

# HOUSE BILL 639

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By: **Delegates P. Young, Acevero, Bagnall, Bartlett, Brooks, Cullison, Fraser-Hidalgo, Guyton, Henson, R. Lewis, Palakovich Carr, Qi, and Shetty**

Introduced and read first time: January 29, 2020

Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Public Health – Health Care Professionals – Cultural Competency Coursework**  
3 **or Training**

4 FOR the purpose of prohibiting a hospital or related institution, on or after a certain date,  
5 from employing or granting privileges to a certain health care professional unless  
6 the health care professional provides certain documentation; requiring, on or before  
7 a certain date and with a certain frequency thereafter, each health care professional  
8 to complete certain coursework or training and provide certain documentation to the  
9 appropriate board except under certain circumstances; requiring the Maryland  
10 Department of Health to adopt certain regulations that establish certain standards  
11 for certain coursework or training in consultation with the Cultural and Linguistic  
12 Health Care Professional Competency Program and certain organizations; requiring  
13 a certain board to exempt certain health care professionals from a certain  
14 coursework or training requirement; requiring certain boards to collect at a certain  
15 time a certain fee from each health care professional licensed by the board who is  
16 required to complete certain coursework or training; requiring certain boards to  
17 remit a certain fee to the Department to be used for certain purposes; prohibiting  
18 certain boards from renewing the license of a health care professional under certain  
19 circumstances; authorizing each board and the Department to adopt certain  
20 regulations; requiring the Department to adopt certain regulations on or before a  
21 certain date; altering a certain definition; and generally relating to cultural  
22 competency coursework or training for health care professionals.

23 BY repealing and reenacting, with amendments,

24 Article – Health – General

25 Section 19–351(a)

26 Annotated Code of Maryland

27 (2019 Replacement Volume)

28 BY adding to

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Health – General  
2 Section 19–351(e)  
3 Annotated Code of Maryland  
4 (2019 Replacement Volume)

5 BY repealing and reenacting, without amendments,  
6 Article – Health – General  
7 Section 20–1302  
8 Annotated Code of Maryland  
9 (2019 Replacement Volume)

10 BY repealing and reenacting, with amendments,  
11 Article – Health Occupations  
12 Section 1–801  
13 Annotated Code of Maryland  
14 (2014 Replacement Volume and 2019 Supplement)

15 BY adding to  
16 Article – Health Occupations  
17 Section 1–803  
18 Annotated Code of Maryland  
19 (2014 Replacement Volume and 2019 Supplement)

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

22 **Article – Health – General**

23 19–351.

24 (a) Except as provided in subsections (b) [and], (d), AND (E) of this section, this  
25 subtitle does not affect the right of a hospital or related institution to employ or appoint  
26 staff.

27 (E) ON OR AFTER JANUARY 1, 2022, A HOSPITAL OR RELATED INSTITUTION  
28 MAY NOT EMPLOY OR GRANT PRIVILEGES TO A HEALTH CARE PROFESSIONAL, AS  
29 DEFINED IN § 1–801 OF THE HEALTH OCCUPATIONS ARTICLE, UNLESS THE HEALTH  
30 CARE PROFESSIONAL PROVIDES DOCUMENTATION:

31 (1) OF COMPLETION OF THE COURSEWORK OR TRAINING ON  
32 CULTURAL AWARENESS AND COMPETENCE IN THE PROVISION OF MEDICAL  
33 SERVICES REQUIRED UNDER § 1–803 OF THE HEALTH OCCUPATIONS ARTICLE; OR

34 (2) THAT THE APPROPRIATE BOARD HAS EXEMPTED THE INDIVIDUAL  
35 UNDER § 1–803(C) OF THE HEALTH OCCUPATIONS ARTICLE FROM THE  
36 COURSEWORK OR TRAINING REQUIREMENT.

1 20–1302.

2 (a) There is a Cultural and Linguistic Health Care Professional Competency  
3 Program.

4 (b) The purpose of the Program is to provide for a voluntary program in which  
5 educational classes are offered to health care professionals to teach health care  
6 professionals:

7 (1) Methods to improve the health care professionals’ cultural and  
8 linguistic competency to communicate with non–English speaking patients and patients  
9 from other cultures who are English speaking;

10 (2) Cultural beliefs and practices that may impact patient health care  
11 practices and allow health care professionals to incorporate the knowledge of the beliefs  
12 and practices in the diagnosis and treatment of patients; and

13 (3) Methods to enable health care professionals to increase the health  
14 literacy of their patients to improve the patient’s ability to obtain, process, and understand  
15 basic health information and services to make appropriate health care decisions.

