the report the reasons for its action or the nature  
16 of the formal accusation pending when the physician resigned.

17 14–5A–13.

18 (g) (1) Beginning October 1, 2016, the Board shall require a criminal history  
19 records check in accordance with § 14–308.1 of this title for:

20 (i) Annual renewal applicants as determined by regulations  
21 adopted by the Board; and

22 (ii) Each former licensee who files for reinstatement under  
23 subsection (f) of this section ~~after failing to renew the license for a period of 1 year or more.~~

24 (2) On receipt of the criminal history record information of a licensee  
25 forwarded to the Board in accordance with § 14–308.1 of this title, in determining whether  
26 [to renew or reinstate a license] **DISCIPLINARY ACTION SHOULD BE TAKEN, BASED ON**  
27 **THE CRIMINAL HISTORY RECORD INFORMATION, AGAINST A LICENSEE WHO**  
28 **RENEWED OR REINSTATED A LICENSE**, the Board shall consider:

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

30 (ii) The nature of the crime;

31 (iii) The circumstances surrounding the crime;

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

- 1 (v) Subsequent work history;
- 2 (vi) Employment and character references; and
- 3 (vii) Other evidence that demonstrates whether the licensee poses a  
4 threat to the public health or safety.

5 (3) The Board may ~~not~~ renew or reinstate a license ONLY if the LICENSEE  
6 OR APPLICANT ATTESTS THAT THE LICENSEE OR APPLICANT HAS SUBMITTED TO A  
7 criminal history record RECORDS CHECK information required under § 14-308.1 of this  
8 title ~~has not been received~~.

9 14-5A-17.

10 (a) Subject to the hearing provisions of § 14-405 of this title, [the Board] A  
11 DISCIPLINARY PANEL, on the affirmative vote of a majority of a quorum of the [Board]  
12 DISCIPLINARY PANEL, may deny a license to any applicant, [or a disciplinary panel, on  
13 the affirmative vote of a majority of a quorum of the disciplinary panel, may] reprimand  
14 any licensee, place any licensee on probation, or suspend or revoke a license, if the applicant  
15 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 (i) Annual renewal applicants as determined by regulations  
2 adopted by the Board; and

3 (ii) Each former licensee who files for reinstatement under  
4 subsection (f) of this section ~~after failing to renew the license for a period of 1 year or more.~~

5 (2) On receipt of the criminal history record information of a licensee  
6 forwarded to the Board in accordance with § 14–308.1 of this title, in determining whether  
7 **[to renew or reinstate a license] DISCIPLINARY ACTION SHOULD BE TAKEN, BASED ON**  
8 **THE CRIMINAL HISTORY RECORD INFORMATION, AGAINST A LICENSEE WHO**  
9 **RENEWED OR REINSTATED A LICENSE**, the Board shall consider:

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

11 (ii) The nature of the crime;

12 (iii) The circumstances surrounding the crime;

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

14 (v) Subsequent work history;

15 (vi) Employment and character references; and

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

18 (3) The Board may ~~not~~ renew or reinstate a license **ONLY** if the **LICENSEE**  
19 **OR APPLICANT ATTESTS THAT THE LICENSEE OR APPLICANT HAS SUBMITTED TO A**  
20 **criminal history record RECORDS CHECK information required** under § 14–308.1 of this  
21 title ~~has not been received.~~

22 14–5B–14.

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

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

31 (2) Fraudulently or deceptively uses a license;

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

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 radiation therapy, radiography, nuclear medicine technology, or radiology assistance;

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 radiation  
26 therapy, radiography, nuclear medicine technology, or radiology assistance;

27           (15) Knowingly practices radiation therapy, radiography, nuclear medicine  
28 technology, or radiology assistance with an unauthorized individual or aids an  
29 unauthorized individual in the practice of radiation therapy, radiography, nuclear medicine  
30 technology, or radiology assistance;

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

1           (17) 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 Veterans' Administration for an act that would be grounds  
4 for disciplinary action under the Board's disciplinary statutes;

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

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

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

14           (ii) Has:

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

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

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

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

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

24           (24) 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           (25) Practices or attempts to practice a radiation therapy, radiography,  
28 nuclear medicine technology, or radiology assistance procedure or uses radiation therapy,  
29 radiography, nuclear medicine technology, or radiology assistance equipment if the  
30 applicant or licensee has not received education, internship, training, or experience in the  
31 performance of the procedure or the use of the equipment;

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

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

3           (28) Fails to submit to a criminal history records check under § 14–308.1 of  
4 this title.

