



February 20, 2024

Senator Pamela Beidle, Chairperson
Maryland Senate Finance Committee
3 East
Miller Senate Office Building
Annapolis, Maryland 21401

Re: Senate Bill 506, *State Board of Physicians – Discipline – Administrative Expungement*

Dear Chairperson Beidle,

On behalf of the Federation of State Medical Boards (FSMB), and as a resident of Maryland, I would like to express serious concern regarding Senate Bill 506, which has been referred to your committee. As the collective voice on behalf of the nation’s state medical and osteopathic boards, FSMB is well positioned to comment on SB 506. We urge the Committee to thoughtfully consider these comments in light of the Maryland Board of Physicians’ primary responsibility to act in the best interest of the public.

The provisions contained in SB 506 that allow for the expungement of certain disciplinary records would potentially affect the health and safety of Marylanders and, further, impact patient safety across the country. Not only would this bill hide this information from the residents of Maryland, but it would make it easier for previously disciplined doctors to leave the state and begin practicing in another jurisdiction undetected.

The availability of disciplinary history is critical to the function of licensing boards across the country, whose mission is to protect the public health, safety, and welfare through the proper licensing, disciplining, and regulation of physicians. A full and complete disciplinary history of licensed physicians in every jurisdiction in which they are or have been licensed is essential for all state boards of medicine as they fulfill their statutory duties. SB 506 will severely limit the availability of this valuable information to state medical boards, as well as to deny the public its right to know the full disciplinary history of the physician treating them and their families.

This bill permits the expungement of a “probation” disciplinary action, which is imposed by state medical boards upon the nature of the violation, including sexual misconduct, and to promote protection of patients. Instituting a mandatory time-limit to expunge physician disciplinary actions that resulted in probation is unprecedented; Maryland would be the only state to allow such records to be wiped clean after a prescribed period of time.

Lastly, SB 506 conflicts with provisions of the Interstate Medical Licensure Compact, which Maryland joined in 2018. The Compact, which currently consists of 39 states, the District of Columbia, and Guam, defines an eligible physician as having “never held a license authorizing

the practice of medicine subjected to discipline by a licensing agency in any state, federal, or foreign jurisdiction, excluding any action related to non-payment of fees related to a license.” By allowing licensees to apply for expungement of certain disciplinary actions, Maryland could potentially violate the provisions of the Compact law.

Every physician has the right to due process before their medical board, just as every patient has the right to know about their physician’s disciplinary history. However, SB 506 tips that power to the detriment of the public. It is bad for patients and will erode trust in those whose duty it is to protect the public from harm.

Again, I thank you for the opportunity to comment. FSMB strongly opposes this legislation and encourages members of this Committee to reject this bill.

Sincerely,

A handwritten signature in black ink that reads "Humayun J. Chaudhry, DO, MACP". The signature is fluid and cursive, with the first name being the most prominent.

Humayun J. Chaudhry, DO, MS, MACP, FRCP
President & CEO

About FSMB

FSMB is a national non-profit organization representing the medical boards within the United States and its territories that license and discipline allopathic and osteopathic physicians and, in some jurisdictions, other health care professionals. FSMB serves as the voice for state medical boards, supporting them through education, assessment, research and advocacy while providing services and initiatives that promote patient safety, quality health care and regulatory best practices. FSMB serves the public through Docinfo.org, a free physician search tool that provides background information on the more than 1 million doctors in the United States.