

# HOUSE BILL 232

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(PRE-FILED)

4lr0170  
CF SB 218

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By: **Chair, Health and Government Operations Committee (By Request – Departmental – Health)**

Requested: September 13, 2023

Introduced and read first time: January 10, 2024

Assigned to: Health and Government Operations

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 6, 2024

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Physicians and Allied Health Professions – Reorganization and Revisions**

3 FOR the purpose of repealing obsolete and redundant language in, clarifying language in,  
4 and reorganizing certain provisions of law governing the State Board of Physicians  
5 and the regulation of physicians, physician assistants, and allied health professions;  
6 prohibiting the Board from releasing a list of applicants for licensure; altering  
7 physician, physician assistant, and allied health professional licensure exceptions  
8 for individuals in the service of the federal government; altering the grounds for  
9 discipline for physicians, physician assistants, and allied health professionals;  
10 repealing the requirement that the Board provide a certain data sheet; establishing  
11 the quorums for the allied health committees; and generally relating to the State  
12 Board of Physicians and the regulation of physicians, physician assistants, and allied  
13 health professionals.

14 BY repealing

15 Article – Health Occupations

16 Section 14-101(n), 14-401.1(b) through (d), 14-405(f), 14-5A-02 through 14-5A-04,  
17 14-5A-07, 14-5A-10, 14-5A-11, 14-5A-13, 14-5A-14, 14-5A-16,  
18 14-5A-17.1, 14-5A-18.1, 14-5A-19, 14-5B-02 through 14-5B-04,  
19 14-5B-10, 14-5B-12, 14-5B-12.1, 14-5B-13, 14-5B-14.1, 14-5B-15.1,  
20 14-5B-16, 14-5C-03, 14-5C-04, 14-5C-11, 14-5C-12, 14-5C-14,  
21 14-5C-14.1, 14-5C-16, 14-5C-18.1, 14-5C-19, 14-5D-02, 14-5D-03,  
22 14-5D-09, 14-5D-12, 14-5D-12.1, 14-5D-13, 14-5D-15, 14-5D-16,

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 14-5D-16.1, 14-5E-02 through 14-5E-04, 14-5E-11, 14-5E-15, 14-5E-17,  
2 14-5E-18.1, 14-5E-19, 14-5F-04, 14-5F-05, 14-5F-13, 14-5F-15.1,  
3 14-5F-17, 14-5F-23, 14-5G-02 through 14-5G-04, 14-5G-10, 14-5G-11,  
4 14-5G-13, 14-5G-15, 14-5G-16, 14-5G-19, 14-5G-21, 14-5G-22, 15-203,  
5 15-204, 15-206, 15-304, 15-305, 15-307, 15-308, 15-310 through 15-312,  
6 15-315, 15-316, and 15-316.1

7 Annotated Code of Maryland  
8 (2021 Replacement Volume and 2023 Supplement)

9 BY renumbering

10 Article – Health Occupations

11 Section 14-206, 14-206.1, 14-301, 14-302, 14-306, 14-307, 14-308, 14-308.1,  
12 14-309, 14-311, 14-312, 14-313, 14-313.1, 14-314, 14-315, 14-316, 14-317,  
13 14-318 through 14-320, 14-320.1, 14-322, 14-404, 14-413 through 14-415,  
14 14-502, 14-503, 14-504, 14-505, 14-506, 14-507, 14-508, 14-509, 14-601,  
15 14-602, 14-603, 14-605, 14-607, 15-101 through 15-103, 15-201, 15-202,  
16 15-205, 15-301, 15-302, 15-302.1 through 15-302.3, 15-303, 15-306, 15-309,  
17 15-313, 15-314, 15-317, 15-401, 15-402, 15-402.1, 15-403, 15-501, and  
18 15-502

19 to be Section 14-401.2, 14-401.3, 14-501, 14-502, 14-503, 14-301, 14-505, 14-302,  
20 14-303, 14-506, 14-507, 14-304, 14-530, 14-305, 14-508, 14-306, 14-307,  
21 14-509 through 14-511, 14-512, 14-513, 14-516, 14-518 through 14-520,  
22 14-414, 14-514, 14-527, 14-526, 14-415, 14-524, 14-521, 14-523, 14-528,  
23 14-529, 14-413, 14-522, 14-525, 14-5H-01 through 14-5H-03, 14-5H-04,  
24 14-5H-05, 14-5H-06, 14-5H-07, 14-5H-08, 14-5H-09 through 14-5H-11,  
25 14-5H-12, 14-5H-13, 14-5H-14, 14-5H-15, 14-5H-16, 14-5H-17,  
26 14-5H-18, 14-5H-19, 14-5H-20, 14-5H-21, 14-5H-22, and 14-5H-23,  
27 respectively

28 Annotated Code of Maryland  
29 (2021 Replacement Volume and 2023 Supplement)

30 BY repealing and reenacting, without amendments,

31 Article – Alcoholic Beverages and Cannabis

32 Section 36-101(a)

33 Annotated Code of Maryland

34 (2016 Volume and 2023 Supplement)

35 BY repealing and reenacting, with amendments,

36 Article – Alcoholic Beverages and Cannabis

37 Section 36-101(m)(1)(v)1.

38 Annotated Code of Maryland

39 (2016 Volume and 2023 Supplement)

40 BY repealing and reenacting, with amendments,

41 Article – Correctional Services

42 Section 9-603(d)(2)

43 Annotated Code of Maryland

- 1 (2017 Replacement Volume and 2023 Supplement)
- 2 BY repealing and reenacting, with amendments,  
3 Article – Courts and Judicial Proceedings  
4 Section 5–106(r), 5–715(d), and 10–205(b)  
5 Annotated Code of Maryland  
6 (2020 Replacement Volume and 2023 Supplement)
- 7 BY repealing and reenacting, without amendments,  
8 Article – Health – General  
9 Section 4–201(a) and 5–601(a)  
10 Annotated Code of Maryland  
11 (2023 Replacement Volume)
- 12 BY repealing and reenacting, with amendments,  
13 Article – Health – General  
14 Section 4–201(s), 5–601(v), and 18–214.1(b)(3)  
15 Annotated Code of Maryland  
16 (2023 Replacement Volume)
- 17 BY repealing and reenacting, with amendments,  
18 Article – Health Occupations  
19 Section 1–302(g)(4)(i), 1–306(e)(2)(i), 8–205(a)(3), 11–404.2(h)(2), 12–102(c)(2)(iii)2.  
20 and (iv)1., 14–101(a–1), (g), (i), and (o), 14–205, 14–207(b) through (d) and (f),  
21 14–3A–01 Section 5(b)(3)(i), 14–401.1(a)(5)(i) and (e) through (k),  
22 14–402(a) and (c) through (f), 14–403(a), 14–405(a) and (g), 14–406, 14–409(a)  
23 and (c), 14–411(d), (g), (h), (j), (k), and (p), 14–411.1(b) through (d), 14–416(a),  
24 14–5A–01(c), 14–5A–05, 14–5A–08, 14–5A–09, 14–5A–17(a), 14–5A–20,  
25 14–5A–21, 14–5A–22, 14–5A–22.1(a), 14–5B–07(a)(2), 14–5B–08, 14–5B–09,  
26 14–5B–11, 14–5B–14(a), 14–5B–17, 14–5B–18(b), 14–5B–18.1(a) and (b),  
27 14–5C–01(c), 14–5C–05, 14–5C–08(b), 14–5C–09, 14–5C–10, 14–5C–17(a),  
28 14–5C–20, 14–5C–22, 14–5C–22.1(a), 14–5D–07, 14–5D–08, 14–5D–10(a),  
29 14–5D–11.1(a) and (b), 14–5D–14(a), 14–5D–17, 14–5E–01(g), 14–5E–08(a)  
30 and (b), 14–5E–09, 14–5E–10(a), 14–5E–13, 14–5E–14, 14–5E–16(a),  
31 14–5E–20, 14–5E–21(a) and (b), 14–5E–22, 14–5F–10, 14–5F–11, 14–5F–12,  
32 14–5F–15, 14–5F–16, 14–5F–18(a), 14–5F–21, 14–5F–24(c), 14–5F–29(a),  
33 14–5G–08, 14–5G–09, 14–5G–14(h), 14–5G–17, 14–5G–18(a), 14–5G–23,  
34 14–5G–24(a) and (b), 14–5G–25, and 14–5G–26(a) and (b)  
35 Annotated Code of Maryland  
36 (2021 Replacement Volume and 2023 Supplement)
- 37 BY repealing and reenacting, without amendments,  
38 Article – Health Occupations  
39 Section 14–101(a), 14–5A–01(a), 14–5C–01(a), and 14–5E–01(a)  
40 Annotated Code of Maryland  
41 (2021 Replacement Volume and 2023 Supplement)

1 BY adding to  
2 Article – Health Occupations  
3 Section 14–101(a–2), (n), and (p–1), 14–208, 14–404, 14–417, 14–504, 14–515,  
4 14–517, 14–5A–06(e), 14–5B–05(f), 14–5C–06(e), 14–5D–05(f), 14–5E–06(e),  
5 and 14–5F–07(g)  
6 Annotated Code of Maryland  
7 (2021 Replacement Volume and 2023 Supplement)

8 BY repealing and reenacting, with amendments,  
9 Article – Health Occupations  
10 Section 14–301, 14–303, 14–304(b), 14–305, 14–306, 14–307, 14–401.2(e), and  
11 14–413; 14–502, 14–503(c) and (e), 14–505(b), 14–506(a), 14–510(a),  
12 14–511(b), 14–512(c), 14–516(a), 14–518(a)(1), 14–519(a)(1), 14–525(b) and (c),  
13 14–528, and 14–529 to be under the amended subtitle “Subtitle 5. Physicians”;  
14 and 14–5H–01(a), (e) through (i), and (j) through (u), 14–5H–02, 14–5H–03(c),  
15 (d), and (e)(1), 14–5H–06(a), 14–5H–07(c) and (f) through (h),  
16 14–5H–08(c)(2)(ii)1., (g), (k), (l)(2), and (m), 14–5H–09(a) and (b),  
17 14–5H–10(e), 14–5H–12(a), 14–5H–14, 14–5H–15, 14–5H–16(a), 14–5H–20(a)  
18 and (b), 14–5H–21, 14–5H–22, and 14–5H–23  
19 Annotated Code of Maryland  
20 (2021 Replacement Volume and 2023 Supplement)  
21 (As enacted by Section 2 of this Act)

22 BY adding to  
23 Article – Health Occupations  
24 Section 14–514(c) and (d), 14–522(c), 14–525(b), and 14–526(d); and 14–5H–16(c)  
25 through (e) to be under the new subtitle “Subtitle 5H. Physician Assistants”  
26 Annotated Code of Maryland  
27 (2021 Replacement Volume and 2023 Supplement)  
28 (As enacted by Section 2 of this Act)

29 BY repealing  
30 Article – Health Occupations  
31 Section 14–5H–01(d) and (i–1)  
32 Annotated Code of Maryland  
33 (2021 Replacement Volume and 2023 Supplement)  
34 (As enacted by Section 2 of this Act)

35 BY repealing and reenacting, without amendments,  
36 Article – Transportation  
37 Section 13–616(a)(1)  
38 Annotated Code of Maryland  
39 (2020 Replacement Volume and 2023 Supplement)

40 BY repealing and reenacting, with amendments,  
41 Article – Transportation  
42 Section 13–616(a)(7)

1 Annotated Code of Maryland  
2 (2020 Replacement Volume and 2023 Supplement)

3 BY repealing and reenacting, without amendments,  
4 Article – Tax – General  
5 Section 10–752(a)(1)  
6 Annotated Code of Maryland  
7 (2022 Replacement Volume and 2023 Supplement)

8 BY repealing and reenacting, with amendments,  
9 Article – Tax – General  
10 Section 10–752(a)(3) and (d)(7)  
11 Annotated Code of Maryland  
12 (2022 Replacement Volume and 2023 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
14 That Section(s) 14–101(n), 14–401.1(b) through (d), 14–405(f), 14–5A–02 through  
15 14–5A–04, 14–5A–07, 14–5A–10, 14–5A–11, 14–5A–13, 14–5A–14, 14–5A–16, 14–5A–17.1,  
16 14–5A–18.1, 14–5A–19, 14–5B–02 through 14–5B–04, 14–5B–10, 14–5B–12, 14–5B–12.1,  
17 14–5B–13, 14–5B–14.1, 14–5B–15.1, 14–5B–16, 14–5C–03, 14–5C–04, 14–5C–11,  
18 14–5C–12, 14–5C–14, 14–5C–14.1, 14–5C–16, 14–5C–18.1, 14–5C–19, 14–5D–02,  
19 14–5D–03, 14–5D–09, 14–5D–12, 14–5D–12.1, 14–5D–13, 14–5D–15, 14–5D–16,  
20 14–5D–16.1, 14–5E–02 through 14–5E–04, 14–5E–11, 14–5E–15, 14–5E–17, 14–5E–18.1,  
21 14–5E–19, 14–5F–04, 14–5F–05, 14–5F–13, 14–5F–15.1, 14–5F–17, 14–5F–23, 14–5G–02  
22 through 14–5G–04, 14–5G–10, 14–5G–11, 14–5G–13, 14–5G–15, 14–5G–16, 14–5G–19,  
23 14–5G–21, 14–5G–22, 15–203, 15–204, 15–206, 15–304, 15–305, 15–307, 15–308, 15–310  
24 through 15–312, 15–315, 15–316, and 15–316.1 of Article – Health Occupations of the  
25 Annotated Code of Maryland be repealed.