5 14–5B–21.

6           Subject to the evaluation and reestablishment provisions of the Maryland Program  
7 Evaluation Act, and subject to the termination of this title under § 14–702 of this title, this  
8 subtitle and all rules and regulations adopted under this subtitle shall terminate and be of  
9 no effect after July 1, [2018] **2023**.

10 14–5C–14.

11           (g) (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) Annual renewal applicants as determined by regulations  
14 adopted by the Board; and

15                   (ii) Each former licensee who files for reinstatement under  
16 subsection (f) of this section ~~after failing to renew the license for a period of 1 year or more.~~

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 [to renew or reinstate a license] **DISCIPLINARY ACTION SHOULD BE TAKEN, BASED ON**  
20 **THE CRIMINAL HISTORY RECORD INFORMATION, AGAINST A LICENSEE WHO**  
21 **RENEWED OR REINSTATED A LICENSE**, the Board shall consider:

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

23                   (ii) The nature of the crime;

24                   (iii) The circumstances surrounding the crime;

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

26                   (v) Subsequent work history;

27                   (vi) Employment and character references; and

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

1           (3) The Board may ~~not~~ renew or reinstate a license ONLY if the LICENSEE  
 2 OR APPLICANT ATTESTS THAT THE LICENSEE OR APPLICANT HAS SUBMITTED TO A  
 3 criminal history record RECORDS CHECK information required under § 14-308.1 of this  
 4 title ~~has not been received~~.

5 14-5C-14.1.

6           (A) A LICENSEE SHALL NOTIFY THE BOARD IN WRITING OF A CHANGE IN  
 7 NAME OR ADDRESS WITHIN 60 DAYS AFTER THE CHANGE.

8           (B) A LICENSEE WHO FAILS TO COMPLY WITH SUBSECTION (A) OF THIS  
 9 SECTION IS SUBJECT TO AN ADMINISTRATIVE PENALTY OF \$100.

10 14-5C-17.

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

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

19           (2) Fraudulently or deceptively uses a license;

20           (3) Is guilty of unprofessional or immoral conduct in the practice of  
 21 polysomnography;

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

23           (5) Abandons a patient;

24           (6) Is habitually intoxicated;

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

27           (8) Provides professional services while:

28           (i) Under the influence of alcohol; or

29           (ii) Using any narcotic or controlled dangerous substance as defined  
 30 in § 5-101 of the Criminal Law Article or any other drug that is in excess of therapeutic  
 31 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 polysomnography;

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  
14 polysomnography;

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

17           (16) Knowingly delegates a polysomnographic duty to an unlicensed  
18 individual;

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

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

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

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

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

33           (ii) Has;

- 1                                   1.     Surrendered the license, if any, issued by the state or  
2 country; or
- 3                                   2.     Allowed the license, if any, issued by the state or country  
4 to expire or lapse;
- 5                               (22) Knowingly fails to report suspected child abuse in violation of § 5–704  
6 of the Family Law Article;
- 7                               (23) Sells, prescribes, gives away, or administers drugs for illegal or  
8 illegitimate medical purposes;
- 9                               (24) Practices or attempts to practice beyond the authorized scope of  
10 practice;
- 11                               (25) Is convicted of or pleads guilty or nolo contendere to a felony or to a  
12 crime involving moral turpitude, whether or not any appeal or other proceeding is pending  
13 to have the conviction or plea set aside;
- 14                               (26) 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                               (27) Practices or attempts to practice a polysomnography procedure or uses  
18 or attempts to use polysomnography 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                               (28) Fails to cooperate with a lawful investigation conducted by the Board;  
21 or
- 22                               (29) Fails to submit to a criminal history records check under § 14–308.1 of  
23 this title.
- 24 14–5C–25.

