

**SB0395/474336/1**

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 395

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “to” in line 10 down through “review” in line 11; and in line 12, after “certain” insert “unlicensed practice or”.

On page 2, in line 14, after “a” insert “certain”; in line 25, after “Board” insert “within a certain period of time”; in line 29, after “response;” insert “authorizing a disciplinary panel to impose a certain civil penalty in lieu of a certain sanction for a certain violation; prohibiting a certain athletic trainer from practicing until the athletic trainer receives certain approval; specifying the time period within which a supervising physician and an athletic trainer is required to notify the Board of certain information;”; and in line 31, after “reports;” insert “requiring the Board to report to certain committees of the General Assembly on or before a certain date;”.

On page 3, in line 4, strike “14-205.1(1)” and substitute “14-205.1”; in the same line, after “14-302,” insert “14-306(f)(3)”; in line 5, after the first “(c),” insert “(d)(6)”; in the same line, strike “14-317;” in line 6, strike “through” and substitute “, (44), and”; in the same line, strike “14-501(c)” and substitute “14-413(e)(1), 14-414(e)(1)”; in line 8, after “(c),” insert “(d)(2)”; in the same line, after “14-5A-17(a)(28),” insert “14-5A-18(g)(1)”; in the same line, strike “14-5A-19(c)(2)” and substitute “14-5A-19(c)”; in line 10, after “(c),” insert “(d)(2)”; in line 11, after “14-5B-14(a)(28),” insert “14-5B-15(g)(1)”; in the same line, strike “14-5B-16(c)(2)” and substitute “14-5B-16(c)”; in line 15, after “(29),” insert “14-5C-18(g)(1)”; in the same line, strike “14-5C-19(c)(2)” and substitute “14-5C-19(c)”; in line 16, strike “and (e),” and substitute “, 14-5D-11.1(c), 14-5D-11.2,”; in line 17, after “(c),” insert “(g)”; in line 18, strike “14-5D-16(c)(2)” and substitute “14-5D-16(c)”; in line 19, after “(29),” insert “14-5E-18(g)(1)”; in line 20, strike “14-5E-19(c)(2)” and substitute “14-5E-19(c)”; in line 23, after “15-103(b)” insert “and (i)(1)”; in line 24, after “15-307(a)” insert “, (f)”; in line 25, after “15-316(a),” insert

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“15-402.1(c).”; in line 30, strike “and (43)”; in line 36, after “14-405.1,” insert “14-501, 14-5A-19(b), 14-5B-16(b).”; in line 37, strike “and” and substitute “14-5C-19(b), 14-5D-11(e), 14-5D-16(b).”; in the same line, after “14-5E-16(a)(25)” insert “, and 14-5E-19(b)”; in line 43, after the first “(e),” insert “14-5C-14(h).”; in the same line, after the second “(e),” insert “14-5D-11(e), (f), and (g).”; in the same line, after the third “(e),” insert “14-5E-13(h).”; and in the same line, after the fourth “(e),” insert “14-5F-15(e).”

**AMENDMENT NO. 2**

On page 8, strike in their entirety lines 7 through 23, inclusive, and substitute:

**(I) THE NUMBER OF NEW COMPLAINTS INVESTIGATED FOR PHYSICIANS, ALLIED HEALTH PRACTITIONERS, AND UNLICENSED INDIVIDUALS;**

**(II) THE NUMBER OF COMPLAINTS THAT REMAIN OPEN AS OF JUNE 30 OF THE IMMEDIATELY PRECEDING FISCAL YEAR AT THE BOARD AND AT THE OFFICE OF THE ATTORNEY GENERAL;**

**(III) THE THREE MOST COMMON GROUNDS FOR COMPLAINTS;**

**(IV) THE THREE MOST COMMON SOURCES OF THE COMPLAINTS RECEIVED;**

**(V) THE NUMBER AND TYPES OF DISCIPLINARY ACTIONS TAKEN BY THE BOARD;**

**(VI) THE TOTAL NUMBER OF CASES REFERRED TO PEER REVIEW; AND**

**(VII) OF THE CASES REFERRED TO PEER REVIEW;**

**1. THE NUMBER OF PEER REVIEW CASES THAT RESULTED IN TOTAL DISAGREEMENT;**

**2. THE NUMBER OF PEER REVIEW CASES THAT RESULTED IN CHARGES BEING ISSUED; AND**

**3. THE NUMBER OF PEER REVIEW CASES THAT RESULTED IN CLOSURE OR CLOSURE WITH AN ADVISORY LETTER;**”;

and after line 23, insert:

