

**Department of Legislative Services**  
Maryland General Assembly  
2017 Session

**FISCAL AND POLICY NOTE**  
**Third Reader - Revised**

House Bill 581

(Delegates Hill and Lam)

Health and Government Operations

Education, Health, and Environmental Affairs

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**Maryland Medical Practice Act - Individuals Exempt From Licensure - Repeal of  
Criminal History Records Check Requirement**

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This emergency bill exempts the following individuals, who are authorized to practice medicine in the State without a license under specified circumstances, from the requirement to submit to a criminal history records check (CHRC): (1) a medical student or an individual in an approved postgraduate medical training program who is performing assigned duties at any office of a licensed physician, hospital, clinic, or similar facility; (2) a physician licensed by and residing in another jurisdiction; (3) a physician employed by the federal government while performing duties incident to that employment; (4) a physician who resides in and is authorized to practice medicine by any state adjoining Maryland and whose practice extends into Maryland; and (5) an individual while under the supervision of a licensed physician and who has specialty training in psychiatry.

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**Fiscal Summary**

**State Effect:** The bill is not expected to materially affect governmental operations or finances.

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Current Law/Background:** In Maryland, an individual must be licensed by the State Board of Physicians (MBP) to practice medicine in the State. Pursuant to Chapter 34 of 2015, an individual must also submit to a CHRC as a qualification for licensure. “Practice

medicine” means to engage, with or without compensation, in medical diagnosis, healing, treatment, or surgery. The definition includes diagnosing, healing, treating, preventing, prescribing for, or removing a physical, mental, or emotional ailment (1) by physical, mental, emotional, or other process that is exercised or invoked by the practitioner, the patient, or both or (2) by appliance, test, drug, operation, or treatment.

Medical students or individuals in postgraduate medical training programs that are approved by MBP are exempt from State licensing requirements while conducting assigned duties at any office of a licensed physician, hospital, clinic, or similar facility if they submit to a CHRC. These individuals are referred to as “unlicensed medical practitioners” (UMPs).

Additionally, the following individuals are also exempt from State licensing requirements, under specified circumstances, if they submit to a CHRC: (1) physicians who are licensed by and reside in another jurisdiction; (2) physicians who are employed by the federal government while performing duties incident to that employment; (3) physicians who reside in and are authorized to practice medicine by any state adjoining Maryland and whose practice extends into Maryland; and (4) individuals who are under the supervision of a licensed physician and who have specialty training in psychiatry.

Pursuant to Chapter 94 of 2016, a physician who is licensed by and resides in another jurisdiction and who is designated as a team physician by an athletic or sports team based outside the State is exempt from State licensing requirements, including the requirement to submit to a CHRC, under specified circumstances.

MBP advises that it registers or reregisters approximately 2,500 UMPs annually and that the board has been requiring UMPs to undergo CHRCs since October 2016 (when the CHRC process became operational). However, MBP is unable to estimate the number of UMPs who have so far submitted to CHRCs as the board does not track this information by practitioner type. MBP additionally notes that hospitals already require UMPs to undergo CHRCs (separate from the board’s requirement), which renders the board’s requirement duplicative. Further, MBP notes that CHRCs are part of the qualification *for licensure in the State* and, thus, should not apply to those who are specifically exempt from State licensure requirements.

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## **Additional Information**

**Prior Introductions:** None.

**Cross File:** SB 633 (Senator Bates) - Education, Health, and Environmental Affairs.

**Information Source(s):** Department of Health and Mental Hygiene; Department of Legislative Services

**Fiscal Note History:** First Reader - February 6, 2017  
md/jc Third Reader - March 31, 2017  
Revised - Amendment(s) - March 31, 2017  
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