25           Subject to the evaluation and reestablishment provisions of the Maryland Program  
26 Evaluation Act and subject to the termination of this title under § 14–702 of this title, this  
27 subtitle and all regulations adopted under this subtitle shall terminate and be of no effect  
28 after July 1, [2018] **2023**.

29 14–5D–12.

30           (h)   (1)   Beginning October 1, 2016, the Board shall require a criminal history  
31 records check in accordance with § 14–308.1 of this title for:



1 (i) Annual renewal applicants as determined by regulations  
2 adopted by the Board; and

3 (ii) Each former licensee who files for reinstatement under  
4 subsection (f) of this section ~~after failing to renew the license for a period of 1 year or more.~~

5 (2) On receipt of the criminal history record information of a licensee  
6 forwarded to the Board in accordance with § 14-308.1 of this title, in determining whether  
7 **[to renew or reinstate a license] DISCIPLINARY ACTION SHOULD BE TAKEN, BASED ON**  
8 **THE CRIMINAL HISTORY RECORD INFORMATION, AGAINST A LICENSEE WHO**  
9 **RENEWED OR REINSTATED A LICENSE**, the Board shall consider:

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

11 (ii) The nature of the crime;

12 (iii) The circumstances surrounding the crime;

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

14 (v) Subsequent work history;

15 (vi) Employment and character references; and

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

18 (3) The Board may ~~not~~ renew or reinstate a license **ONLY** if the **LICENSEE**  
19 **OR APPLICANT ATTESTS THAT THE LICENSEE OR APPLICANT HAS SUBMITTED TO A**  
20 **criminal history record RECORDS CHECK information required** under § 14-308.1 of this  
21 title ~~has not been received.~~

22 14-5D-14.

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

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

31 (2) Fraudulently or deceptively uses a license;

- 1                   (3)    Is guilty of unprofessional or immoral conduct in the practice of athletic  
2 training;
- 3                   (4)    Is professionally, physically, or mentally incompetent;
- 4                   (5)    Abandons a patient;
- 5                   (6)    Habitually is intoxicated;
- 6                   (7)    Is addicted to, or habitually abuses, any narcotic or controlled  
7 dangerous 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 athletic  
16 training;
- 17                   (11)   Willfully fails to file or record any report as required under law,  
18 willfully impedes or obstructs the filing or recording of the report, or induces another to fail  
19 to file or record the 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 individual 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 athletic  
26 training;
- 27                   (15)   Knowingly practices athletic training with an unauthorized individual  
28 or aids an unauthorized individual in the practice of athletic trainer services;
- 29                   (16)   Offers, undertakes, or agrees to cure or treat disease by a secret  
30 method, treatment, or medicine;

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

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

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

9           (20) (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 issued by the state or country; or

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

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 medical purposes;

20           (23) Practices or attempts to practice beyond the authorized scope of  
21 practice;

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

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

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

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

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

1           (29) Fails to submit to a criminal history records check under § 14–308.1 of  
2 this title.

3 14–5D–18.

4           (b) Any person who violates any provision of this subtitle is subject to a civil fine  
5 of not more than \$5,000 to be levied by [the Board] A DISCIPLINARY PANEL.

6 14–5D–20.

7           Subject to the evaluation and reestablishment provisions of the Maryland Program  
8 Evaluation Act and subject to the termination of this title under § 14–702 of this title, this  
9 subtitle and all rules and regulations adopted under this subtitle shall terminate and be of  
10 no effect after July 1, [2018] **2023**.

11 14–5E–13.

12           (g) (1) Beginning October 1, 2016, the Board shall require a criminal history  
13 records check in accordance with § 14–308.1 of this title for:

14                           (i) Annual renewal applicants as determined by regulations  
15 adopted by the Board; and

16                           (ii) Each former licensee who files for reinstatement under  
17 subsection (f) of this section ~~after failing to renew the license for a period of 1 year or more.~~

18           (2) On receipt of the criminal history record information of a licensee  
19 forwarded to the Board in accordance with § 14–308.1 of this title, in determining whether  
20 [to renew or reinstate a license] **DISCIPLINARY ACTION SHOULD BE TAKEN, BASED ON**  
21 **THE CRIMINAL HISTORY RECORD INFORMATION, AGAINST A LICENSEE WHO**  
22 **RENEWED OR REINSTATED A LICENSE**, the Board shall consider:

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

24                           (ii) The nature of the crime;

25                           (iii) The circumstances surrounding the crime;

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

27                           (v) Subsequent work history;

28                           (vi) Employment and character references; and

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

1 (3) The Board may ~~not~~ renew or reinstate a license **ONLY** if the **LICENSEE**  
2 **OR APPLICANT ATTESTS THAT THE LICENSEE OR APPLICANT HAS SUBMITTED TO A**  
3 criminal history ~~record~~ **RECORDS CHECK** ~~information required~~ under § 14-308.1 of this  
4 title ~~has not been received~~.