“(2) [The average length of the time spent investigating allegations brought against physicians under each of the disciplinary grounds enumerated under § 14–404 of this article;

(3) The number of cases not completed within 18 months **BY THE BOARD** and the reasons for the failure to complete the cases in 18 months; **AND**

[(4) (3) For both physicians and allied health professionals:

(i) **THE TOTAL NUMBER OF ALL LICENSEES;**

(ii) The number of initial, [and] renewal, **AND REINSTATEMENT** licenses issued;

[(ii) (iii) The number of positive and negative criminal history records checks results received;

[(iii) (iv) The number of individuals denied initial or renewal licensure due to positive criminal history records checks results; and

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~~[(iv)] (V)~~ The number of individuals denied initial, [or] renewal, OR REINSTATEMENT licensure due to reasons other than a positive criminal history records check[; and

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

**AMENDMENT NO. 3**

On page 8, in line 27, strike “medicine” and substitute “**A PROFESSION REGULATED UNDER THIS TITLE OR TITLE 15 OF THIS ARTICLE**”.

On page 9, in line 1, after “BY” insert “**TITLE,**”; in line 3, strike “MEDICINE” and substitute “:

**(I) MEDICINE**”;

in the same line, strike “OR”; and after line 3, insert:

**“(II) RESPIRATORY CARE IN THIS STATE, IN VIOLATION OF § 14-5A-21 OF THIS TITLE;**

**(III) RADIATION THERAPY, RADIOGRAPHY, NUCLEAR MEDICINE TECHNOLOGY, OR RADIATION ASSISTANCE IN THIS STATE, IN VIOLATION OF § 14-5B-18 OF THIS TITLE;**

**(IV) POLYSOMNOGRAPHY IN THIS STATE, IN VIOLATION OF § 14-5C-21 OF THIS TITLE;**

**(V) ATHLETIC TRAINING IN THIS STATE, IN VIOLATION OF § 14-5D-17(3) OF THIS TITLE;**

(VI) PERFUSION IN THIS STATE, IN VIOLATION OF § 14-5E-21 OF THIS TITLE;

(VII) NATUROPATHIC MEDICINE IN THIS STATE, IN VIOLATION OF § 14-5F-30 OF THIS TITLE; OR

(VIII) AS A PHYSICIAN ASSISTANT IN THIS STATE, IN VIOLATION OF § 15-402 OF THIS ARTICLE; OR”.

AMENDMENT NO. 4

On page 10, strike beginning with “THE” in line 21 down through “A” in line 22 and substitute “ALL SKILLS OR PROCEDURES BY THE PHYSICIAN DOES NOT EXCEED 14 DAYS TOTAL IN THE”.

On page 13, after line 24, insert:

“14-306.

(f) (3) [The Board] A DISCIPLINARY PANEL may impose a civil penalty of up to \$5,000 for each instance of a hospital’s failure to comply with the requirements of this subsection.”.

On page 16, after line 3, insert:

“(d) (6) [The Board] A DISCIPLINARY PANEL may impose a civil penalty of up to \$100 per continuing medical education credit in lieu of a sanction under § 14-404 of this title, for a first offense, for the failure of a licensee to obtain the continuing medical education credits required by the Board.”;

and strike in their entirety lines 8 through 15, inclusive.

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On page 19, in line 3, strike “THIS ARTICLE” and substitute “THE HEALTH – GENERAL ARTICLE”.

On page 22, strike in their entirety lines 9 through 19, inclusive, and substitute:

“14–413.

(e) (1) [The Board] A DISCIPLINARY PANEL may impose a civil penalty of up to \$5,000 for failure to report under this section.

14–414.

(e) (1) [The Board] A DISCIPLINARY PANEL may impose a civil penalty of up to \$5,000 for failure to report under this section.