16 **Article – Health Occupations**

17 1–801.

18 (a) In this subtitle the following words have the meanings indicated.

19 (b) “Applicant” means an individual who applies for licensure to practice as a  
20 health care professional.

21 (c) “Board” means:

22 (1) The State Board of Dental Examiners;

23 (2) The State Board of Nursing;

24 (3) The State Board of Examiners in Optometry;

25 (4) The State Board of Pharmacy;

26 (5) The State Board of Physicians;

27 (6) The State Board of Podiatric Medical Examiners;

28 (7) The State Board of Professional Counselors and Therapists;

1 (8) The State Board of Examiners of Psychologists; and

2 (9) The State Board of Social Work Examiners.

3 (d) “Health care professional” means:

4 (1) A dentist licensed by the State Board of Dental Examiners;

5 (2) A registered nurse, **REGISTERED NURSE PRACTITIONER**, or licensed  
6 practical nurse licensed by the State Board of Nursing;

7 (3) An optometrist licensed by the State Board of Examiners in Optometry;

8 (4) A pharmacist licensed by the State Board of Pharmacy;

9 (5) A physician **OR PHYSICIAN ASSISTANT** licensed by the State Board of  
10 Physicians;

11 (6) A podiatrist licensed by the State Board of Podiatric Medical  
12 Examiners;

13 (7) An individual licensed by the State Board of Professional Counselors  
14 and Therapists;

15 (8) A psychologist licensed by the State Board of Examiners of  
16 Psychologists; and

17 (9) An associate social worker, a graduate social worker, a certified social  
18 worker, or a certified social worker–clinical licensed by the State Board of Social Work  
19 Examiners.

20 **1–803.**

21 **(A) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, ON OR**  
22 **BEFORE JANUARY 1, 2022, AND ONCE DURING EACH APPLICABLE LICENSE**  
23 **RENEWAL PERIOD THEREAFTER, EACH HEALTH CARE PROFESSIONAL WHO**  
24 **PROVIDES DIRECT MEDICAL SERVICES TO A PATIENT IN THE STATE SHALL:**

25 **(1) COMPLETE:**

26 **(I) COURSEWORK OR TRAINING ON CULTURAL AWARENESS**  
27 **AND COMPETENCE IN THE PROVISION OF MEDICAL SERVICES FOR A HEALTH CARE**  
28 **PROFESSIONAL THAT MEETS THE STANDARDS ESTABLISHED UNDER SUBSECTION**  
29 **(B) OF THIS SECTION; OR**

30 **(II) COURSEWORK OR TRAINING DETERMINED BY THE**

1 APPROPRIATE BOARD TO BE EQUIVALENT TO THE COURSEWORK OR TRAINING  
2 REQUIRED UNDER ITEM (I) OF THIS ITEM; AND

3 (2) PROVIDE DOCUMENTATION SATISFACTORY TO THE APPROPRIATE  
4 BOARD THAT THE HEALTH CARE PROFESSIONAL COMPLETED THE COURSEWORK OR  
5 TRAINING REQUIRED UNDER ITEM (1) OF THIS SUBSECTION.

6 (B) (1) (I) THE DEPARTMENT:

7 1. SHALL ADOPT REGULATIONS THAT ESTABLISH  
8 STANDARDS FOR THE COURSEWORK OR TRAINING ON CULTURAL AWARENESS AND  
9 COMPETENCE REQUIRED UNDER SUBSECTION (A) OF THIS SECTION; AND

10 2. MAY ADOPT ANY OTHER REGULATIONS TO CARRY OUT  
11 THIS SECTION.

12 (II) THE STANDARDS FOR COURSEWORK OR TRAINING  
13 ESTABLISHED UNDER SUBPARAGRAPH (I)1 OF THIS PARAGRAPH SHALL INCLUDE A  
14 REQUIREMENT FOR 2 HOURS OF COURSEWORK OR TRAINING ON MINORITY HEALTH  
15 CARE ISSUES AND THE IMPACT OF THOSE ISSUES ON MINORITY HEALTH CARE,  
16 INCLUDING ISSUES RELATING TO:

17 1. ETHNICITY;

18 2. RELIGION;

19 3. LANGUAGE;

20 4. SEXUAL ORIENTATION; AND

21 5. GENDER IDENTITY.