5 14-5E-16.

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

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

14 (2) Fraudulently or deceptively uses a license;

15 (3) Is guilty of unprofessional or immoral conduct in the practice of  
16 perfusion;

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

18 (5) Abandons a patient;

19 (6) Is habitually intoxicated;

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

22 (8) Provides professional services while:

23 (i) Under the influence of alcohol; or

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

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

29 (10) Willfully makes or files a false report or record in the practice of  
30 perfusion;

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

4           (12) Breaches patient confidentiality;

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

9           (14) Knowingly makes a misrepresentation while practicing perfusion;

10           (15) Knowingly practices perfusion with an unauthorized individual or aids  
11 an unauthorized individual in the practice of perfusion;

12           (16) Knowingly delegates a perfusion duty to an unlicensed individual;

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

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

19           (19) Fails to meet appropriate standards for the delivery of perfusion  
20 services;

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

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

26           (ii) Has:

27                   1. Surrendered the license, if any, issued by the state or  
28 country; or

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

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

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

3           (24) Practices or attempts to practice beyond the authorized scope of  
4 practice;

5           (25) Is convicted of or pleads guilty or nolo contendere to a felony or to a  
6 crime involving moral turpitude, whether or not any appeal or other proceeding is pending  
7 to have the conviction or plea set aside;

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

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

14           (28) Fails to cooperate with a lawful investigation of the Board or a  
15 disciplinary panel; or

16           (29) Fails to submit to a criminal history records check under § 14–308.1 of  
17 this title.

18 14–5E–23.

19           (b) A person who violates any provision of this subtitle is subject to a civil fine of  
20 not more than \$5,000 to be levied by [the Board] **A DISCIPLINARY PANEL.**

21 14–5E–25.

22           Subject to the evaluation and reestablishment provisions of the Maryland Program  
23 Evaluation Act and subject to the termination of this title under § 14–702 of this title, this  
24 subtitle and all regulations adopted under this subtitle shall terminate and be of no effect  
25 after July 1, [2018] **2023.**

26 14–5F–15.

27           (d) (1) Beginning October 1, 2016, the Board shall require a criminal history  
28 records check in accordance with § 14–308.1 of this title for:

29                   (i) Annual renewal applicants as determined by regulations  
30 adopted by the Board; and

31                   (ii) Each former licensee who files for reinstatement under §  
32 14–5F–16(b) of this subtitle ~~after failing to renew the license for a period of 1 year or more.~~

1 (2) On receipt of the criminal history record information of a licensee  
 2 forwarded to the Board in accordance with § 14–308.1 of this title, in determining whether  
 3 [to renew or reinstate a license] **DISCIPLINARY ACTION SHOULD BE TAKEN, BASED ON**  
 4 **THE CRIMINAL HISTORY RECORD INFORMATION, AGAINST A LICENSEE WHO**  
 5 **RENEWED OR REINSTATED A LICENSE**, the Board shall consider:

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

7 (ii) The nature of the crime;

8 (iii) The circumstances surrounding the crime;

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

10 (v) Subsequent work history;

11 (vi) Employment and character references; and

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

14 (3) The Board may ~~not~~ renew or reinstate a license ONLY if the LICENSEE  
 15 OR APPLICANT ATTESTS THAT THE LICENSEE OR APPLICANT HAS SUBMITTED TO A  
 16 criminal history ~~record~~ RECORDS CHECK ~~information required~~ under § 14–308.1 of this  
 17 title ~~has not been received~~.