26 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 14–206, 14–206.1,  
27 14–301, 14–302, 14–306, 14–307, 14–308, 14–308.1, 14–309, 14–311, 14–312, 14–313,  
28 14–313.1, 14–314, 14–315, 14–316, 14–317, 14–318 through 14–320, 14–320.1, 14–322,  
29 14–404, 14–413 through 14–415, 14–502, 14–503, 14–504, 14–505, 14–506, 14–507,  
30 14–508, 14–509, 14–601, 14–602, 14–603, 14–605, 14–607, 15–101 through 15–103,  
31 15–201, 15–202, 15–205, 15–301, 15–302, 15–302.1 through 15–302.3, 15–303, 15–306,  
32 15–309, 15–313, 15–314, 15–317, 15–401, 15–402, 15–402.1, 15–403, 15–501, and 15–502  
33 of Article – Health Occupations of the Annotated Code of Maryland be renumbered to be  
34 Section(s) 14–401.2, 14–401.3, 14–501, 14–502, 14–503, 14–301, 14–505, 14–302, 14–303,  
35 14–506, 14–507, 14–304, 14–530, 14–305, 14–508, 14–306, 14–307, 14–509 through  
36 14–511, 14–512, 14–513, 14–516, 14–518 through 14–520, 14–414, 14–514, 14–527,  
37 14–526, 14–415, 14–524, 14–521, 14–523, 14–528, 14–529, 14–413, 14–522, 14–525,  
38 14–5H–01 through 14–5H–03, 14–5H–04, 14–5H–05, 14–5H–06, 14–5H–07, 14–5H–08,  
39 14–5H–09 through 14–5H–11, 14–5H–12, 14–5H–13, 14–5H–14, 14–5H–15, 14–5H–16,  
40 14–5H–17, 14–5H–18, 14–5H–19, 14–5H–20, 14–5H–21, 14–5H–22, and 14–5H–23,  
41 respectively.

1 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read  
2 as follows:

3 **Article – Alcoholic Beverages and Cannabis**

4 36–101.

5 (a) In this title the following words have the meanings indicated.

6 (m) “Certifying provider” means an individual who:

7 (1) (v) 1. has an active, unrestricted license to practice as a  
8 physician assistant issued by the State Board of Physicians under Title [15] 14, **SUBTITLE**  
9 **5H** of the Health Occupations Article;

10 **Article – Correctional Services**

11 9–603.

12 (d) (2) If an assessment conducted under paragraph (1) of this subsection  
13 indicates opioid use disorder, an evaluation of the incarcerated individual shall be  
14 conducted by a health care practitioner with prescriptive authority authorized under Title  
15 8[,] **OR** Title 14[, or Title 15] of the Health Occupations Article.

16 **Article – Courts and Judicial Proceedings**

17 5–106.

18 (r) A prosecution for an offense under [§ 14–601] **§ 14–528** of the Health  
19 Occupations Article of practicing, attempting to practice, or offering to practice medicine  
20 without a license shall be instituted within 3 years after the offense was committed.

21 5–715.

22 (d) Any person who acts in good faith is not civilly liable for giving any of the  
23 information required under [§ 14–413 or § 14–414] **§ 14–518 OR § 14–519** of the Health  
24 Occupations Article.

25 10–205.

26 (b) Records, reports, statements, notes, or information assembled or obtained by  
27 the Maryland Department of Health, the Maryland Commission to Study Problems of Drug  
28 Addiction, the Medical and Chirurgical Faculty or its allied medical societies, the Maryland  
29 Institute for Emergency Medical Services Systems, an in–hospital staff committee, or a  
30 national organized medical society or research group that are declared confidential by §

1 4–102 of the Health – General Article or [§ 14–506] § 14–415 of the Health Occupations  
2 Article, are not admissible in evidence in any proceeding.

3 **Article – Health – General**

4 4–201.

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

6 (s) “Physician assistant” means an individual who is licensed under Title [15] 14,  
7 **SUBTITLE 5H** of the Health Occupations Article to practice medicine with physician  
8 supervision.

9 5–601.

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

11 (v) “Physician assistant” means an individual who is licensed under Title [15] 14,  
12 **SUBTITLE 5H** of the Health Occupations Article to practice medicine with physician  
13 supervision.

14 18–214.1.

15 (b) Notwithstanding any other provision of law, the following health care  
16 providers may prescribe, dispense, or otherwise provide antibiotic therapy to any sexual  
17 partner of a patient diagnosed with chlamydia, gonorrhea, or trichomoniasis without  
18 making a personal physical assessment of the patient’s partner:

19 (3) An authorized physician assistant licensed under Title [15] 14,  
20 **SUBTITLE 5H** of the Health Occupations Article acting in accordance with [§ 15–302.2] §  
21 **14–5H–10** of the Health Occupations Article; and

22 **Article – Health Occupations**

23 1–302.

24 (g) Subsection (d)(12) of this section may not be construed to:

25 (4) Permit an arrangement that violates:

26 (i) [§ 14–404(a)(15)] § 14–516(A)(15) of this article; or

27 1–306.

28 (e) This section does not prohibit:

1 (2) A health care practitioner who takes a Pap test specimen from a patient  
2 and who orders but does not supervise or perform an anatomic pathology service on the  
3 specimen, from billing a patient or payor for the service, provided the health care  
4 practitioner complies with:

5 (i) The disclosure requirements of [§ 14-404(a)(16)] §  
6 **14-516(A)(16)** of this article; and  
7 8-205.

8 (a) In addition to the powers and duties set forth elsewhere in this title, the Board  
9 has the following powers and duties:

10 (3) To adopt rules and regulations for the performance of delegated medical  
11 functions that are recognized jointly by the State Board of Physicians and the State Board  
12 of Nursing, under [§ 14-306(d)] § **14-503(D)** of this article;  
13 11-404.2.

14 (h) A therapeutically certified optometrist shall be:

15 (2) Required to comply with the notice requirement under [§ 14-508] §  
16 **14-521** of this article.  
17 12-102.

18 (c) (2) This title does not prohibit:

19 (iii) A licensed physician from dispensing a topical medication  
20 without obtaining the permit required under item (ii)1C of this paragraph or completing  
21 the continuing education required under item (ii)4M of this paragraph when the physician:  
22 ~~of this article;~~

23 2. Has obtained a special written permit under [§ 14-509] §  
24 **14-523** of this article;

25 (iv) A licensed physician who complies with the requirements of item  
26 (ii) of this paragraph from personally preparing and dispensing a prescription written by:

27 1. A physician assistant in accordance with a delegation  
28 agreement that complies with Title [15] 14, Subtitle [3] **5H** of this article; or  
29 14-101.

30 (a) In this title the following words have the meanings indicated.



1 (a-1) “Allied health professional” means an individual licensed by the Board under  
2 Subtitle 5A, 5B, 5C, 5D, 5E, [or] 5F, **5G, OR 5H** of this title [or Title 15 of this article].

3 **(A-2) “APPLICANT” MEANS AN INDIVIDUAL APPLYING FOR INITIAL**  
4 **LICENSURE AS A PHYSICIAN OR ALLIED HEALTH PROFESSIONAL IN THE STATE.**

5 (g) “License” means, unless the context requires otherwise, a license issued by the  
6 Board to practice medicine **OR AN ALLIED HEALTH PROFESSION REGULATED BY THE**  
7 **BOARD.**

8 (i) “Licensee” means an individual to whom **THE BOARD ISSUES** a license [is  
9 issued], including an individual practicing medicine within or as a professional corporation  
10 or professional association.

11 **(N) “PHYSICIAN ASSISTANT” MEANS AN INDIVIDUAL WHO IS LICENSED**  
12 **UNDER SUBTITLE 5H OF THIS TITLE TO PRACTICE MEDICINE WITH PHYSICIAN**  
13 **SUPERVISION.**

14 (o) (1) “Practice medicine” means to engage, with or without compensation, in  
15 medical:

- 16 (i) Diagnosis;
- 17 (ii) Healing;
- 18 (iii) Treatment; or
- 19 (iv) Surgery.

20 (2) “Practice medicine” includes doing, undertaking, professing to do, and  
21 attempting any of the following:

22 (i) Diagnosing, healing, treating, preventing, prescribing for, or  
23 removing any physical, mental, or emotional ailment or supposed ailment of an individual:

24 1. By physical, mental, emotional, or other process that is  
25 exercised or invoked by the practitioner, the patient, or both; or

26 2. By appliance, test, drug, operation, or treatment;

27 (ii) Ending of a human pregnancy; and

28 (iii) Performing acupuncture as provided under [§ 14-504] **§ 14-527**  
29 of this title.

30 (3) “Practice medicine” does not include:

- 1 (i) Selling any nonprescription drug or medicine;
- 2 (ii) Practicing as an optician; or
- 3 (iii) Performing a massage or other manipulation by hand, but by no  
4 other means.

5 **(P-1) “REHABILITATION PROGRAM” MEANS THE PROGRAM OF THE BOARD OR**  
6 **THE NONPROFIT ENTITY WITH WHICH THE BOARD CONTRACTS UNDER § 14-401.1(D)**  
7 **OF THIS TITLE THAT EVALUATES AND PROVIDES ASSISTANCE TO IMPAIRED**  
8 **PHYSICIANS AND OTHER HEALTH PROFESSIONALS REGULATED BY THE BOARD WHO**  
9 **ARE DIRECTED BY THE BOARD TO RECEIVE TREATMENT AND REHABILITATION FOR**  
10 **ALCOHOLISM, CHEMICAL DEPENDENCY, OR OTHER PHYSICAL, EMOTIONAL, OR**  
11 **MENTAL CONDITIONS.**

12 14-205.

13 (a) In addition to the powers and duties set forth in this title [and in Title 15 of  
14 this article], the Board shall:

- 15 (1) Enforce this title [and Title 15 of this article];
- 16 (2) Adopt regulations to carry out the provisions of this title [and Title 15  
17 of this article];
- 18 (3) Establish policies for Board operations;
- 19 (4) Maintain the rules, regulations, and policies of the Board so that the  
20 rules, regulations, and policies reflect the current practices of the Board;
- 21 (5) Oversee:
- 22 (i) The licensing requirements for physicians and the allied health  
23 professionals; and
- 24 (ii) The issuance and renewal of licenses;
- 25 (6) Maintain secure and complete records;
- 26 (7) Review and preliminarily investigate complaints, including  
27 acknowledging receipt of complaints and informing complainants of the final disposition of  
28 complaints;
- 29 (8) Develop and implement methods to:

- 1 (i) Assess and improve licensee practices; and
- 2 (ii) Ensure the ongoing competence of licensees;
- 3 (9) Ensure that an opportunity for a hearing is provided to an individual,  
4 in accordance with law, before any action is taken against the individual;
- 5 (10) Adjudicate nondisciplinary matters within the Board's jurisdiction;
- 6 (11) Report on all disciplinary actions, license denials, and license  
7 surrenders;
- 8 (12) Establish appropriate fees that are adequate to fund the effective  
9 regulation of physicians and allied health professionals;
- 10 (13) Make recommendations that benefit the health, safety, and welfare of  
11 the public;
- 12 (14) Provide ongoing education and training for Board members to ensure  
13 that the Board members can competently discharge their duties;
- 14 (15) Direct educational outreach to and communicate with licensees and the  
15 public;
- 16 (16) Develop and adopt a budget that reflects revenues and supports the  
17 costs associated with each allied health profession regulated by the Board;
- 18 (17) Develop and approve an annual report and other required reports for  
19 submission to the Secretary, the Governor, the General Assembly, and the public;
- 20 (18) Approve contracts as needed and within budgetary limits;
- 21 (19) Appoint standing and ad hoc committees from among Board members  
22 as necessary;
- 23 (20) Delegate to the executive director of the Board the authority to  
24 discharge Board or disciplinary panel duties, as deemed appropriate and necessary by the  
25 Board or disciplinary panel, and hold the executive director accountable to the Board; and
- 26 (21) Appoint members of the disciplinary panels.
- 27 (b) (1) In addition to the powers set forth elsewhere in this title, the Board  
28 may:
- 29 (i) Adopt regulations to regulate the performance of acupuncture,  
30 but only to the extent authorized by [§ 14-504] § 14-527 of this title;

1 (ii) After consulting with the State Board of Pharmacy, adopt rules  
2 and regulations regarding the dispensing of prescription drugs by a licensed physician;

3 (iii) On receipt of a written and signed complaint, including a referral  
4 from the Commissioner of Labor and Industry, conduct an unannounced inspection of the  
5 office of a physician or acupuncturist, other than an office of a physician or acupuncturist  
6 in a hospital, related institution, freestanding medical facility, or a freestanding birthing  
7 center, to determine compliance at that office with the Centers for Disease Control and  
8 Prevention's guidelines on universal precautions; and

9 (iv) Contract with others for the purchase of administrative and  
10 examination services to carry out the provisions of this title.