[14–501.

(a) (1) In this section the following words have the meanings indicated.

(2) “Accrediting organization” means an organization that awards accreditation to managed care organizations, other health care organizations, hospitals, or other related institutions.

(3) “Primary source verification” means a procedure used by a hospital, related institution, or health maintenance organization to ensure the truth and accuracy of objective verifiable information submitted to the hospital, related institution, or health maintenance organization by a physician who is applying for practice privileges, entering into contract, or seeking employment with a hospital, related institution, or health maintenance organization.

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(b) On or before January 1, 1997, the Secretary shall adopt regulations for a credentialing primary source verification information system that is available for all physicians licensed under this article.

(c) After the Secretary reviews the standards of appropriate accrediting organizations and consults with the Faculty, the Maryland Hospital Association, and the Maryland Association of Health Maintenance Organizations, the regulations adopted by the Secretary under subsection (b) of this section shall:

(1) Provide for a procedure for the collection and release of primary source verification information;

(2) Include standards by which any organization, including the Faculty, may qualify to perform primary source verification; and

(3) Provide for the monitoring by the Secretary of any organization that qualifies to administer primary source verification.

(d) The Secretary may authorize hospitals, related institutions, or health maintenance organizations to rely on primary source verification information provided by an organization qualified to perform primary source verification in accordance with regulations adopted by the Secretary under this section instead of requiring a hospital, related institution, or health maintenance organization to use its own primary source verification procedure to test the truth and accuracy of information submitted.

(e) This section does not prohibit a hospital, related institution, or health maintenance organization from using its own primary source verification procedure.】

On page 24, after line 13, insert:

“(d) (2) [The Board] **A DISCIPLINARY PANEL** may impose a civil penalty of up to \$100 per continuing education credit in lieu of a sanction under § 14-5A-17 of this

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subtitle, for a first offense, for the failure of a licensee to obtain the continuing education credits required by the Board.”.

On page 25, after line 6, insert:

“14-5A-18.

(g) (1) [The Board] A DISCIPLINARY PANEL may impose a civil penalty of up to \$1,000 for failure to report under this section.”.

On page 27, after line 23, insert:

“(d) (2) [The Board] A DISCIPLINARY PANEL may impose a civil penalty of up to \$100 per continuing medical education credit in lieu of a sanction under § 14-5B-14 of this subtitle, for a first offense, for the failure of a licensee to obtain the continuing medical education credits required by the Board.”.

On page 28, after line 29, insert:

“14-5B-15.

(g) (1) [The Board] A DISCIPLINARY PANEL may impose a civil penalty of up to \$1,000 for failure to report under this section.”.

On page 31, after line 17, insert:

“14-5C-18.

(g) (1) [The Board] A DISCIPLINARY PANEL may impose a civil penalty of up to \$1,000 for failure to report under this section.”.

On page 35, after line 13, insert:

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“(g) [The Board] A DISCIPLINARY PANEL may impose a civil penalty of up to \$100 per continuing education credit in lieu of a sanction under § 14–5D–14 of this subtitle, for a first offense for failure of a licensee to obtain the continuing education credits required by the Board.”.

On page 39, after line 12, insert:

“14–5E–18.

“(g) (1) [The Board] A DISCIPLINARY PANEL may impose a civil penalty of up to \$1,000 for failure to report under this section.”.

On page 43, after line 31, insert:

“(i) (1) [The Board] A DISCIPLINARY PANEL may impose a civil penalty of up to \$1,000 for failure to report under this section.”.

On page 50, after line 18, insert:

“(f) For the failure of a licensee to obtain continuing medical education credits as required by the Board, [the Board] A DISCIPLINARY PANEL may impose a civil penalty not to exceed \$100 for each medical education credit not obtained by the licensee.”.

On page 52, after line 13, insert:

“15–402.1.

“(c) [The Board] A DISCIPLINARY PANEL may impose a civil penalty in an amount not exceeding \$1,000 for a violation of this section.”.

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AMENDMENT NO. 5

On page 20, strike in their entirety lines 11 and 12; and in line 13, strike “(3)” and substitute “**(2)**”.