18 **14–5F–15.1.**

19 **(A) A LICENSEE SHALL NOTIFY THE BOARD IN WRITING OF A CHANGE IN**  
 20 **NAME OR ADDRESS WITHIN 60 DAYS AFTER THE CHANGE.**

21 **(B) A LICENSEE WHO FAILS TO COMPLY WITH SUBSECTION (A) OF THIS**  
 22 **SECTION IS SUBJECT TO AN ADMINISTRATIVE PENALTY OF \$100.**

23 **14–5F–18.**

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

30 (1) Is habitually intoxicated, or is addicted to or habitually abuses any  
 31 narcotic or controlled dangerous substance, as defined in § 5–101 of the Criminal Law  
 32 Article, or any drug without a valid prescription or indication, or provides professional



1 services while under the influence of alcohol or using any narcotic or controlled dangerous  
2 substance, as defined in § 5–101 of the Criminal Law Article;

3 (2) Has been found to be mentally incompetent by a physician if the mental  
4 incompetence impairs the ability of the applicant or licensee to undertake the practice of  
5 naturopathic medicine in a manner consistent with the safety of the public;

6 (3) Has entered into a consent agreement with or has been assessed an  
7 administrative penalty by a licensing authority in another state;

8 (4) Fraudulently or deceptively obtains, attempts to obtain, or uses a  
9 license for the applicant, the licensee, or another;

10 (5) Has a license revoked or suspended, or was otherwise acted against,  
11 including the denial of licensure, by the licensing authority of another state;

12 (6) Uses false, deceptive, or misleading advertising;

13 (7) Advertises, practices, or attempts to practice under a name other than  
14 the applicant's or licensee's own name;

15 (8) Aids, assists, employs, or advises any unlicensed individual to practice  
16 naturopathic medicine in violation of this subtitle;

17 (9) Willfully makes or files a false report or record in the practice of  
18 naturopathic medicine;

19 (10) Willfully or negligently fails to file a report or record as required by law,  
20 willfully impedes or obstructs the filing or recording of a report, or induces another to fail  
21 to file or record a report;

22 (11) Pays or receives any commission, bonus, kickback, or rebate, or engages  
23 in any split-fee arrangement in any form with a licensed physician, organization, agency,  
24 or other person, either directly or indirectly, for patients referred to health care providers;

25 (12) Exercises influence within a patient-doctor relationship for purposes of  
26 engaging a patient in sexual activity;

27 (13) Engages in sexual misconduct with a patient;

28 (14) Fails to keep written medical records justifying the course of treatment  
29 of a patient;

30 (15) Engages in an act or omission that does not meet generally accepted  
31 standards of practice of naturopathic medicine or of safe care of patients, whether or not  
32 actual injury to a patient is established;

1           (16) Delegates professional responsibilities to an individual when the  
2 licensee delegating the responsibilities knows or has reason to know that the individual is  
3 not qualified by training, experience, or licensure to perform the responsibilities;

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

6           (18) Breaches patient confidentiality;

7           (19) Is guilty of unprofessional or immoral conduct in the practice of  
8 naturopathic medicine;

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

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

13           (22) Sells, prescribes, gives away, or administers drugs for illegal or  
14 illegitimate purposes;

15           (23) Denies or discriminates against an individual with regard to the  
16 provision of professional services for which the licensee is licensed and qualified to render  
17 because the individual is HIV positive;

18           (24) Fails to cooperate with a lawful investigation of the Board;

19           (25) Abandons a patient;

20           (26) Violates any provision of this title or any regulation adopted by the  
21 Board; or

22           (27) Fails to submit to a criminal history records check under § 14-308.1 of  
23 this title.

24 14-5F-25.

25           [The Board] A DISCIPLINARY PANEL may issue a cease and desist order for:

26           (1) Practicing naturopathic medicine without a license or with an  
27 unauthorized person; or

28           (2) Supervising or aiding an unauthorized person in the practice of  
29 naturopathic medicine.

30 14-5F-29.

1 (a) Except as otherwise provided in this subtitle, an individual may not practice,  
 2 attempt to practice, or offer to practice naturopathic medicine in this State without a  
 3 license.