11 (2) The Board or a disciplinary panel may investigate an alleged violation  
12 of this title.

13 [(3) Subject to the Administrative Procedure Act and the hearing provisions  
14 of § 14-405 of this title, a disciplinary panel may deny a license to an applicant or, if an  
15 applicant has failed to renew the applicant's license, refuse to renew or reinstate an  
16 applicant's license for:

17 (i) Any of the reasons that are grounds for action under § 14-404, §  
18 14-5A-17, § 14-5B-14, § 14-5C-17, § 14-5D-14, § 14-5E-16, or § 14-5F-18 of this title,  
19 as applicable; or

20 (ii) Failure to complete a criminal history records check in  
21 accordance with § 14-308.1 of this title.]

22 (c) (1) In addition to the duties set forth elsewhere in this title, the Board  
23 shall:

24 (i) Issue, for use in other jurisdictions, a certificate of professional  
25 standing **AND A VERIFICATION OF LICENSURE STATUS** to any [licensed physician]  
26 **LICENSEE**; and

27 (ii) Keep a list of all **PENDING** license applicants.

28 (2) (i) The Board shall keep a list of all [physicians] **LICENSEES** who  
29 are currently licensed.

30 (ii) The list shall include each [physician's] **LICENSEE'S** designated  
31 public address.

32 (iii) A [physician's] **LICENSEE'S** designated public address may be a  
33 post office box only if the [physician] **LICENSEE** provides to the Board a nonpublic address,  
34 under paragraph (3) of this subsection, that is not a post office box.

1                    [(iv) Each list prepared under this paragraph shall be kept as a  
2 permanent record of the Board.]

3                    [(v)] (IV) The list of [currently licensed physicians] CURRENT  
4 LICENSEES is a public record.

5                    (3) (i) The Board shall [maintain on file a physician's] COLLECT A  
6 LICENSEE'S designated nonpublic address, if provided by the [physician] LICENSEE, AND  
7 MAINTAIN THE ADDRESS to facilitate communication between the [physician] LICENSEE  
8 and the Board.

9                    (ii) The Board shall offer a [physician] LICENSEE the opportunity to  
10 designate a nonpublic address, in addition to the [physician's] LICENSEE'S public address,  
11 at the time of initial licensure and license renewal.

12                    (iii) A [physician] LICENSEE shall designate an address where the  
13 Board may send the [physician] LICENSEE mail.

14                    (iv) A [physician's] LICENSEE'S designated nonpublic address is not  
15 a public record and may not be released by the Board.

16                    (D) THE BOARD MAY NOT RELEASE A LIST OF APPLICANTS FOR LICENSURE.

17                    (E) THE BOARD MAY ADOPT REGULATIONS REGARDING COMMITTEES  
18 ESTABLISHED UNDER THIS TITLE GOVERNING:

19                    (1) THE TERM OF OFFICE FOR MEMBERS;

20                    (2) THE PROCEDURE FOR FILLING VACANCIES ON A COMMITTEE;

21                    (3) THE REMOVAL OF MEMBERS; AND

22                    (4) THE DUTIES OF EACH OFFICER.

23                    (F) EACH ADVISORY COMMITTEE SHALL:

24                    (1) DEVELOP AND RECOMMEND TO THE BOARD REGULATIONS TO  
25 CARRY OUT THE PROVISIONS OF THIS TITLE AND ANY OTHER STATUTORY CHANGES  
26 THAT AFFECT THE RELEVANT ALLIED HEALTH PROFESSION;

27                    (2) ON REQUEST OF THE BOARD OR A DISCIPLINARY PANEL:

28                    (I) PROVIDE RECOMMENDATIONS REGARDING THE PRACTICE  
29 OF AN ALLIED HEALTH PROFESSION; AND

1                   **(II) ADVISE THE BOARD ON ANY OTHER MATTERS RELATED TO**  
2 **ALLIED HEALTH PROFESSIONS OR PRACTITIONERS;**

3                   **(3) KEEP RECORD OF ITS PROCEEDINGS; AND**

4                   **(4) SUBMIT AN ANNUAL REPORT TO THE BOARD.**

5 14-207.

6           (b) (1) The Board [may] **SHALL** set reasonable fees for the issuance and  
7 renewal of licenses and its other services **PROVIDED TO PHYSICIANS AND ALLIED**  
8 **HEALTH PROFESSIONALS.**

9           (2) The fees charged shall be set [so as] to **GENERATE SUFFICIENT**  
10 **FUNDS TO** approximate the cost of maintaining the Board, **THE LICENSURE PROGRAMS**  
11 **UNDER THIS TITLE, AND THE OTHER SERVICES IT PROVIDES TO PHYSICIANS AND**  
12 **ALLIED HEALTH PROFESSIONALS**, including the cost of providing a rehabilitation  
13 program for physicians **AND ALLIED HEALTH PROFESSIONALS** under [§ 14-401.1(g)] §  
14 **14-401.1(D)** of this title.

15           (3) Funds to cover the compensation and expenses of the Board members  
16 shall be generated by fees set under this section.

17           **(4) FEES GENERATED BY PHYSICIAN OR ALLIED HEALTH**  
18 **PROFESSIONAL LICENSES SHALL BE USED TO MAINTAIN THE LICENSING PROGRAM**  
19 **AND SERVICES PROVIDED TO THAT PARTICULAR PROFESSION.**

20           **(5) THE FEES GENERATED SHALL BE USED TO COVER THE ACTUAL**  
21 **DOCUMENTED DIRECT AND INDIRECT COSTS OF FULFILLING THE STATUTORY AND**  
22 **REGULATORY DUTIES OF THE BOARD AS PROVIDED BY THE PROVISIONS OF THIS**  
23 **TITLE.**

24           **(6) (I) IN ADDITION TO THE FEE SET BY THE BOARD UNDER THIS**  
25 **SECTION FOR THE RENEWAL OF A LICENSE, THE BOARD SHALL ASSESS A SEPARATE**  
26 **\$15 FEE FOR A RENEWAL OF EACH LICENSE FOR A PHYSICIAN ASSISTANT.**

27           **(II) THE BOARD SHALL PAY THE FEE COLLECTED UNDER**  
28 **SUBPARAGRAPH (I) OF THIS PARAGRAPH TO THE PHYSICIAN ASSISTANT**  
29 **PRECEPTORSHIP TAX CREDIT FUND ESTABLISHED UNDER § 10-752 OF THE**  
30 **TAX – GENERAL ARTICLE.**

31           (c) [The] **EXCEPT AS PROVIDED IN SUBSECTION (B)(6) OF THIS SECTION,**  
32 **THE** Board shall pay all fees collected under the provisions of this title to the Comptroller  
33 of the State.

1 (d) (1) [In each of fiscal years 2019 through 2021, if the Governor does not  
2 include in the State budget at least \$400,000 for the operation of the Maryland Loan  
3 Assistance Repayment Program for Physicians and Physician Assistants under Title 24,  
4 Subtitle 17 of the Health – General Article, as administered by the Department, the  
5 Comptroller shall distribute:

6 (i) \$400,000 of the fees received from the Board to the Department  
7 to be used to make grants under the Maryland Loan Assistance Repayment Program for  
8 Physicians and Physician Assistants under Title 24, Subtitle 17 of the Health – General  
9 Article to physicians and physician assistants engaged in primary care or to medical  
10 residents specializing in primary care who agree to practice for at least 2 years as primary  
11 care physicians in a geographic area of the State that has been designated by the Secretary  
12 as being medically underserved; and

13 (ii) The balance of the fees to the Board of Physicians Fund.

14 (2) In fiscal year 2022, if the Governor does not include in the State budget  
15 at least \$1,000,000 for the operation of the Maryland Loan Assistance Repayment Program  
16 for Physicians and Physician Assistants under Title 24, Subtitle 17 of the Health – General  
17 Article, as administered by the Department, the Comptroller shall distribute:

18 (i) \$1,000,000 of the fees received from the Board to the Department  
19 to be used to make grants under the Maryland Loan Assistance Repayment Program for  
20 Physicians and Physician Assistants under Title 24, Subtitle 17 of the Health – General  
21 Article to physicians and physician assistants engaged in primary care or to medical  
22 residents specializing in primary care who agree to practice for at least 2 years as primary  
23 care physicians in a geographic area of the State that has been designated by the Secretary  
24 as being medically underserved; and

25 (ii) The balance of the fees to the Board of Physicians Fund.

26 (3) In fiscal year 2023 and each fiscal year thereafter, if the Department does not  
27 implement a permanent funding structure under § 24–1702(b)(1) of the Health – General  
28 Article and the Governor does not include in the State budget at least \$400,000 for the  
29 operation of the Maryland Loan Assistance Repayment Program for Physicians and  
30 Physician Assistants under Title 24, Subtitle 17 of the Health – General Article, as  
31 administered by the Department, the Comptroller shall distribute:

32 (i) \$400,000 of the fees received from the Board to the Department  
33 to be used to make grants under the Maryland Loan Assistance Repayment Program for  
34 Physicians and Physician Assistants under Title 24, Subtitle 17 of the Health – General  
35 Article to physicians and physician assistants engaged in primary care or to medical  
36 residents specializing in primary care who agree to practice for at least 2 years as primary  
37 care physicians in a geographic area of the State that has been designated by the Secretary  
38 as being medically underserved; and

1 (ii) The balance of the fees to the Board of Physicians Fund.

2 [(4)] (2) If the Governor includes in the State budget at least the amount  
3 specified in paragraph (1) [or (2)] of this subsection for the operation of the Maryland Loan  
4 Assistance Repayment Program for Physicians and Physician Assistants under Title 24,  
5 Subtitle 17 of the Health – General Article, as administered by the Department, the  
6 Comptroller shall distribute the fees to the Board of Physicians Fund.

7 (f) [(1)] In addition to the requirements of subsection (e) of this section, the  
8 Board shall fund the budget of the [Physician] Rehabilitation Program with fees set,  
9 collected, and distributed to the Fund under this title.

10 [(2) After review and approval by the Board of a budget submitted by the  
11 Physician Rehabilitation Program, the Board may allocate money from the Fund to the  
12 Physician Rehabilitation Program.]

13 14–208.

14 (A) IN THIS SECTION, “FEDERAL PROPERTY” MEANS A BUILDING, LAND, OR  
15 OTHER REAL PROPERTY OWNED, LEASED, OR OCCUPIED BY A DEPARTMENT, AN  
16 AGENCY, OR AN INSTRUMENTALITY OF THE UNITED STATES, INCLUDING THE  
17 DEPARTMENT OF DEFENSE AND THE UNITED STATES POSTAL SERVICE, OR ANY  
18 OTHER INSTRUMENTALITY WHOLLY OWNED BY THE UNITED STATES, OR BY ANY  
19 DEPARTMENT OR AGENCY OF THE DISTRICT OF COLUMBIA OR ANY TERRITORY OR  
20 POSSESSION OF THE UNITED STATES.

21 (B) SUBJECT TO THE RULES, REGULATIONS, AND ORDERS OF THE BOARD,  
22 AN INDIVIDUAL EMPLOYED IN THE SERVICE OF THE FEDERAL GOVERNMENT AS A  
23 HEALTH CARE PRACTITIONER WHO IS REGULATED BY THE BOARD MAY PRACTICE  
24 WITHOUT A LICENSE WHILE PRACTICING WITHIN THE SCOPE OF THE EMPLOYMENT  
25 ON FEDERAL PROPERTY.

26 (C) SUBJECT TO THE RULES, REGULATIONS, AND ORDERS OF THE BOARD,  
27 AN AUTHORIZED SUPERVISOR MAY SUPERVISE AN UNLICENSED INDIVIDUAL  
28 EMPLOYED IN THE SERVICE OF THE FEDERAL GOVERNMENT AS A HEALTH CARE  
29 PRACTITIONER WHO IS REGULATED BY THE BOARD WHILE THE INDIVIDUAL IS  
30 PRACTICING WITHIN THE SCOPE OF THE EMPLOYMENT ON FEDERAL PROPERTY.

31 14–301.