22 (III) WHEN DEVELOPING THE STANDARDS FOR COURSEWORK OR  
23 TRAINING UNDER SUBPARAGRAPH (I)1 OF THIS PARAGRAPH, THE DEPARTMENT  
24 SHALL CONSULT WITH THE CULTURAL AND LINGUISTIC HEALTH CARE  
25 PROFESSIONAL COMPETENCY PROGRAM ESTABLISHED UNDER § 20-1302 OF THE  
26 HEALTH - GENERAL ARTICLE AND ORGANIZATIONS THAT REPRESENT  
27 PROFESSIONS, INSTITUTIONS, AND INDIVIDUALS WITH EXPERTISE IN CULTURAL  
28 AWARENESS AND COMPETENCE.

29 (2) EACH BOARD MAY ADOPT REGULATIONS TO CARRY OUT THIS  
30 SECTION.

1           **(C) A BOARD SHALL EXEMPT FROM THE COURSEWORK OR TRAINING**  
2 **REQUIREMENT IN SUBSECTION (A) OF THIS SECTION A HEALTH CARE**  
3 **PROFESSIONAL WHO:**

4           **(1) CLEARLY DEMONSTRATES TO THE SATISFACTION OF THE BOARD**  
5 **THAT COURSEWORK OR TRAINING IS UNNECESSARY BECAUSE OF THE NATURE OF**  
6 **THE HEALTH CARE PROFESSIONAL'S PRACTICE;**

7           **(2) HAS COMPLETED COURSEWORK OR TRAINING ON CULTURAL**  
8 **AWARENESS AND COMPETENCE THAT IS A PART OF A RISK MANAGEMENT**  
9 **EDUCATION PROGRAM OFFERED BY A HOSPITAL UNDER § 19-319 OF THE**  
10 **HEALTH – GENERAL ARTICLE, IF THE CONTENT OF THE PROGRAM IS APPROVED BY**  
11 **THE DEPARTMENT; OR**

12           **(3) IS A MEDICAL PROFESSIONAL ON A TOUR OF EXTENDED ACTIVE**  
13 **DUTY WITH THE ARMED FORCES OF THE UNITED STATES.**

14           **(D) (1) IN ADDITION TO ANY OTHER LICENSE RENEWAL FEE, EACH BOARD**  
15 **SHALL COLLECT A \$5 FEE FROM EACH HEALTH CARE PROFESSIONAL LICENSED BY**  
16 **THE BOARD WHO IS REQUIRED TO COMPLETE THE COURSEWORK OR TRAINING**  
17 **UNDER SUBSECTION (A) OF THIS SECTION AT THE TIME THAT THE HEALTH CARE**  
18 **PROFESSIONAL APPLIES FOR LICENSE RENEWAL.**

19           **(2) EACH BOARD SHALL REMIT THE FEE REQUIRED UNDER**  
20 **PARAGRAPH (1) OF THIS SUBSECTION TO THE DEPARTMENT TO BE USED FOR COSTS**  
21 **ASSOCIATED WITH DEVELOPMENT OF STANDARDS FOR THE COURSEWORK OR**  
22 **TRAINING AND THE IMPLEMENTATION OF AND PERSONNEL REQUIRED TO CARRY**  
23 **OUT THE PROVISIONS OF THIS SECTION.**

24           **(E) A BOARD MAY NOT RENEW THE LICENSE OF A HEALTH CARE**  
25 **PROFESSIONAL IF THE HEALTH CARE PROFESSIONAL HAS NOT COMPLETED THE**  
26 **COURSEWORK OR TRAINING AS REQUIRED IN SUBSECTION (A) OF THIS SECTION,**  
27 **UNLESS THE BOARD HAS EXEMPTED THE INDIVIDUAL FROM THE COURSEWORK OR**  
28 **TRAINING REQUIREMENT UNDER SUBSECTION (C) OF THIS SECTION.**

29           SECTION 2. AND BE IT FURTHER ENACTED, That the Maryland Department of  
30 Health shall adopt the regulations required under § 1-803(b)(1)(i)1 of the Health  
31 Occupations Article, as enacted by Section 1 of this Act, on or before January 1, 2021.

32           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
33 October 1, 2020.