

# HOUSE BILL 453

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By: **Delegates Szeliga, Bagnall, Bhandari, Chisholm, Cullison, Guzzone, Hutchinson, Kaiser, Kelly, M. Morgan, Reilly, White, and Woods**

Introduced and read first time: January 30, 2023

Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Physicians – Inactive and Emeritus Status**

3 FOR the purpose of authorizing the Board to place a licensee on emeritus status under  
4 certain circumstances; requiring the Board, under certain circumstances, to  
5 reinstate the license of an individual who is on inactive or emeritus status;  
6 exempting licensees who are on inactive status or emeritus status from continuing  
7 medical education requirements; repealing the requirement that the Board issue a  
8 license to an individual who is on inactive status under certain circumstances;  
9 prohibiting licensees who are on inactive status or emeritus status from practicing,  
10 attempting, offering to practice medicine, or delegating medical acts; exempting,  
11 under certain circumstances, licensees who are emeritus status from the prohibition  
12 on persons using certain words or terms with the intent to represent that the person  
13 practices medicine; and generally relating to the State Board of Physicians and  
14 license status.

15 BY repealing and reenacting, with amendments,  
16 Article – Health Occupations  
17 Section 14–316(a), 14–317, 14–320, 14–601, and 14–602  
18 Annotated Code of Maryland  
19 (2021 Replacement Volume and 2022 Supplement)

20 BY adding to  
21 Article – Health Occupations  
22 Section 14–320.1  
23 Annotated Code of Maryland  
24 (2021 Replacement Volume and 2022 Supplement)

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



## Article – Health Occupations

14–316.

(a) (1) **THIS SUBSECTION DOES NOT APPLY TO A PHYSICIAN WHO IS ON INACTIVE STATUS UNDER § 14–320 OF THIS SUBTITLE OR EMERITUS STATUS UNDER § 14–320.1 OF THIS SUBTITLE.**

(2) The term of a license issued by the Board may not exceed 3 years.

~~[(2)]~~ (3) A license expires on a date set by the Board, unless the license is renewed for a term as provided in this section.

14–317.

The Board shall reinstate the license of a physician who has failed to renew the license for any reason, **IS ON INACTIVE STATUS UNDER § 14–320 OF THIS SUBTITLE, OR IS ON EMERITUS STATUS UNDER § 14–320.1 OF THIS SUBTITLE** if the physician:

(1) ~~[Meets]~~ **EXCEPT AS PROVIDED UNDER §§ 14–320(B) AND 14–320.1(C) OF THIS SUBTITLE, MEETS** the renewal requirements of § 14–316 of this subtitle;

(2) Pays to the Board a reinstatement fee set by the Board; and

(3) Submits to the Board satisfactory evidence of compliance with the qualifications and requirements established under this title for license reinstatements.

14–320.

(a) The Board may place a licensee on inactive status, if the licensee submits to the Board:

(1) An application for inactive status on the form required by the Board; and

(2) The inactive status fee set by the Board.

~~[(b)]~~ (b) The Board shall issue a license to an individual who is on inactive status if the individual:

(1) Submits to the Board:

(i) Satisfactory evidence of compliance with § 14–308.1 of this subtitle;

1 (ii) Satisfactory evidence of compliance with the continuing  
2 education requirements the Board adopts for this purpose; and

3 (iii) A reinstatement fee set by the Board; and

4 (2) Is otherwise entitled to be licensed.]

5 (B) A LICENSEE ON INACTIVE STATUS IS EXEMPT FROM THE CONTINUING  
6 EDUCATION REQUIREMENTS UNDER § 14-316(D) OF THIS SUBTITLE.

7 14-320.1.

8 (A) THE BOARD MAY PLACE A LICENSEE ON EMERITUS STATUS, IF THE  
9 LICENSEE SUBMITS TO THE BOARD:

10 (1) AN APPLICATION FOR EMERITUS STATUS ON THE FORM  
11 REQUIRED BY THE BOARD; AND

12 (2) THE EMERITUS STATUS FEE SET BY THE BOARD.

13 (B) THE BOARD SHALL PLACE A LICENSEE ON EMERITUS STATUS IF THE  
14 INDIVIDUAL:

15 (1) HAS AN ACTIVE, UNRESTRICTED LICENSE TO PRACTICE MEDICINE  
16 UNDER THIS SUBTITLE;

17 (2) IS NOT UNDER INVESTIGATION BY THE BOARD FOR A VIOLATION  
18 OF THIS TITLE;

19 (3) HAS PRACTICED MEDICINE IN THIS STATE FOR AT LEAST 10  
20 YEARS;

21 (4) HAS NOT BEEN THE SUBJECT OF DISCIPLINARY ACTION IN A  
22 JURISDICTION WHERE THE INDIVIDUAL IS LICENSED THAT RESULTED IN THE  
23 REVOCATION OR SUSPENSION OF THE INDIVIDUAL'S LICENSE; AND

24 (5) ATTESTS THAT THE INDIVIDUAL IS RETIRED AND IS NO LONGER  
25 ACTIVELY PRACTICING MEDICINE IN THIS STATE.

26 (C) A LICENSEE ON EMERITUS STATUS IS EXEMPT FROM THE CONTINUING  
27 EDUCATION REQUIREMENTS UNDER § 14-316(D) OF THIS SUBTITLE.

28 14-601.

1 Except as otherwise provided in this title[, a]:

2 (1) A person may not practice, attempt to practice, or offer to practice  
3 medicine in [this] THE State unless licensed by the Board; AND

4 (2) A LICENSEE ON INACTIVE STATUS UNDER § 14-320 OF THIS  
5 SUBTITLE OR EMERITUS STATUS UNDER § 14-320.1 OF THIS SUBTITLE MAY NOT:

6 (I) PRACTICE, ATTEMPT TO PRACTICE, OR OFFER TO PRACTICE  
7 MEDICINE IN THE STATE; OR

8 (II) DELEGATE MEDICAL ACTS.

9 14-602.

10 (a) Unless authorized to practice medicine under this title, a person may not  
11 represent to the public, by description of services, methods, or procedures, or otherwise,  
12 that the person is authorized to practice medicine in this State.

13 (b) Except as otherwise provided in this article, a person may not use the words  
14 or terms “Dr.”, “doctor”, “physician”, “D.O.”, or “M.D.” with the intent to represent that the  
15 person practices medicine, unless the person is:

16 (1) Licensed to practice medicine under this title;

17 (2) A physician licensed by and residing in another jurisdiction, while  
18 engaging in consultation with a physician licensed in this State;

19 (3) A physician employed by the federal government while performing  
20 duties incident to that employment;

21 (4) A physician who resides in and is licensed to practice medicine by any  
22 state adjoining this State and whose practice extends into this State; [or]

23 (5) An individual in a postgraduate medical program that is accredited by  
24 an accrediting organization recognized by the Board in regulations while the individual is  
25 practicing medicine in the program; OR

26 (6) A LICENSEE WHO IS ON EMERITUS STATUS UNDER § 14-320.1 OF  
27 THIS TITLE, PROVIDED THAT THE LICENSEE DOES NOT REPRESENT TO THE PUBLIC  
28 THAT THE LICENSEE IS AUTHORIZED TO PRACTICE MEDICINE IN THE STATE.

29 (c) An unlicensed individual who acts under § 14-302 or § 14-306 of this title may  
30 use the word “physician” together with another word to describe the occupation of the  
31 individual as in phrases such as “physician’s assistant” or “physician’s aide”.

1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2   October 1, 2023.