32 (a) [To] IN ADDITION TO ANY OTHER REQUIREMENTS UNDER THIS TITLE, TO  
33 qualify for a license, an applicant shall be an individual who meets the requirements of this  
34 section.

35 (b) The applicant shall be of good moral character.



1 (c) **[The] EXCEPT AS PROVIDED IN § 14-5F-11 OF THIS TITLE, THE** applicant  
2 shall be at least 18 years old.

3 **[(d) Except as provided in § 14-308 of this subtitle, the applicant shall:**

4 (1) (i) Have a degree of doctor of medicine from a medical school that is  
5 accredited by an accrediting organization that the Board recognizes in its regulations; and

6 (ii) Submit evidence acceptable to the Board of successful completion  
7 of 1 year of training in a postgraduate medical training program that is accredited by an  
8 accrediting organization that the Board recognizes in its regulations; or

9 (2) (i) Have a degree of doctor of osteopathy from a school of osteopathy  
10 in the United States, its territories or possessions, Puerto Rico, or Canada that has  
11 standards for graduation equivalent to those established by the American Osteopathic  
12 Association; and

13 (ii) Submit evidence acceptable to the Board of successful completion  
14 of 1 year of training in a postgraduate medical training program accredited by an  
15 accrediting organization that the Board recognizes in its regulations.]

16 **(D) THE APPLICANT SHALL COMPLETE A CRIMINAL HISTORY RECORDS**  
17 **CHECK IN ACCORDANCE WITH § 14-302 OF THIS SUBTITLE.**

18 (e) Except as otherwise provided in this [subtitle] **TITLE**, the applicant shall  
19 **[pass an examination required] MEET ANY EDUCATIONAL, CERTIFICATION, TRAINING,**  
20 **OR EXAMINATION REQUIREMENTS ESTABLISHED** by the Board.

21 (f) The applicant shall meet any other qualifications that the Board establishes  
22 in its regulations for license applicants.

23 **[(g) An otherwise qualified applicant who passes the examination after having**  
24 **failed the examination or any part of the examination 3 or more times may qualify for a**  
25 **license only if the applicant:**

26 (1) Has successfully completed 2 or more years of a residency or fellowship  
27 accredited by the Accreditation Council on Graduate Medical Education or the American  
28 Osteopathic Association;

29 (2) (i) Has a minimum of 5 years of clinical practice of medicine:

30 1. In the United States or in Canada;

31 2. With at least 3 of the 5 years having occurred within 5  
32 years of the date of the application; and



1 (ii) The jurisdiction in which the applicant is licensed or certified  
2 offers a similar reciprocal licensing process for individuals licensed to practice medicine by  
3 the Board.

4 (2) The Board shall adopt regulations to implement this subsection.]

5 14–303.

6 [(a) To apply for a license **UNDER THIS TITLE**, an applicant shall:

7 (1) Complete a criminal history records check in accordance with [§  
8 14–308.1] **§ 14–302** of this subtitle;

9 (2) ~~Submit~~ Submit an application to the Board on the form that the Board  
10 requires; and

11 (3) Pay to the Board the application fee set by the Board.

12 [(b) The Board may not release a list of applicants for licensure.]

13 14–304.

14 (b) (1) On receipt of the criminal history record information of an applicant for  
15 licensure forwarded to the Board in accordance with [§ 14–308.1] **§ 14–302** of this subtitle,  
16 in determining whether to issue a license, the Board shall consider:

17 (i) The age at which the crime was committed;

18 (ii) The nature of the crime;

19 (iii) The circumstances surrounding the crime;

20 (iv) The length of time that has passed since the crime;

21 (v) Subsequent work history;

22 (vi) Employment and character references; and

23 (vii) Other evidence that demonstrates whether the applicant poses a  
24 threat to the public health or safety.

25 (2) The Board may not issue a license if the criminal history record  
26 information required under [§ 14–308.1] **§ 14–302** of this subtitle has not been received.

27 14–305.

1 (a) Except as otherwise provided in this title, a license authorizes the licensee to  
2 practice [medicine] **IN THIS STATE THE HEALTH OCCUPATION STATED ON THE**  
3 **LICENSE ISSUED BY THE BOARD** while the license is effective.

4 (b) A licensee may practice [medicine] **THE HEALTH OCCUPATION STATED ON**  
5 **THE LICENSE ISSUED BY THE BOARD** using only the name in which the license is issued.

6 14–306.

7 (a) (1) This subsection does not apply to a physician who is on inactive status  
8 under [§ 14–320] **§ 14–511** of this [subtitle] **TITLE** or emeritus status under [§ 14–302.1]  
9 **§ 14–512** of this [subtitle] **TITLE**.

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

11 (3) A license expires on a date set by the Board, unless the license is  
12 renewed for [a] **AN ADDITIONAL** term as provided in this section.

13 (b) (1) Subject to paragraph (2) of this subsection, at least 1 month before the  
14 license expires, the Board shall send to the licensee, by electronic or first–class mail to the  
15 last known electronic or physical address of the licensee[:

16 (i) **A] A** renewal notice that states:

17 [1.] **(I)** The date on which the current license expires;

18 [2.] **(II)** The date by which the renewal application must be  
19 received by the Board for the renewal to be issued and mailed before the license expires;  
20 and

21 [3.] **(III)** The amount of the renewal fee[; and

22 (ii) A blank panel data sheet supplied by the Health Care  
23 Alternative Dispute Resolution Office].

24 (2) If the Board chooses to send renewal notices exclusively by electronic  
25 mail under paragraph (1) of this subsection, the Board shall send a renewal notice by  
26 first–class mail to a licensee on request of the licensee.

27 (c) (1) Before the license expires, the licensee periodically may renew it for an  
28 additional term, if the licensee:

29 (i) Otherwise is entitled to be licensed;

30 (ii) Is of good moral character;

1 (iii) Pays to the Board a renewal fee set by the Board; [and]

2 (iv) Submits to the Board:

3 1. A renewal application on the form that the Board requires;

4 and

5 2. Satisfactory evidence of compliance with any continuing  
6 education **OR COMPETENCY** requirements set under this section for license renewal; **AND**

7 **(v) MEETS ANY ADDITIONAL LICENSE RENEWAL**  
8 **REQUIREMENTS ESTABLISHED BY THE BOARD.**

9 (2) Within 30 days after a license renewal under Section 7 of the Interstate  
10 Medical Licensure Compact established under § 14-3A-01 of this title, a compact physician  
11 shall submit to the Board the information required under paragraph (1)(iv) of this  
12 subsection.

13 (d) (1) In addition to any other qualifications and requirements established by  
14 the Board, the Board may establish continuing education **OR COMPETENCY** requirements  
15 as a condition to the renewal of licenses under this section.

16 [(2) In establishing these requirements, the Board shall evaluate existing  
17 methods, devices, and programs in use among the various medical specialties and other  
18 recognized medical groups.

19 (3) The Board shall adopt regulations that allow a licensee seeking renewal  
20 to receive up to 5 continuing education credits per renewal period for providing  
21 uncompensated, voluntary medical services during each renewal period.

22 (4) The Board may not establish or enforce these requirements if they  
23 would so reduce the number of physicians in a community as to jeopardize the availability  
24 of adequate medical care in that community.]

25 [(5) (2) The Board may not establish a continuing education requirement  
26 that every licensee complete a specific course or program as a condition to the renewal of a  
27 license under this section.

28 [(6) A disciplinary panel may impose a civil penalty of up to \$100 per  
29 continuing medical education credit in lieu of a sanction under § 14-404 of this title, for a  
30 first offense, for the failure of a licensee to obtain the continuing medical education credits  
31 required by the Board.]

32 (e) The Board shall renew the license of each licensee who meets the  
33 requirements of this section **AND ANY ADDITIONAL REQUIREMENTS ESTABLISHED**

1 UNDER SUBTITLE 5, 5A, 5B, 5C, 5D, 5E, 5F, 5G, OR 5H OF THIS TITLE, AS  
2 APPLICABLE.

3 [(f) (1) Each licensee shall notify the secretary of the Board in writing of any  
4 change in the licensee's name or address within 60 days after the change.

5 (2) If a licensee fails to notify the secretary of the Board within the time  
6 required under this section, the licensee is subject to an administrative penalty of \$100.]

7 [(g) (F) (1) Beginning October 1, 2016, the Board shall require a criminal  
8 history records check in accordance with [§ 14-308.1] § 14-302 of this subtitle for:

9 (i) Renewal applicants as determined by regulations adopted by the  
10 Board; and

11 (ii) Each former licensee who files for reinstatement under [§ 14-317  
12 of this subtitle] THIS TITLE.

13 (2) On receipt of the criminal history record information of a licensee  
14 forwarded to the Board in accordance with [§ 14-308.1] § 14-302 of this subtitle, in  
15 determining whether disciplinary action should be taken, based on the criminal record  
16 information, against a licensee who renewed or reinstated a license, the Board shall  
17 consider:

18 (i) The age at which the crime was committed;

19 (ii) The nature of the crime;

20 (iii) The circumstances surrounding the crime;

21 (iv) The length of time that has passed since the crime;

22 (v) Subsequent work history;

23 (vi) Employment and character references; and

24 (vii) Other evidence that demonstrates whether the licensee poses a  
25 threat to the public health or safety.

26 (3) The Board may renew or reinstate a license only if the licensee or  
27 applicant attests that the licensee or applicant has submitted to a criminal history records  
28 check under [§ 14-308.1] § 14-302 of this subtitle.

29 14-307.

1 The Board shall reinstate the license of [a physician] **AN INDIVIDUAL** who has failed  
 2 to renew the license for any reason, is on inactive status under [§ 14–320] **§ 14–511** of this  
 3 [subtitle] **TITLE**, or is on emeritus status under [§ 14–320.1] **§ 14–512** of this [subtitle]  
 4 **TITLE** if the [physician] **INDIVIDUAL**:

5 (1) Meets the renewal requirements of [§ 14–316] **§ 14–306** of this subtitle  
 6 **AND THE APPLICABLE RENEWAL REQUIREMENTS IN SUBTITLE 5, 5A, 5B, 5C, 5D,**  
 7 **5E, 5F, 5G, OR 5H OF THIS TITLE;**

8 **(2) SUBMITS A REINSTATEMENT APPLICATION ON THE FORM THAT**  
 9 **THE BOARD REQUIRES;**

10 **[(2)] (3)** Pays to the Board a reinstatement fee set by the Board; [and]

11 **[(3)] (4)** Submits to the Board satisfactory evidence of compliance with  
 12 the qualifications and requirements established under this title for license reinstatements;  
 13 **AND**

14 **(5) MEETS ANY ADDITIONAL LICENSE REINSTATEMENT**  
 15 **REQUIREMENTS ESTABLISHED BY THE BOARD.**

16 14–401.1.

17 (a) (5) (i) If a complaint proceeds to a hearing under § 14–405 of this  
 18 subtitle, [§ 14–5A–17, § 14–5B–14, § 14–5C–17, § 14–5D–15, § 14–5E–16, or § 14–5F–21 of  
 19 this title or § 15–315 of this article,] the chair of the disciplinary panel that was assigned  
 20 the complaint under paragraph (2)(i) of this subsection shall refer the complaint to the other  
 21 disciplinary panel.

22 **[(e)] (B)** (1) [In accordance with subsection (f) of this section, the Board shall  
 23 enter into a written contract with an entity or individual for confidential physician peer  
 24 review of allegations based on § 14–404(a)(22) of this subtitle.

25 (2) A peer reviewer shall:

26 (i) Be board certified;

27 (ii) Have special qualifications to judge the matter at hand;

28 (iii) Have received a specified amount of medical experience and  
 29 training;

30 (iv) Have no formal actions against the peer reviewer’s own license;

31 (v) Receive training in peer review;

- 1 (vi) Have a standard format for peer review reports; and
- 2 (vii) To the extent practicable, be licensed and engaged in the practice  
3 of medicine in the State.
- 4 (3) The Board may consult with the appropriate specialty health care  
5 provider societies in the State to obtain a list of physicians qualified to provide peer review  
6 services.
- 7 (4) For purposes of peer review, the Board may use sole source  
8 procurement under § 13–107 of the State Finance and Procurement Article.
- 9 [(5)] (2) The hearing of charges may not be stayed or challenged because  
10 of the selection of peer reviewers under this subsection before the filing of charges.
- 11 [(f)] (C) (1) The entity or individual peer reviewer with which the Board  
12 contracts under subsection [(e)] (B) of this section **OR § 14–515 OF THIS TITLE** shall have  
13 90 days for completion of peer review.
- 14 (2) The entity or individual peer reviewer may apply to the Board for an  
15 extension of up to 30 days to the time limit imposed under paragraph (1) of this subsection.
- 16 (3) If an extension is not granted, and 90 days have elapsed, the Board may  
17 contract with any other entity or individual who meets the requirements of subsection  
18 [(e)(2)] (B)(2) of this section for the services of peer review.
- 19 (4) If an extension has been granted, and 120 days have elapsed, the Board  
20 may contract with any other entity or individual who meets the requirements of subsection  
21 [(e)(2)] (B)(2) of this section for the services of peer review.
- 22 [(g)] (D) The Board shall issue a request for proposals and enter into a written  
23 contract with a nonprofit entity to provide rehabilitation services for physicians or other  
24 allied health professionals directed by the Board to receive rehabilitation services.
- 25 [(h)] (E) (1) To facilitate the investigation and prosecution of disciplinary  
26 matters and the mediation of fee disputes coming before it, the Board may contract with an  
27 entity or entities for the purchase of investigatory, mediation, and related services.
- 28 (2) Services that may be contracted for under this subsection include the  
29 services of:
- 30 (i) Investigators;
- 31 (ii) Attorneys;



- 1 (iii) Accountants;
- 2 (iv) Expert witnesses;
- 3 (v) Consultants; and
- 4 (vi) Mediators.