On page 21, in line 30, strike “**FOR WHICH ALL APPEALS HAVE BEEN EXHAUSTED**”.

On page 25, after line 7, insert:

“(b) If a disciplinary panel reinstates a license under subsection (a) of this section, the disciplinary panel shall notify the Board of the reinstatement.”];

in line 8, strike “(c)” and substitute “**(B)**”; and after line 9, insert:

“(1) Meets the requirements for reinstatement as established under this title; and”.

On page 28, after line 30, insert:

“(b) If a disciplinary panel reinstates a license under subsection (a) of this section, the disciplinary panel shall notify the Board of the reinstatement.”];

in line 31, strike “(c)” and substitute “**(B)**”; and after line 32, insert:

“(1) Meets the requirements for reinstatement as established under this title; and”.

On page 31, after line 18, insert:

“(b) If a disciplinary panel reinstates a license under subsection (a) of this section, the disciplinary panel shall notify the Board of the reinstatement.”];

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in line 19, strike “(c)” and substitute “**(B)**”; and after line 20, insert:

“(1) Meets the requirements for reinstatement as established under this title; and”.

On page 36, after line 28, insert:

“[(b) If a disciplinary panel reinstates a license under subsection (a) of this section, the disciplinary panel shall notify the Board of the reinstatement.]”;

in line 29, strike “(c)” and substitute “**(B)**”; and after line 30, insert:

“(1) Meets the requirements for reinstatement as established under this title; and”.

On page 39, after line 13, insert:

“[(b) If a disciplinary panel reinstates a license under subsection (a) of this section, the disciplinary panel shall notify the Board of the reinstatement.]”;

in line 14, strike “(c)” and substitute “**(B)**”; and after line 15, insert:

“(1) Meets the requirements for reinstatement as established under this title; and”.

**AMENDMENT NO. 6**

On page 23, in line 16, strike “AND”; and in line 19, after “STATE” insert “;**AND**”

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**(IV) THE INDIVIDUAL DOES NOT PRACTICE RESPIRATORY CARE IN THE STATE FOR MORE THAN A TOTAL OF 14 DAYS WITHIN A CALENDAR YEAR**".

**AMENDMENT NO. 7**

On page 26, in lines 12 and 13, in each instance, strike the brackets; and in the same lines, in each instance, strike "NINE".

**AMENDMENT NO. 8**

On page 30, after line 17, insert:

**"(H) A DISCIPLINARY PANEL MAY IMPOSE A CIVIL PENALTY OF UP TO \$100 PER CONTINUING EDUCATION CREDIT IN LIEU OF A SANCTION UNDER § 14-5C-17 OF THIS SUBTITLE, FOR A FIRST OFFENSE FOR FAILURE OF A LICENSEE TO OBTAIN THE CONTINUING EDUCATION CREDITS REQUIRED BY THE BOARD."**

On page 38, after line 14, insert:

**"(H) A DISCIPLINARY PANEL MAY IMPOSE A CIVIL PENALTY OF UP TO \$100 PER CONTINUING EDUCATION CREDIT IN LIEU OF A SANCTION UNDER § 14-5E-16 OF THIS SUBTITLE, FOR A FIRST OFFENSE FOR FAILURE OF A LICENSEE TO OBTAIN THE CONTINUING EDUCATION CREDITS REQUIRED BY THE BOARD."**

On page 41, after line 17, insert:

**"(E) A DISCIPLINARY PANEL MAY IMPOSE A CIVIL PENALTY OF UP TO \$100 PER CONTINUING EDUCATION CREDIT IN LIEU OF A SANCTION UNDER § 14-5F-18 OF THIS SUBTITLE, FOR A FIRST OFFENSE FOR FAILURE OF A LICENSEE TO OBTAIN THE CONTINUING EDUCATION CREDITS REQUIRED BY THE BOARD."**

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AMENDMENT NO. 9

On page 33, in line 14, strike “A” and substitute “AN ORIGINAL, SIGNED”; and after line 30, insert:

“14-5D-11.1.

(c) [The Board] A DISCIPLINARY PANEL may impose a civil penalty of up to \$1,000 on a person who employs or supervises an individual without a license or without an approved evaluation and treatment protocol.