4 (b) An individual who violates [this section] ANY PROVISION OF THIS SUBTITLE  
 5 is guilty of a felony and on conviction is subject to[:

6 (1) A] A fine not exceeding \$10,000 or imprisonment not exceeding 5 years  
 7 or both[; and

8 (2) A civil fine of no more than \$50,000 to be levied by the Board].

9 (C) ANY INDIVIDUAL WHO VIOLATES A PROVISION OF THIS SUBTITLE IS  
 10 SUBJECT TO A CIVIL FINE OF NOT MORE THAN \$50,000 TO BE LEVIED BY A  
 11 DISCIPLINARY PANEL.

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

14 14-5F-32.

15 Subject to the evaluation and reestablishment provisions of the Program Evaluation  
 16 Act, this subtitle and all rules and regulations adopted under this subtitle shall terminate  
 17 and be of no effect after July 1, [2018] **2023**.

18 ~~14-602.~~

19 ~~(e) An unlicensed individual who acts under § 14-302, § 14-302.2, or § 14-306~~  
 20 ~~of this title may use the word “physician” together with another word to describe the~~  
 21 ~~occupation of the individual as in phrases such as “physician’s assistant” or “physician’s~~  
 22 ~~aide”.~~

23 14-606.

24 (a) (4) Except as provided in paragraph (5) of this subsection, a person who  
 25 violates § 14-601 or § 14-602 of this subtitle is:

26 (i) Guilty of a felony and on conviction is subject to a fine not  
 27 exceeding \$10,000 or imprisonment not exceeding 5 years or both; and

28 (ii) Subject to a civil fine of not more than \$50,000 to be levied by ~~the~~  
 29 ~~Board~~ A DISCIPLINARY PANEL.

30 (5) The provisions of paragraph (4) of this subsection do not apply to a  
 31 **FORMER** licensee who has failed to renew a license under § 14-316 of this title if:

1 (i) Less than 60 days have elapsed since the expiration of the  
2 license; and

3 (ii) The **FORMER** licensee has applied for license [renewal]  
4 **REINSTATEMENT**, including payment of the [renewal] **REINSTATEMENT** fee.

5 14-702.

6 Subject to the evaluation and reestablishment provisions of the Program Evaluation  
7 Act, this title and all rules and regulations adopted under this title shall terminate and be  
8 of no effect after July 1, [2018] **2023**.

9 15-307.

10 (g) (1) Beginning October 1, 2016, the Board shall require a criminal history  
11 records check in accordance with § 14-308.1 of this article for:

12 (i) Annual renewal applicants as determined by regulations  
13 adopted by the Board; and

14 (ii) Each former licensee who files for reinstatement under this title  
15 ~~after failing to renew the license for a period of 1 year or more.~~

16 (2) On receipt of the criminal history record information of a licensee  
17 forwarded to the Board in accordance with § 14-308.1 of this article, in determining  
18 whether [to renew or reinstate a license] **DISCIPLINARY ACTION SHOULD BE TAKEN,**  
19 **BASED ON THE CRIMINAL HISTORY RECORD INFORMATION, AGAINST A LICENSEE**  
20 **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.

29 (3) The Board may ~~not~~ renew or reinstate a license **ONLY** if the **LICENSEE**  
30 **OR APPLICANT ATTESTS THAT THE LICENSEE OR APPLICANT HAS SUBMITTED TO A**

1 criminal history ~~record~~ **RECORDS CHECK** ~~information required~~ under § 14-308.1 of this  
2 article ~~has not been received~~.

3 15-311.

4 Subject to the hearing provisions of § 15-313 of this subtitle, **[the Board] A**  
5 **DISCIPLINARY PANEL**, on the affirmative vote of a majority of a quorum, may deny a  
6 license to any applicant for:

7 (1) Any of the reasons that are grounds for disciplinary action under §  
8 15-314 of this subtitle; and

9 (2) Failure to submit to a criminal history records check in accordance with  
10 § 14-308.1 of this article.

11 15-313.

12 (a) (1) Except as otherwise provided under § 10-226 of the State Government  
13 Article, before the Board takes any action [to deny a license or] to reject or modify a  
14 delegation agreement or advanced duty OR A DISCIPLINARY PANEL TAKES ANY ACTION  
15 TO DENY A LICENSE, the Board OR THE DISCIPLINARY PANEL shall give the applicant  
16 or licensee the opportunity for a hearing before the Board OR THE DISCIPLINARY PANEL.