5 [(i)] (F) The Board or a disciplinary panel may issue subpoenas and administer  
6 oaths in connection with any investigation under this section and any hearing or proceeding  
7 before it.

8 [(j)] (G) (1) It is the intent of this section that the disposition of every  
9 complaint against a licensee that sets forth allegations of grounds for disciplinary action  
10 filed with the Board shall be completed as expeditiously as possible and, in any event,  
11 within 18 months after the complaint was received by the Board.

12 (2) If a disciplinary panel is unable to complete the disposition of a  
13 complaint within 1 year, the Board shall include in the record of that complaint a detailed  
14 explanation of the reason for the delay.

15 [(k)] (H) A disciplinary panel, in conducting a meeting with a physician or allied  
16 health professional to discuss the proposed disposition of a complaint, shall provide an  
17 opportunity to appear before the disciplinary panel to both the licensee who has been  
18 charged and the individual who has filed the complaint against the licensee giving rise to  
19 the charge.

20 14-401.2.

21 (e) A disciplinary panel may issue a cease and desist order or obtain injunctive  
22 relief against an individual for:

23 (1) Practicing a profession regulated under this title [or Title 15 of this  
24 article] without a license **OR WITH AN UNAUTHORIZED PERSON**;

25 (2) Representing to the public, by title, description of services, methods,  
26 procedures, or otherwise, that the individual is authorized to practice:

27 (i) Medicine in this State, in violation of [§ 14-602] § 14-529 of this  
28 title;

29 (ii) Respiratory care in this State, in violation of § 14-5A-21 of this  
30 title;

31 (iii) Radiation therapy, radiography, nuclear medicine technology, or  
32 radiation assistance in this State, in violation of § 14-5B-18 of this title;

1 (iv) Polysomnography in this State, in violation of § 14–5C–21 of this  
2 title;

3 (v) Athletic training in this State, in violation of § 14–5D–17(3) of  
4 this title;

5 (vi) Perfusion in this State, in violation of § 14–5E–21 of this title;

6 (vii) Naturopathic medicine in this State, in violation of § 14–5F–30  
7 of this title; [or]

8 (viii) **GENETIC COUNSELING IN THIS STATE, IN ~~VIOLATIONS~~**  
9 **VIOLATION OF § 14–5G–24 OF THIS TITLE; OR**

10 (IX) As a physician assistant in this State, in violation of [§ 15–402 of  
11 this article] **§ 14–5H–19 OF THIS TITLE; or**

12 (3) Taking any action:

13 (i) For which a disciplinary panel determines there is a  
14 preponderance of evidence of grounds for discipline under [§ 14–404] **§ 14–516** of this title;  
15 and

16 (ii) That poses a serious risk to the health, safety, and welfare of a  
17 patient.

18 14–402.

19 (a) In reviewing an application for licensure or in investigating an allegation  
20 brought against a licensed physician or any allied health professional regulated by the  
21 Board under this title, the [Physician] Rehabilitation Program may request the Board to  
22 direct, or the Board or a disciplinary panel on its own initiative may direct, the licensed  
23 physician or any allied health professional regulated by the Board under this title to submit  
24 to an appropriate examination.

25 (c) The unreasonable failure or refusal of the licensed individual **OR APPLICANT**  
26 to submit to an examination is prima facie evidence of the licensed individual's **OR**  
27 **APPLICANT'S** inability to practice medicine or the respective discipline competently, unless  
28 the Board or disciplinary panel finds that the failure or refusal was beyond the control of  
29 the licensed individual **OR APPLICANT**.

30 (d) The Board shall pay the costs of any examination **OF A LICENSEE** made under  
31 this section.

1 (e) (1) The Board or the entity or entities with which the Board contracts shall  
2 appoint the members of the [Physician] Rehabilitation Program.

3 (2) The chair of the Board shall appoint one member of the Board to serve  
4 as a liaison to the [Physician] Rehabilitation Program.

5 (f) The [Physician] Rehabilitation Program is subject to audit by the Legislative  
6 Auditor as provided in § 2-1220 of the State Government Article.

7 14-403.

8 (a) Unless a disciplinary panel agrees to accept the surrender of a license,  
9 certification, or registration of an individual the Board regulates, the individual may not  
10 surrender the license, certification, or registration nor may the license, certification, or  
11 registration lapse by operation of law **FOR PURPOSES OF INVESTIGATION OR**  
12 **DISCIPLINE** while the individual is under investigation or while charges are pending.

13 14-404.

14 **SUBJECT TO THE ADMINISTRATIVE PROCEDURE ACT AND THE HEARING**  
15 **PROVISIONS OF § 14-405 OF THIS SUBTITLE, A DISCIPLINARY PANEL MAY DENY A**  
16 **LICENSE TO AN APPLICANT OR, IF AN APPLICANT HAS FAILED TO RENEW THE**  
17 **APPLICANT'S LICENSE, REFUSE TO RENEW OR REINSTATE AN APPLICANT'S LICENSE**  
18 **FOR ANY OF THE REASONS THAT ARE GROUNDS FOR ACTION UNDER § 14-516, §**  
19 **14-5A-17, § 14-5B-14, § 14-5C-17, § 14-5D-14, § 14-5E-16, § 14-5F-18, §**  
20 **14-5G-18, OR § 14-5H-16 OF THIS TITLE, AS APPLICABLE.**

21 14-405.

22 (a) Except as otherwise provided in the Administrative Procedure Act, before the  
23 Board or a disciplinary panel takes any action under [§ 14-404(a)] **§ 14-404** of this subtitle  
24 or [§ 14-205(b)(3)] **§ 14-516(A)**, § 14-5A-17(a), § 14-5B-14(a), § 14-5C-17(a), §  
25 14-5D-14(a), § 14-5E-16(a), [or] § 14-5F-18, **§ 14-5G-18, OR § 14-5H-16** of this title,  
26 it shall give the individual against whom the action is contemplated an opportunity for a  
27 hearing before a hearing officer.

28 [(g)] **(F)** The hearing of charges may not be stayed or challenged by any  
29 procedural defects alleged to have occurred prior to the filing of charges.

30 14-406.

31 (a) Following the filing of charges, if a majority of the quorum of a disciplinary  
32 panel finds that there are grounds for action under [§ 14-404] **§ 14-516, § 14-5A-17, §**  
33 **14-5B-14, § 14-5C-17, § 14-5D-14, § 14-5E-16, § 14-5F-18, § 14-5G-18, OR §**

1 **14-5H-16** of this [subtitle] **TITLE**, the disciplinary panel shall pass an order in accordance  
2 with the Administrative Procedure Act.

3 (b) After the charges are filed, if a disciplinary panel finds, on an affirmative vote  
4 of a majority of its quorum, that there are no grounds for action under [~~§ 14-404~~] ~~§~~  
5 ~~14-516~~, ~~§ 14-5A-17~~, ~~§ 14-5B-14~~, ~~§ 14-5C-17~~, ~~§ 14-5D-14~~, ~~§ 14-5E-16~~, ~~§ 14-5F-18~~,  
6 ~~§ 14-5G-18~~, OR ~~§ 14-5H-16~~ of this [subtitle] **TITLE**, the disciplinary panel:

7 (1) Immediately shall dismiss the charges and exonerate the licensee;

8 (2) (i) Except as provided in item (ii) of this item, shall expunge all  
9 records of the charges 3 years after the charges are dismissed; or

10 (ii) If the physician **OR ALLIED HEALTH PROFESSIONAL** executes  
11 a document releasing the Board from any liability related to the charges, shall immediately  
12 expunge all records of the charges; and

13 (3) May not take any further action on the charges.

14 14-409.

15 (a) (1) Except as provided in subsection (b) of this section, a disciplinary panel,  
16 **ON THE AFFIRMATIVE VOTE OF A MAJORITY OF THE QUORUM OF THE DISCIPLINARY**  
17 **PANEL**, may reinstate the license of an individual whose license has been surrendered or  
18 revoked under this title only in accordance with:

19 (i) The terms and conditions of the order of revocation or letter of  
20 surrender;

21 (ii) An order of reinstatement issued by the disciplinary panel; or

22 (iii) A final judgment in any proceeding for review.

23 (2) If a license is surrendered or revoked for a period of more than 1 year,  
24 **[the Board] A DISCIPLINARY PANEL** may reinstate the license after 1 year if the licensee:

25 (i) Meets the requirements for reinstatement as established by the  
26 Board; and

27 (ii) Completes a criminal history records check in accordance with [~~§~~  
28 ~~14-308.1~~] ~~§ 14-302~~ of this title.

29 (c) If an order of revocation is based on [~~§ 14-404(b)~~] ~~§ 14-516(B)~~, ~~§~~  
30 ~~14-5A-17(B)~~, ~~§ 14-5B-14(B)~~, ~~§ 14-5C-17(B)~~, ~~§ 14-5D-14(B)~~, ~~§ 14-5E-16(B)~~, ~~§~~  
31 ~~14-5F-18(B)~~, ~~§ 14-5G-18(B)~~, OR ~~§ 14-5H-16(B)~~ of this [subtitle] **TITLE**, and the

1 conviction or plea subsequently is overturned at any stage of an appeal or other  
2 postconviction proceeding, the revocation ends when the conviction or plea is overturned.

3 14-411.

4 (d) The Board shall disclose any information contained in a record to:

5 (1) A committee of a hospital, health maintenance organization, or related  
6 institution if:

7 (i) The committee of a medical hospital staff concerned with  
8 [physician] LICENSEE discipline or other committee of a hospital, health maintenance  
9 organization, or related institution requests the information in writing;

10 (ii) A disciplinary panel has issued an order as to a [licensed  
11 physician] LICENSEE on whom the information is requested; and

12 (iii) The Board determines that the information requested is  
13 necessary for an investigation or action of the committee as to a medical privilege of a  
14 [licensed physician] LICENSEE; or

15 (2) The Secretary, the Office of Health Care Quality in the Department,  
16 the Maryland Health Care Commission, or the Health Services Cost Review Commission  
17 for the purpose of investigating quality or utilization of care in any entity regulated by the  
18 Office of Health Care Quality or the Health Services Cost Review Commission.

19 (g) (1) The Board shall notify all hospitals, health maintenance organizations,  
20 or other health care facilities where a [physician or an allied health professional]  
21 LICENSEE regulated by the Board has privileges, has a provider contract with a health  
22 maintenance organization, or is employed of a complaint or report filed against that  
23 [physician] LICENSEE, if:

24 (i) The Board determines, in its discretion, that the hospital, health  
25 maintenance organization, or health care facility should be informed about the report or  
26 complaint;

27 (ii) The nature of the complaint suggests a reasonable possibility of  
28 an imminent threat to patient safety; or

29 (iii) The complaint or report was as a result of a claim filed in the  
30 Health Care Alternative Dispute Resolution Office and a certificate of a qualified expert is  
31 filed in accordance with § 3-2A-04(b)(1) of the Courts Article.

32 (2) The Board shall disclose any information pertaining to a [physician's]  
33 LICENSEE'S competency to practice [medicine] UNDER THE LICENSE contained in record

1 to a committee of a hospital, health maintenance organization, or other health care facility  
2 if:

3 (i) The committee is concerned with [physician] LICENSEE  
4 discipline and requests the information in writing; and

5 (ii) The Board has received a complaint or report pursuant to  
6 paragraph (1)(i) and (ii) of this subsection on the [licensed physician] LICENSEE on whom  
7 the information is requested.

8 (3) The Board shall, after formal action is taken pursuant to § 14–406 of  
9 this subtitle, notify those hospitals, health maintenance organizations, or health care  
10 facilities where the [physician] LICENSEE has privileges, has a provider contract with a  
11 health maintenance organization, or is employed of its formal action within 10 days after  
12 the action is taken and shall provide the hospital, health maintenance organization, or  
13 health care facility with periodic reports as to enforcement or monitoring of a formal  
14 disciplinary order against a [physician] LICENSEE within 10 days after receipt of those  
15 reports.