14-5D-11.2.

(a) A physician or an employer shall notify the Board within 10 days of the termination of an athletic trainer for reasons that would be grounds for discipline under this subtitle.

(b) A supervising physician and an athletic trainer shall notify the Board WITHIN 10 DAYS of the termination of the relationship under an evaluation and treatment protocol.”.

AMENDMENT NO. 10

On page 33, strike in their entirety lines 16 through 30, inclusive, and substitute:

“(E) SUBJECT TO THE NOTICE REQUIRED UNDER § 14-5D-11.2 OF THIS SUBTITLE, AN ATHLETIC TRAINER MAY TERMINATE AN EVALUATION AND TREATMENT PROTOCOL FILED WITH THE BOARD UNDER THIS SECTION AT ANY TIME.

(F) (1) IN THE EVENT OF THE SUDDEN DEPARTURE, INCAPACITY, OR DEATH OF THE PRIMARY SUPERVISING PHYSICIAN OF AN ATHLETIC TRAINER, OR CHANGE IN LICENSE STATUS THAT RESULTS IN THE PRIMARY SUPERVISING

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PHYSICIAN BEING UNABLE TO LEGALLY PRACTICE MEDICINE, AN ALTERNATE SUPERVISING PHYSICIAN DESIGNATED UNDER SUBSECTION (C) OF THIS SECTION MAY SUPERVISE THE ATHLETIC TRAINER FOR NOT LONGER THAN 15 DAYS FOLLOWING THE EVENT.

(2) IF THERE IS NO DESIGNATED ALTERNATE SUPERVISING PHYSICIAN OR THE DESIGNATED ALTERNATE SUPERVISING PHYSICIAN DOES NOT AGREE TO SUPERVISE THE ATHLETIC TRAINER, THE ATHLETIC TRAINER MAY NOT PRACTICE UNTIL THE ATHLETIC TRAINER RECEIVES APPROVAL OF A NEW EVALUATION AND TREATMENT PROTOCOL UNDER § 14-5D-11.3 OF THIS SUBTITLE.

(3) AN ALTERNATE SUPERVISING PHYSICIAN OR OTHER LICENSED PHYSICIAN MAY ASSUME THE ROLE OF PRIMARY SUPERVISING PHYSICIAN BY SUBMITTING A NEW EVALUATION AND TREATMENT PROTOCOL TO THE BOARD FOR APPROVAL UNDER SUBSECTION (B) OF THIS SECTION.

(4) THE BOARD MAY TERMINATE AN EVALUATION AND TREATMENT PROTOCOL IF:

(I) THE ATHLETIC TRAINER HAS A CHANGE IN LICENSE STATUS THAT RESULTS IN THE ATHLETIC TRAINER BEING UNABLE TO LEGALLY PRACTICE ATHLETIC TRAINING;

(II) AT LEAST 15 DAYS HAVE ELAPSED SINCE AN EVENT LISTED UNDER PARAGRAPH (1) OF THIS SUBSECTION IF THERE IS AN ALTERNATE SUPERVISING PHYSICIAN DESIGNATED UNDER SUBSECTION (C) OF THIS SECTION; OR

**(III) IMMEDIATELY AFTER AN EVENT LISTED UNDER PARAGRAPH (1) OF THIS SUBSECTION IF THERE IS NO ALTERNATE SUPERVISING PHYSICIAN DESIGNATED UNDER SUBSECTION (C) OF THIS SECTION.**

**(G) AN ATHLETIC TRAINER WHOSE EVALUATION AND TREATMENT PROTOCOL IS TERMINATED MAY NOT PRACTICE ATHLETIC TRAINING UNTIL THE ATHLETIC TRAINER RECEIVES PRELIMINARY APPROVAL OF A NEW EVALUATION AND TREATMENT PROTOCOL UNDER § 14-5D-11.3 OF THIS SUBTITLE.**

On page 43, in line 28, strike “SUBTITLE” and substitute “**TITLE**”; and in line 30, after “BOARD” insert “**WITHIN 10 DAYS**”.