17 (2) The Board OR DISCIPLINARY PANEL shall give notice and hold the  
18 hearing under Title 10, Subtitle 2 of the State Government Article.

19 (3) The Board OR DISCIPLINARY PANEL may administer oaths in  
20 connection with any proceeding under this section.

21 (4) At least 14 days before the hearing, the hearing notice shall be sent to  
22 the last known address of the applicant or licensee.

23 (b) Any applicant aggrieved under this subtitle by a final decision of the Board  
24 [denying a license or] rejecting or modifying a delegation agreement or advanced duty OR  
25 A DISCIPLINARY PANEL DENYING A LICENSE may petition for judicial review as allowed  
26 by the Administrative Procedure Act.

27 15-502.

28 Subject to the evaluation and reestablishment provisions of the Maryland Program  
29 Evaluation Act, this title and all regulations adopted under this title shall terminate and  
30 be of no effect after July 1, ~~[2018]~~ **2023**.

31 ~~Article—Insurance~~

32 ~~24-201.~~



1 (vii) Respiratory Care Professional Standards Committee (§  
2 14-5A-05 of the Health Occupations Article: [2016] 2021).

3 **Chapter 539 of the Acts of 2007**

4 [SECTION 4. AND BE IT FURTHER ENACTED, That the Chief Administrative  
5 Law Judge shall designate a pool of administrative law judges in the Office of  
6 Administrative Hearings to hear cases referred to it by the State Board of Physicians.]

7 [SECTION 5. AND BE IT FURTHER ENACTED, That the State Board of  
8 Physicians shall provide training at least annually to the personnel of the Office of  
9 Administrative Hearings in order to improve the quality and efficiency of the hearings in  
10 physician discipline cases. The training shall include medical terminology, medical ethics,  
11 and, to the extent practicable, descriptions of basic medical and surgical procedures  
12 currently in use.]

13 **Chapter 109 of the Acts of 1988, as amended by Chapter 271 of the Acts of 1992**  
14 **and Chapter 662 of the Acts of 1994**

15 [SECTION 5. AND BE IT FURTHER ENACTED, That the Department, on or before  
16 October 1 of each year, shall report to the Legislative Policy Committee for the previous  
17 fiscal year regarding:

18 (1) Relevant disciplinary indicators, which may include:

19 (i) The number of physicians investigated under each of the  
20 disciplinary grounds enumerated under § 14-404 of the Health Occupations Article;

21 (ii) The number of physicians who were reprimanded or placed on  
22 probation or who had their licenses suspended or revoked;

23 (iii) The number of cases prosecuted and dismissed and on what  
24 grounds;

25 (iv) The criteria used to accept and reject cases for prosecution; and

26 (v) The number of unresolved allegations pending before the Board;

27 (2) The average length of the time spent investigating allegations brought  
28 against physicians under each of the disciplinary grounds enumerated under § 14-404 of  
29 the Health Occupations Article;

30 (3) The number of cases not completed within 18 months and the reasons  
31 for the failure to complete the cases in 18 months;

1           (4) The number and nature of allegations filed with the Board concerning  
 2 cardiac rescue technicians, aviation trauma technicians, emergency medical technicians,  
 3 medical radiation technicians, and physician assistants; and

4           (5) The adequacy of current Board staffing in meeting the workload of the  
 5 Board.]

6           SECTION 2. AND BE IT FURTHER ENACTED, That, in the annual report the State  
 7 Board of Physicians is required to submit under ~~Section 2 of Chapter 401 of the Acts of the~~  
 8 ~~General Assembly of 2013~~ § 14–205.1 of the Health Occupations Article, as enacted by  
 9 Section 1 of this Act, on or before October 1, 2017, the Board shall include:

10           (1) a description of the efforts the Board has taken to meet the goal of  
 11 issuing licenses within 10 days after the receipt of the last qualifying document, especially  
 12 for the allied health professionals; and

13           ~~(2) the findings and recommendations of the Board and the Physician~~  
 14 ~~Assistant Advisory Committee regarding ways to expedite the process for physician~~  
 15 ~~assistants to assume the duties under a delegation agreement; and~~

16           ~~(3)~~ (2) whether it is feasible to describe any underlying sexual  
 17 misconduct in order summaries and, if it is not feasible, a description of other steps that  
 18 the Board can take to make it easier for the public to determine whether a case involved  
 19 sexual misconduct.