16 (h) On the request of a person who has made a complaint to the Board regarding  
17 a [physician] LICENSEE, the Board shall provide the person with information on the status  
18 of the complaint.

19 (j) The Board may disclose any information contained in a record to a licensing  
20 or disciplinary authority of another state if:

21 (1) The licensing or disciplinary authority of another state that regulates  
22 [licensed physicians] LICENSEES in that state requests the information in writing; and

23 (2) The disclosure of any information is limited to the pendency of an  
24 allegation of a ground for disciplinary or other action by a disciplinary panel until:

25 (i) The disciplinary panel has passed an order under § 14–406 of  
26 this subtitle; or

27 (ii) A [licensed physician] LICENSEE on whom the information is  
28 requested authorizes a disclosure as to the facts of an allegation or the results of an  
29 investigation before the Board.

30 (k) The Board may disclose any information contained in a record to a person if:

31 (1) A [licensed physician] LICENSEE on whom any information is  
32 requested authorizes the person to receive the disclosure;

33 (2) The person requests the information in writing; and

1 (3) The authorization for the disclosure is in writing.

2 (p) (1) The Board may publish a summary of any allegations of grounds for  
3 disciplinary or other action.

4 (2) A summary may not identify:

5 (i) Any person who makes an allegation to the Board or any of its  
6 investigatory bodies;

7 (ii) A [licensed physician] LICENSEE about whom an allegation is  
8 made; or

9 (iii) A witness in an investigation or a proceeding before the Board or  
10 any of its investigatory bodies.

11 14-411.1.

12 (b) The Board shall create and maintain a public individual profile on each  
13 licensee that includes the following information:

14 (1) A summary of charges filed against the licensee, including a copy of the  
15 charging document, until a disciplinary panel has taken action under [§ 14-404] § 14-516  
16 of this [subtitle] TITLE based on the charges or has rescinded the charges;

17 (2) A description of any disciplinary action taken by the Board or a  
18 disciplinary panel against the licensee within the most recent 10-year period that includes  
19 a copy of the public order;

20 (3) A description in summary form of any final disciplinary action taken by  
21 a licensing board in any other state or jurisdiction against the licensee within the most  
22 recent 10-year period;

23 (4) A description of a conviction or entry of a plea of guilty or nolo  
24 contendere by the licensee for a crime involving moral turpitude reported to the Board  
25 under § 14-416 of this subtitle; and

26 [(5) As reported to the Board by the licensee, education and practice  
27 information about the licensee including:

28 (i) The name of any medical school that the licensee attended and  
29 the date on which the licensee graduated from the school;

30 (ii) A description of any internship and residency training;

1 (iii) A description of any specialty board certification by a recognized  
2 board of the ~~Association~~, American Board of Medical Specialties or the American  
3 Osteopathic Association;

4 (iv) The name of any hospital where the licensee has medical  
5 privileges;

6 (v) The location of the licensee's primary practice setting;

7 (vi) Whether the licensee participates in the Maryland Medical  
8 Assistance Program;

9 (vii) Whether the licensee maintains medical professional liability  
10 insurance; and

11 (viii) The number of medical malpractice final court judgments and  
12 arbitration awards against the licensee within the most recent 10-year period.]

13 **(5) FOR A PHYSICIAN, THE INFORMATION REQUIRED UNDER § 14-517**  
14 **OF THIS TITLE.**

15 (c) In addition to the requirements of subsection (b) of this section, the Board  
16 shall:

17 **(1) FOLLOWING THE FILING OF CHARGES OR NOTICE OF INITIAL**  
18 **DENIAL OF A LICENSE APPLICATION, DISCLOSE THE FILING TO THE PUBLIC ON THE**  
19 **BOARD'S WEBSITE.**

20 **(2)** Provide appropriate and accessible Internet links from the Board's  
21 **[Internet site] WEBSITE:**

22 (i) To the extent available, to the appropriate portion of the  
23 **[Internet site] WEBSITE** of each health maintenance organization licensed in this State  
24 which will allow the public to ascertain the names of the physicians affiliated with the  
25 health maintenance organization; and

26 (ii) To the appropriate portion of the **[Internet site] WEBSITE** of the  
27 American Medical Association;

28 **[(2)] (3)** Include a statement on each licensee's profile of information to  
29 be taken into consideration by a consumer when viewing a licensee's profile, including  
30 factors to consider when evaluating a licensee's malpractice data, and a disclaimer stating  
31 that a charging document does not indicate a final finding of guilt by a disciplinary panel;  
32 and

33 **[(3)] (4)** Provide on the Board's **[Internet site] WEBSITE:**



1 (i) Notification that a person may contact the Board by telephone,  
2 electronic mail, or written request to find out whether the number of medical malpractice  
3 settlements involving a particular licensee totals three or more with a settlement amount  
4 of \$150,000 or greater within the most recent 5-year period as reported to the Board; and

5 (ii) A telephone number, electronic mail address, and physical  
6 address through which a person may contact the Board to request the information required  
7 to be provided under item (i) of this item.

8 (d) The Board:

9 (1) On receipt of a written request for a licensee's profile from any person,  
10 shall forward a written copy of the profile to the person;

11 (2) Shall maintain a website that serves as a single point of entry where  
12 all physician **AND ALLIED HEALTH PROFESSIONAL** profile information is available to the  
13 public on the Internet; and

14 (3) On receipt of a verbal, electronic, or written request in accordance with  
15 subsection [(c)(3)] **(C)(4)** of this section, shall provide the information within 2 business  
16 days of the request.

17 14-413.

18 **(A)** A person may not make any false statement, report, or representation to the  
19 Board or a disciplinary panel.

20 **(B) (1) A PERSON WHO ~~VIOLATED~~ VIOLATES ANY PROVISION OF THIS**  
21 **SUBTITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE**  
22 **NOT EXCEEDING \$5,000 OR IMPRISONMENT NOT EXCEEDING 5 YEARS OR BOTH.**

23 **(2) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER THIS**  
24 **SECTION INTO THE BOARD OF PHYSICIANS FUND.**

25 14-416.

26 (a) Each court shall report to the Board each conviction of or entry of a plea of  
27 guilty or nolo contendere by a [physician] LICENSEE for any crime involving moral  
28 turpitude.

29 14-417.

30 **(A) (1) EACH LICENSEE SHALL NOTIFY THE BOARD IN WRITING OF ANY**  
31 **CHANGE IN THE LICENSEE'S NAME OR ADDRESS WITHIN 60 DAYS AFTER THE**  
32 **CHANGE.**



1                   6.     Does not engage in the practice of medicine at a hospital,  
2 related institution, or other health care facility, including an acute care facility, located  
3 within the State; or

4                   (iii)   Is engaged in clinical training or participates in training or  
5 teaching of a skill or procedure in a hospital if:

6                   1.     The skill or procedure:

7                   A.     Is advanced beyond those skills or procedures normally  
8 taught or exercised in the hospital and in standard medical education or training;

9                   B.     Could not be otherwise conveniently taught or  
10 demonstrated in standard medical education or training in that hospital; and

11                  C.     Is likely to benefit Maryland patients in this instance;

12                  2.     The demonstration of all skills or procedures by the  
13 physician does not exceed 14 days total in the calendar year;

14                  3.     A licensed physician who practices at a hospital in the  
15 State will be responsible for the medical care provided by that visiting physician to patients  
16 in the State;

17                  4.     The visiting physician has no history of any medical  
18 disciplinary action in any other state, territory, nation, or any branch of the United States  
19 uniformed services or the [Veterans Administration] **U.S. DEPARTMENT OF VETERANS**  
20 **AFFAIRS**, and has no significant detrimental malpractice history;

21                  5.     The physician is covered by malpractice insurance in the  
22 jurisdiction in which the physician practices; and

23                  6.     The hospital ensures that the patients will be protected by  
24 adequate malpractice insurance;

25                  [(3)   A physician employed in the service of the federal government while  
26 performing the duties incident to that employment;]

27                  [(4)] **(3)**   A physician who resides in and is authorized to practice medicine  
28 by any state adjoining this State for the purpose of prescribing home health services to a  
29 patient who resides in this State, if the physician:

30                  (i)     Does not have an office or other regularly appointed place in this  
31 State to meet patients; and

1 (ii) Has performed an in-person physical examination of the patient  
2 within the jurisdictional boundaries of the adjoining state in which the prescribing  
3 physician is authorized to practice medicine; and

4 ~~[(5)]~~ (4) An individual while under the supervision of a licensed physician  
5 who has specialty training in psychiatry, and whose specialty training in psychiatry has  
6 been approved by the Board, if the individual submits an application to the Board on or  
7 before October 1, 1993, and either:

8 (i) 1. Has a master's degree from an accredited college or  
9 university; and

10 2. Has completed a graduate program accepted by the Board  
11 in a behavioral science that includes 1,000 hours of supervised clinical psychotherapy  
12 experience; or

13 (ii) 1. Has a baccalaureate degree from an accredited college or  
14 university; and

15 2. Has 4,000 hours of supervised clinical experience that is  
16 approved by the Board.

17 14-503.

18 (c) (1) The Board shall adopt rules and regulations to delineate the scope of  
19 this section.

20 (2) Before it adopts any rule or regulation under this section, the Board  
21 shall invite and consider proposals from any individual or health group that could be  
22 affected by the rule or regulation.

23 (e) Except as otherwise provided in this section, an individual may perform  
24 X-ray duties without a license **TO PRACTICE MEDICINE** only if the duties:

25 (1) Do not include:

26 (i) Computerized or noncomputerized tomography;

27 (ii) Fluoroscopy;

28 (iii) Invasive radiology;

29 (iv) Mammography;

30 (v) Nuclear medicine;

31 (vi) Radiation therapy; or

1 (vii) Xerography;

2 (2) Are limited to X-ray procedures of the:

3 (i) Chest, anterior-posterior and lateral;

4 (ii) Spine, anterior-posterior and lateral; or

5 (iii) Extremities, anterior-posterior and lateral, not including the  
6 head; and

7 (3) Are performed:

8 (i) By an individual who is not employed primarily to perform  
9 X-ray duties;

10 (ii) In the medical office of the physician who delegates the duties;  
11 and

12 (iii) 1. By an individual who, before October 1, 2002, has:

13 A. Taken a course consisting of at least 30 hours of training  
14 in performing X-ray procedures approved by the Maryland Radiological Society in  
15 consultation with the Maryland Society of Radiologic Technologists; and

16 B. Successfully passed an examination based on that course  
17 that has been approved by the Maryland Radiological Society in consultation with the  
18 Maryland Society of Radiologic Technologists; or

19 2. By a licensed physician assistant who has completed a  
20 course that includes anterior-posterior and lateral radiographic studies of extremities on  
21 at least 20 separate patients under the direct supervision of the delegating physician or  
22 radiologist using a mini C-arm or similar low-level radiation machine to perform  
23 nonfluoroscopic X-ray procedures, if the duties:

24 A. Include only the X-ray procedures described in paragraph  
25 (2)(iii) of this subsection; and

26 B. Are performed pursuant to a Board-approved delegation  
27 agreement that includes a request to perform advanced duties under [§ 15-302(c)(2)] §  
28 14-5H-08(C)(2) of this [article] TITLE.

29 14-504.

1 (A) TO QUALIFY FOR A LICENSE TO PRACTICE MEDICINE AS A PHYSICIAN IN  
2 THE STATE, AN APPLICANT SHALL BE AN INDIVIDUAL WHO MEETS THE  
3 REQUIREMENTS OF § 14-301 OF THIS TITLE AND THIS SECTION.

4 (B) EXCEPT AS PROVIDED IN § 14-505 OF ~~THE~~ THIS SUBTITLE, THE  
5 APPLICANT SHALL:

6 (1) (I) HAVE A DEGREE OF DOCTOR OF MEDICINE FROM A  
7 MEDICAL SCHOOL THAT IS ACCREDITED BY AN ACCREDITING ORGANIZATION THAT  
8 THE BOARD RECOGNIZES IN ITS REGULATIONS; AND

9 (II) SUBMIT EVIDENCE ACCEPTABLE TO THE BOARD OF  
10 SUCCESSFUL COMPLETION OF 1 YEAR OF TRAINING IN A POSTGRADUATE MEDICAL  
11 TRAINING PROGRAM THAT IS ACCREDITED BY AN ACCREDITING ORGANIZATION  
12 THAT THE BOARD RECOGNIZES IN ITS REGULATIONS; OR

13 (2) (I) HAVE A DEGREE OF DOCTOR OF OSTEOPATHY FROM A  
14 SCHOOL OF OSTEOPATHY IN THE UNITED STATES, ITS TERRITORIES OR  
15 POSSESSIONS, PUERTO RICO, OR CANADA THAT HAS STANDARDS FOR GRADUATION  
16 EQUIVALENT TO THOSE ESTABLISHED BY THE AMERICAN OSTEOPATHIC  
17 ASSOCIATION; AND

18 (II) SUBMIT EVIDENCE ACCEPTABLE TO THE BOARD OF  
19 SUCCESSFUL COMPLETION OF 1 YEAR OF TRAINING IN A POSTGRADUATE MEDICAL  
20 TRAINING PROGRAM ACCREDITED BY AN ACCREDITING ORGANIZATION THAT THE  
21 BOARD RECOGNIZES IN ITS REGULATIONS.