On page 48, in line 7, after the first “the” insert “**TEMPORARY**”; and strike in their entirety lines 19 through 32, inclusive, and substitute:

**“(L) (1) IN THE EVENT OF THE SUDDEN DEPARTURE, INCAPACITY, OR DEATH OF THE PRIMARY SUPERVISING PHYSICIAN OF A PHYSICIAN ASSISTANT, OR CHANGE IN LICENSE STATUS THAT RESULTS IN THE PRIMARY SUPERVISING PHYSICIAN BEING UNABLE TO LEGALLY PRACTICE MEDICINE, AN ALTERNATE SUPERVISING PHYSICIAN DESIGNATED UNDER SUBSECTION (B) OF THIS SECTION MAY SUPERVISE THE PHYSICIAN ASSISTANT FOR NOT LONGER THAN 15 DAYS FOLLOWING THE EVENT.**

**(2) IF THERE IS NO DESIGNATED ALTERNATE SUPERVISING PHYSICIAN OR THE DESIGNATED ALTERNATE SUPERVISING PHYSICIAN DOES NOT AGREE TO SUPERVISE THE PHYSICIAN ASSISTANT, THE PHYSICIAN ASSISTANT MAY NOT PRACTICE UNTIL THE PHYSICIAN ASSISTANT RECEIVES APPROVAL OF A NEW DELEGATION AGREEMENT UNDER § 15-302.1 OF THIS SUBTITLE.**

**(3) AN ALTERNATE SUPERVISING PHYSICIAN OR OTHER LICENSED PHYSICIAN MAY ASSUME THE ROLE OF PRIMARY SUPERVISING PHYSICIAN BY SUBMITTING A NEW DELEGATION AGREEMENT TO THE BOARD FOR APPROVAL UNDER SUBSECTION (B) OF THIS SECTION.**

**(4) THE BOARD MAY TERMINATE A DELEGATION AGREEMENT IF:**

**(I) THE PHYSICIAN ASSISTANT HAS A CHANGE IN LICENSE STATUS THAT RESULTS IN THE PHYSICIAN ASSISTANT BEING UNABLE TO LEGALLY PRACTICE AS A PHYSICIAN ASSISTANT;**

**(II) AT LEAST 15 DAYS HAVE ELAPSED SINCE AN EVENT LISTED UNDER PARAGRAPH (1) OF THIS SUBSECTION IF THERE IS AN ALTERNATE SUPERVISING PHYSICIAN DESIGNATED UNDER SUBSECTION (B) OF THIS SECTION; OR**

**(III) IMMEDIATELY AFTER AN EVENT LISTED UNDER PARAGRAPH (1) OF THIS SUBSECTION IF THERE IS NO ALTERNATE SUPERVISING PHYSICIAN DESIGNATED UNDER SUBSECTION (B) OF THIS SECTION.**

**(M) A PHYSICIAN ASSISTANT WHOSE DELEGATION AGREEMENT IS TERMINATED MAY NOT PRACTICE AS A PHYSICIAN ASSISTANT UNTIL THE PHYSICIAN ASSISTANT RECEIVES PRELIMINARY APPROVAL OF A NEW DELEGATION AGREEMENT UNDER § 15-302.1 OF THIS SUBTITLE.”.**

On page 49, in lines 1 and 4, strike “(M)” and “(N)”, respectively, and substitute “(N)” and “(O)”, respectively.

On page 51, in line 21, strike “THIS ARTICLE” and substitute “THE HEALTH – GENERAL ARTICLE”.

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On page 53, in line 8, strike “this article” and substitute “the Health – General Article”.

AMENDMENT NO. 11

On page 53, in line 11, strike “2020” and substitute “2021”; after line 29, insert:

“SECTION 5. AND BE IT FURTHER ENACTED, That, on or before December 1, 2020, the State Board of Physicians shall report to the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee, in accordance with § 2-1257 of the State Government Article, recommendations for improving consistency and eliminating redundancy between practitioners regulated by the Board, including any draft legislation necessary to implement the recommendations.”;

and in line 30, strike “5.” and substitute “6.”.

On page 54, in line 1, strike “6.” and substitute “7.”; and in line 2, strike “5” and substitute “6”.