20           SECTION 3. AND BE IT FURTHER ENACTED, That, in the annual report the State  
 21 Board of Physicians is required to submit under ~~Section 2 of Chapter 401 of the Acts of the~~  
 22 ~~General Assembly of 2013~~ § 14–205.1 of the Health Occupations Article, as enacted by  
 23 Section 1 of this Act, on or before October 1, 2018 2019, the Board shall include:

24           (1) the results of the internal fiscal analysis and reassessment of fees that  
 25 was recommended by the Department of Legislative Services in the December 2016  
 26 publication “Sunset Review: Evaluation of the State Board of Physicians and the Related  
 27 Allied Health Advisory Committees”, including any possible changes to the fee schedules  
 28 for physicians and allied health professionals;

29           (2) comments on the Board’s fund balance in light of the additional  
 30 retained revenue that resulted from Chapter 178 of the Acts of the General Assembly of  
 31 2016; and

32           (3) steps the Board has taken to address ongoing issues with filling staff  
 33 vacancies and the impact that filling vacancies will have on Board expenditures and the  
 34 Board’s fund balance.

35           SECTION 4. AND BE IT FURTHER ENACTED, That, in the annual report the State  
 36 Board of Physicians is required to submit under § 14–205.1 of the Health Occupations



1 Article on or before December 1, 2019, as enacted by Section 1 of this Act, the Board shall  
2 report:

3 (1) whether criminal history records checks are causing delays in licensure;

4 (2) whether existing Board staff are able to manage the criminal history  
5 records checks workload; and

6 (3) any other concerns the Board has regarding the criminal history  
7 records checks requirement.

8 ~~SECTION 5. AND BE IT FURTHER ENACTED, That, if the State Board of~~  
9 ~~Physicians determines it is practicable to move certain cases that are under the jurisdiction~~  
10 ~~of the full Board to the jurisdiction of the disciplinary panels, the Board shall submit to the~~  
11 ~~Senate Education, Health, and Environmental Affairs Committee and the House Health~~  
12 ~~and Government Operations Committee, in accordance with § 2-1246 of the State~~  
13 ~~Government Article, a proposal that includes the following:~~

14 ~~(1) a list of the types of cases that should be moved;~~

15 ~~(2) the reasons that justify moving the cases; and~~

16 ~~(3) any necessary draft legislation.~~

17 ~~SECTION 6. 5. AND BE IT FURTHER ENACTED, That, notwithstanding §~~  
18 ~~8-405(e) of the State Government Article, the full evaluation required to be conducted by~~  
19 ~~the Department of Legislative Services on or before December 1, 2021, shall be limited to~~  
20 ~~evaluating:~~

21 (1) the implementation of recommendations made by the Department in  
22 the December 2016 publication “Sunset Review: Evaluation of the State Board of  
23 Physicians and the Related Allied Health Advisory Committees”;

24 (2) the efficacy of the two-panel disciplinary system; and

25 ~~(3) if a proposal is not submitted under Section 5 of this Act by April 1,~~  
26 ~~2021, whether certain cases should be moved from the jurisdiction of the full State Board~~  
27 ~~of Physicians to the jurisdiction of the disciplining panels; and~~

28 ~~(4) the impact of the criminal history records checks on the State Board of~~  
29 ~~Physicians and its licensees.~~

30 ~~SECTION 7. AND BE IT FURTHER ENACTED, That this Act shall take effect June~~  
31 ~~1, 2017.~~

32 SECTION 6. AND BE IT FURTHER ENACTED, That this Act is an emergency  
33 measure, is necessary for the immediate preservation of the public health or safety, has

1 been passed by a yea and nay vote supported by three-fifths of all the members elected to  
2 each of the two Houses of the General Assembly, and shall take effect from the date it is  
3 enacted.

Approved:

---

Governor.

---

President of the Senate.

---

Speaker of the House of Delegates.