22 (C) IF AN EXAMINATION IS REQUIRED FOR A LICENSE TO PRACTICE  
23 MEDICINE, AN OTHERWISE QUALIFIED APPLICANT WHO PASSES THE EXAMINATION  
24 AFTER HAVING FAILED THE EXAMINATION OR ANY PART OF THE EXAMINATION  
25 THREE OR MORE TIMES MAY QUALIFY FOR A LICENSE ONLY IF THE APPLICANT:

26 (1) HAS SUCCESSFULLY COMPLETED 2 OR MORE YEARS OF A  
27 RESIDENCY OR FELLOWSHIP ACCREDITED BY THE ACCREDITATION COUNCIL ON  
28 GRADUATE MEDICAL EDUCATION OR THE AMERICAN OSTEOPATHIC ASSOCIATION;

29 (2) (I) HAS A MINIMUM OF 5 YEARS OF CLINICAL PRACTICE OF  
30 MEDICINE:

31 1. IN THE UNITED STATES OR IN CANADA;

32 2. WITH ~~A~~ AT LEAST 3 OF THE 5 YEARS HAVING  
33 OCCURRED WITHIN 5 YEARS OF THE DATE OF THE APPLICATION; AND

1                   **3. THAT OCCURRED UNDER A FULL UNRESTRICTED**  
2 **LICENSE TO PRACTICE MEDICINE; AND**

3                   **(II) HAS NO DISCIPLINARY ACTION PENDING AND HAS HAD NO**  
4 **DISCIPLINARY ACTION TAKEN AGAINST THE APPLICANT THAT WOULD BE GROUNDS**  
5 **FOR DISCIPLINE UNDER § 14-515 OF THIS SUBTITLE; OR**

6                   **(3) IS BOARD CERTIFIED.**

7           **(D) (1) THE BOARD SHALL LICENSE AN APPLICANT TO PRACTICE**  
8 **MEDICINE IF:**

9                   **(I) THE APPLICANT:**

10                   **1. BECAME LICENSED OR CERTIFIED AS A PHYSICIAN IN**  
11 **ANOTHER JURISDICTION UNDER REQUIREMENTS THAT THE BOARD DETERMINES**  
12 **ARE SUBSTANTIALLY EQUIVALENT TO THE LICENSING REQUIREMENTS OF THIS**  
13 **TITLE;**

14                   **2. IS IN GOOD STANDING UNDER THE LAWS OF THE**  
15 **OTHER JURISDICTION;**

16                   **3. SUBMITS AN APPLICATION TO THE BOARD ON A FORM**  
17 **THAT THE BOARD REQUIRES; AND**

18                   **4. PAYS TO THE BOARD AN APPLICATION FEE SET BY**  
19 **THE BOARD; AND**

20                   **(II) THE JURISDICTION IN WHICH THE APPLICANT IS LICENSED**  
21 **OR CERTIFIED OFFERS A SIMILAR RECIPROCAL LICENSING PROCESS FOR**  
22 **INDIVIDUALS LICENSED TO PRACTICE MEDICINE BY THE BOARD.**

23                   **(2) THE BOARD SHALL ADOPT REGULATIONS TO IMPLEMENT THIS**  
24 **SUBSECTION.**

25           **(E) (1) IN ESTABLISHING ANY CONTINUING EDUCATION REQUIREMENTS**  
26 **FOR THE RENEWAL OF A LICENSE, THE BOARD SHALL EVALUATE EXISTING**  
27 **METHODS, DEVICES, AND PROGRAMS IN USE AMONG THE VARIOUS MEDICAL**  
28 **SPECIALTIES AND OTHER RECOGNIZED MEDICAL GROUPS.**

29                   **(2) THE BOARD SHALL ADOPT REGULATIONS THAT ALLOW A**  
30 **LICENSEE SEEKING RENEWAL TO RECEIVE UP TO FIVE CONTINUING EDUCATION**  
31 **CREDITS PER RENEWAL PERIOD FOR PROVIDING UNCOMPENSATED, VOLUNTARY**  
32 **MEDICAL SERVICES DURING EACH RENEWAL PERIOD.**

1           **(3) THE BOARD MAY NOT ESTABLISH OR ENFORCE THESE**  
2 **REQUIREMENTS IF THEY WOULD SO REDUCE THE NUMBER OF PHYSICIANS IN A**  
3 **COMMUNITY AS TO JEOPARDIZE THE AVAILABILITY OF ADEQUATE MEDICAL CARE IN**  
4 **THAT COMMUNITY.**

5 14-505.

6           (b) An applicant for a license **TO PRACTICE MEDICINE** is exempt from the  
7 educational requirements of [§ 14-307] **§ 14-301 OF THIS TITLE AND § 14-504** of this  
8 subtitle, if the applicant:

9           (1) Has studied medicine at a foreign medical school;

10           (2) Is certified by the Educational Commission for Foreign Medical  
11 Graduates or by its successor as approved by the Board;

12           (3) Passes a qualifying examination for foreign medical school graduates  
13 required by the Board;

14           (4) Meets any other qualifications for foreign medical school graduates that  
15 the Board establishes in its regulation for licensing of applicants;

16           (5) Submits acceptable evidence to the Board of the requirements set in the  
17 Board's regulations; and

18           (6) Meets one of the following requirements:

19           (i) The applicant graduated from any foreign medical school and  
20 submits evidence acceptable to the Board of successful completion of 2 years of training in  
21 a postgraduate medical education program accredited by an accrediting organization  
22 recognized by the Board; or

23           (ii) The applicant successfully completed a fifth pathway program  
24 and submits evidence acceptable to the Board that the applicant:

25           1. Has a document issued by the foreign medical school  
26 certifying that the applicant completed all of the formal requirements of that school for the  
27 study of medicine, except for the postgraduate or social service components as required by  
28 the foreign country or its medical school;

29           2. Has successfully completed a fifth pathway program; and

30           3. Has successfully completed 2 years of training in a  
31 postgraduate medical education program following completion of a Board approved fifth  
32 pathway program.



1 14–506.

2 (a) An applicant who otherwise qualifies for a license **TO PRACTICE MEDICINE**  
3 under this title is entitled to sit for an examination as provided under this section or any  
4 regulations adopted to carry out this section.

5 14–510.

6 (a) The Board may:

7 (1) License **TO PRACTICE MEDICINE** an applicant by virtue of the  
8 conceded eminence and authority of the applicant in the profession if the applicant:

9 (i) Is recommended to the Board by:

10 1. The dean of a school of medicine in the State; or

11 2. The Director of the National Institutes of Health;

12 (ii) Is to receive an appointment at the institution making the  
13 recommendation under item (i) of this paragraph; and

14 (iii) Meets any other requirement the Board may adopt by regulation  
15 under this section;

16 (2) Define by regulation the term “conceded eminence and authority in the  
17 profession” and, for this purpose, shall consider such criteria as:

18 (i) Academic appointments;

19 (ii) Length of time in the profession;

20 (iii) Scholarly publications; and

21 (iv) Professional accomplishments;

22 (3) Adopt regulations concerning the further qualifications of an applicant  
23 for licensure, including conditions of employment, application procedures, and fees under  
24 this section;

25 (4) Allow an exception to the general education and examination  
26 requirements of [§ 14–307(d) and (e)] **§ 14–301(E) OF THIS TITLE AND § 14–504(B)** of  
27 this subtitle, but may not permit waiver of the requirements of [§ 14–307(a) through (c)] **§**  
28 **14–301(A) THROUGH (C)** of this [subtitle] **TITLE**;

1 (5) Qualify, restrict, or otherwise limit a license granted under this section;  
2 and

3 (6) Require a 6-month probationary period during which the medical  
4 services performed by the applicant granted a license under this section are supervised by  
5 another licensed physician.

6 14-511.

7 (b) A licensee on inactive status is exempt from the continuing education  
8 requirements under [§ 14-316(d)] **§ 14-306(D)** of this [subtitle] TITLE.

9 14-512.

10 (c) A licensee on emeritus status is exempt from the continuing education  
11 requirements under [§ 14-316(d)] **§ 14-306(D)** of this [subtitle] TITLE.

12 14-514.

13 **(C) A PERSON WHO VIOLATES ANY PROVISION OF THIS SECTION IS GUILTY**  
14 **OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING**  
15 **\$500.**

16 **(D) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER THIS**  
17 **SECTION INTO THE BOARD OF PHYSICIANS FUND.**

18 **14-515.**

19 **(A) IF AN ALLEGATION OF GROUNDS FOR DISCIPLINARY OR OTHER ACTION**  
20 **IS MADE BY A PATIENT OR A FAMILY MEMBER OF A PATIENT BASED ON §**  
21 **14-516(A)(22) OF THIS SUBTITLE, AND A FULL INVESTIGATION RESULTS FROM THAT**  
22 **ALLEGATION, THE FULL INVESTIGATION SHALL INCLUDE AN OFFER FOR AN**  
23 **INTERVIEW WITH THE PATIENT OR A FAMILY MEMBER OF THE PATIENT WHO WAS**  
24 **PRESENT AT OR AROUND THE TIME THAT THE INCIDENT THAT GAVE RISE TO THE**  
25 **ALLEGATION OCCURRED.**

26 **(B) (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, AFTER**  
27 **BEING ASSIGNED A COMPLAINT UNDER § 14-401.1 OF THIS TITLE, THE**  
28 **DISCIPLINARY PANEL MAY:**

29 **(I) REFER AN ALLEGATION FOR FURTHER INVESTIGATION TO**  
30 **THE ENTITY THAT HAS CONTRACTED WITH THE BOARD UNDER SUBSECTION (D) OF**  
31 **THIS SECTION; OR**

1 (II) TAKE ANY APPROPRIATE AND IMMEDIATE ACTION AS  
2 NECESSARY.

3 (2) (I) IF, AFTER BEING ASSIGNED A COMPLAINT AND  
4 COMPLETING THE PRELIMINARY INVESTIGATION, THE DISCIPLINARY PANEL FINDS  
5 THAT THE LICENSEE MAY HAVE VIOLATED § 14-516(A)(22) OF THIS SUBTITLE, THE  
6 DISCIPLINARY PANEL SHALL REFER THE ALLEGATION TO THE ENTITY OR ENTITIES  
7 THAT HAVE CONTRACTED WITH THE BOARD UNDER SUBSECTION (D) OF THIS  
8 SECTION FOR FURTHER INVESTIGATION AND PHYSICIAN PEER REVIEWS WITHIN THE  
9 INVOLVED MEDICAL SPECIALTY OR SPECIALTIES.

10 (II) A DISCIPLINARY PANEL SHALL OBTAIN TWO PEER REVIEW  
11 REPORTS FROM THE ENTITY OR INDIVIDUAL WITH WHOM THE BOARD CONTRACTED  
12 UNDER SUBSECTION (D) OF THIS SECTION FOR EACH ALLEGATION THE  
13 DISCIPLINARY PANEL REFERS FOR PEER REVIEW.

14 (C) COUNTY MEDICAL SOCIETIES SHALL REFER TO THE BOARD ALL  
15 ~~COMPLAINS~~ COMPLAINTS THAT SET FORTH ALLEGATIONS OF GROUNDS FOR  
16 DISCIPLINARY ACTION UNDER § 14-516 OF THIS SUBTITLE.

17 (D) (1) IN ACCORDANCE WITH § 14-401.1(C) OF THIS TITLE, THE BOARD  
18 SHALL ENTER INTO A WRITTEN CONTRACT WITH AN ENTITY OR INDIVIDUAL FOR  
19 CONFIDENTIAL PHYSICIAN PEER REVIEW OF ALLEGATIONS BASED ON §  
20 14-516(A)(22) OF THIS SUBTITLE.

21 (2) A PEER REVIEWER SHALL:

22 (I) BE BOARD CERTIFIED;

23 (II) HAVE SPECIAL QUALIFICATIONS TO JUDGE THE MATTER AT  
24 HAND;

25 (III) HAVE RECEIVED A SPECIFIED AMOUNT OF MEDICAL  
26 EXPERIENCE AND TRAINING;

27 (IV) HAVE NO FORMAL ACTIONS AGAINST THE PEER REVIEWER'S  
28 OWN LICENSE;

29 (V) RECEIVE TRAINING IN PEER REVIEW;

30 (VI) HAVE A STANDARD FORMAT FOR PEER REVIEW REPORTS;  
31 AND

1                   **(VII) TO THE EXTENT PRACTICABLE, BE LICENSED AND ENGAGED**  
2 **IN THE PRACTICE OF MEDICINE IN THE STATE.**

3                   **(3) THE BOARD MAY CONSULT WITH THE APPROPRIATE SPECIALTY**  
4 **HEALTH CARE PROVIDER SOCIETIES IN THE STATE TO OBTAIN A LIST OF PHYSICIANS**  
5 **QUALIFIED TO PROVIDE PEER REVIEW SERVICES.**

6 14–516.

7           (a) Subject to the hearing provisions of § 14–405 of this [subtitle] **TITLE**, a  
8 disciplinary panel, on the affirmative vote of a majority of the quorum of the disciplinary  
9 panel, may reprimand any licensee, place any licensee on probation, or suspend or revoke  
10 a license if the licensee:

11                   (1) Fraudulently or deceptively obtains or attempts to obtain a license for  
12 the applicant or licensee or for another;

13                   (2) Fraudulently or deceptively uses a license;

14                   (3) Is guilty of:

15                           (i) Immoral conduct in the practice of medicine; or

16                           (ii) Unprofessional conduct in the practice of medicine;

17                   (4) Is professionally, physically, or mentally [incompetent] **UNABLE TO**  
18 **CARRY OUT IMPORTANT PROFESSIONAL ACTIVITIES;**

19                   (5) Solicits or advertises in violation of [§ 14–503] **§ 14–514** of this [title]  
20 **SUBTITLE;**

21                   (6) Abandons a patient;

22                   (7) Habitually is intoxicated;

23                   (8) Is addicted to, or habitually abuses, any narcotic or controlled  
24 dangerous substance as defined in § 5–101 of the Criminal Law Article;

25                   (9) Provides professional services:

26                           (i) While under the influence of alcohol; or

27                           (ii) While using any narcotic or controlled dangerous substance, as  
28 defined in § 5–101 of the Criminal Law Article, or other drug that is in excess of therapeutic  
29 amounts or without valid medical indication;

1 (10) Promotes the sale of drugs, devices, appliances, or goods to a patient so  
2 as to exploit the patient for financial gain;

3 (11) Willfully makes or files a false report or record in the practice of  
4 medicine;

5 (12) Willfully fails to file or record any medical report as required under law,  
6 willfully impedes or obstructs the filing or recording of the report, or induces another to fail  
7 to file or record the report;

8 (13) On proper request, and in accordance with the provisions of Title 4,  
9 Subtitle 3 of the Health – General Article, fails to provide details of a patient’s medical  
10 record to the patient, another physician, or hospital;

11 (14) Solicits professional patronage through an agent or other person or  
12 profits from the acts of a person who is represented as an agent of the physician;

13 (15) Pays or agrees to pay any sum to any person for bringing or referring a  
14 patient or accepts or agrees to accept any sum from any person for bringing or referring a  
15 patient;

16 (16) Agrees with a clinical or bioanalytical laboratory to make payments to  
17 the laboratory for a test or test series for a patient, unless the licensed physician discloses  
18 on the bill to the patient or third-party payor:

19 (i) The name of the laboratory;

20 (ii) The amount paid to the laboratory for the test or test series; and

21 (iii) The amount of procurement or processing charge of the licensed  
22 physician, if any, for each specimen taken;

23 (17) Makes a willful misrepresentation in treatment;

24 (18) Practices medicine with an unauthorized person or aids an  
25 unauthorized person in the practice of medicine;

26 (19) [Grossly overutilizes] **ESTABLISHES A PATTERN OF**  
27 **OVERUTILIZATION OF** health care services;

28 (20) Offers, undertakes, or agrees to cure or treat disease by a secret  
29 method, treatment, or medicine;

30 (21) Is disciplined by a licensing or disciplinary authority or convicted or  
31 disciplined by a court of any state or country or disciplined by any branch of the United  
32 States uniformed services or the [Veterans’ Administration] **U.S. DEPARTMENT OF**

1 **VETERANS AFFAIRS** for an act that would be grounds for disciplinary action under this  
2 section;

3 (22) Fails to meet appropriate standards as determined by appropriate peer  
4 review for the delivery of quality medical and surgical care performed in an outpatient  
5 surgical facility, office, hospital, or any other location in this State;

6 (23) Willfully submits false statements to collect fees for which services are  
7 not provided;

8 (24) Was subject to investigation or disciplinary action by a licensing or  
9 disciplinary authority or by a court of any state or country for an act that would be grounds  
10 for disciplinary action under this section and the licensee:

11 (i) Surrendered the license issued by the state or country to the  
12 state or country; or

13 (ii) Allowed the license issued by the state or country to expire or  
14 lapse;

15 (25) Knowingly fails to report suspected child abuse in violation of § 5–704  
16 of the Family Law Article;

17 (26) Fails to educate a patient being treated for breast cancer of alternative  
18 methods of treatment as required by § 20–113 of the Health – General Article;

19 (27) Sells, prescribes, gives away, or administers drugs for illegal or  
20 illegitimate medical purposes;

21 (28) Fails to comply with the provisions of § 12–102 of this article;

22 (29) Refuses, withholds from, denies, or discriminates against an individual  
23 with regard to the provision of professional services for which the licensee is licensed and  
24 qualified to render because the individual is HIV positive;

25 (30) Except as to an association that has remained in continuous existence  
26 since July 1, 1963:

27 (i) Associates with a pharmacist as a partner or co-owner of a  
28 pharmacy for the purpose of operating a pharmacy;

29 (ii) Employs a pharmacist for the purpose of operating a pharmacy;  
30 or

31 (iii) Contracts with a pharmacist for the purpose of operating a  
32 pharmacy;

1 (31) Except in an emergency life-threatening situation where it is not  
2 feasible or practicable, fails to comply with the Centers for Disease Control and  
3 Prevention's guidelines on universal precautions;

4 (32) Fails to display the notice required under [§ 14-415] § 14-520 of this  
5 subtitle;

6 (33) Fails to cooperate with a lawful investigation conducted by the Board  
7 or a disciplinary panel;

8 (34) Is convicted of insurance fraud as defined in § 27-801 of the Insurance  
9 Article;

10 (35) Is in breach of a service obligation resulting from the applicant's or  
11 licensee's receipt of State or federal funding for the licensee's medical education;

12 (36) Willfully makes a false representation when seeking or making  
13 application for licensure or any other application related to the practice of medicine;

14 (37) By corrupt means, threats, or force, intimidates or influences, or  
15 attempts to intimidate or influence, for the purpose of causing any person to withhold or  
16 change testimony in hearings or proceedings before the Board or a disciplinary panel or  
17 those otherwise delegated to the Office of Administrative Hearings;

18 (38) By corrupt means, threats, or force, hinders, prevents, or otherwise  
19 delays any person from making information available to the Board or a disciplinary panel  
20 in furtherance of any investigation of the Board or a disciplinary panel;

21 (39) Intentionally misrepresents credentials for the purpose of testifying or  
22 rendering an expert opinion in hearings or proceedings before the Board or a disciplinary  
23 panel or those otherwise delegated to the Office of Administrative Hearings;

24 (40) Fails to keep adequate medical records as determined by appropriate  
25 peer review;

26 (41) Performs a cosmetic surgical procedure in an office or a facility that is  
27 not:

28 (i) Accredited by:

29 1. The American Association for Accreditation of Ambulatory  
30 Surgical Facilities;

31 2. The Accreditation Association for Ambulatory Health  
32 Care; or





1           **(7) WHETHER THE LICENSEE MAINTAINS MEDICAL PROFESSIONAL**  
2 **LIABILITY INSURANCE; AND**

3           **(8) THE NUMBER OF MEDICAL MALPRACTICE FINAL COURT**  
4 **JUDGMENTS AND ARBITRATION AWARDS AGAINST THE LICENSEE WITHIN THE MOST**  
5 **RECENT 10-YEAR PERIOD.**

6 14-518.

7           (a) (1) Each hospital and related institution shall submit to the Board a report  
8 within 10 days after:

9                   (i) The hospital or related institution denied the application of a  
10 physician for staff privileges or limited, reduced, otherwise changed, or terminated the staff  
11 privileges of a physician, or the physician resigned whether or not under formal accusation,  
12 if the denial, limitation, reduction, change, termination, or resignation is for reasons that  
13 might be grounds for disciplinary action under [§ 14-404] **§ 14-516** of this subtitle;

14                   (ii) The hospital or related institution took any disciplinary action  
15 against a salaried, licensed physician without staff privileges, including termination of  
16 employment, suspension, or probation, for reasons that might be grounds for disciplinary  
17 action under [§ 14-404] **§ 14-516** of this subtitle;

18                   (iii) A licensed physician voluntarily resigned from the staff, employ,  
19 or training program of the hospital or related institution for reasons that might be grounds  
20 for disciplinary action under [§ 14-404] **§ 14-516** of this subtitle; or

21                   (iv) The hospital or related institution placed any other restrictions  
22 or conditions on any of the licensed physicians as listed in items (i) through (iii) of this  
23 paragraph for any reasons that might be grounds for disciplinary action under [§ 14-404]  
24 **§ 14-516** of this subtitle.

25 14-519.

26           (a) (1) Each alternative health system as defined in § 1-401 of this article shall  
27 submit to the Board a report within 10 days after:

28                   (i) The alternative health system denied the formal application of a  
29 physician to contract with the alternative health system or limited, reduced, otherwise  
30 changed, or terminated the contract of a physician, or the physician resigned whether or  
31 not under formal accusation, if the denial, limitation, reduction, change, termination, or  
32 resignation is for reasons that might be grounds for disciplinary action under [§ 14-404] **§**  
33 **14-516** of this subtitle; or

1 (ii) The alternative health system placed any other restrictions or  
2 conditions on any licensed physician for any reasons that might be grounds for disciplinary  
3 action under [§ 14-404] **§ 14-516** of this subtitle.

4 14-522.

5 (C) (1) A PERSON WHO VIOLATES ANY PROVISION OF THIS SECTION IS  
6 GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT  
7 EXCEEDING \$5,000 OR IMPRISONMENT NOT EXCEEDING 5 YEARS OR BOTH.

8 (2) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER THIS  
9 SECTION INTO THE BOARD OF PHYSICIANS FUND.

10 14-525.

11 (B) (1) A PERSON WHO VIOLATES ANY PROVISION OF THIS SECTION IS  
12 GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT  
13 EXCEEDING \$5,000 OR IMPRISONMENT NOT EXCEEDING 5 YEARS OR BOTH.

14 (2) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER THIS  
15 SECTION INTO THE BOARD OF PHYSICIANS FUND.

16 [(b)] (C) (1) The Board shall investigate any alleged violation of this section  
17 or [§ 14-507] **§ 14-524** of this [title] SUBTITLE and may enforce any provision of this title  
18 by injunction or other appropriate proceedings.

19 [(c)] (2) An action under this [section] SUBSECTION is in addition to and not  
20 instead of criminal prosecution under [§ 14-606 of this subtitle] SUBSECTION (B) OF THIS  
21 SECTION.

22 14-526.

23 (D) (1) A PERSON WHO VIOLATES ANY PROVISION OF THIS SECTION IS  
24 GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT  
25 EXCEEDING \$5,000 OR IMPRISONMENT NOT EXCEEDING 5 YEARS OR BOTH.

26 (2) A PERSON WHO IS REQUIRED TO GIVE NOTICE UNDER THIS  
27 SECTION, AND WHO FAILS TO GIVE THE REQUIRED NOTICE, ~~IS LIABLE TO~~ MAY BE  
28 SUBJECT TO A CIVIL PENALTY OF NOT MORE THAN \$100.

29 (3) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER THIS  
30 SECTION INTO THE BOARD OF PHYSICIANS FUND.

31 14-528.

1 (A) Except as otherwise provided in this title:

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

4 (2) A licensee on inactive status under [§ 14–320] § 14–511 of this subtitle  
5 or emeritus status under [§ 14–320.1] § 14–512 of this subtitle may not:

6 (i) Practice, attempt to practice, or offer to practice medicine in the  
7 State; or

8 (ii) Delegate medical acts.

9 (B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A  
10 PERSON WHO VIOLATES THIS SECTION IS:

11 (I) GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO A  
12 FINE NOT EXCEEDING \$10,000 OR IMPRISONMENT NOT EXCEEDING 5 YEARS OR  
13 BOTH; AND

14 (II) SUBJECT TO A CIVIL FINE OF NOT MORE THAN \$50,000 TO  
15 BE LEVIED BY A DISCIPLINARY PANEL.

16 (2) THE PROVISIONS OF PARAGRAPH (1) OF THIS SUBSECTION DO  
17 NOT APPLY TO A FORMER LICENSEE WHO HAS FAILED TO RENEW A LICENSE UNDER  
18 § 14–306 OF THIS TITLE IF:

19 (I) LESS THAN 60 DAYS HAVE ELAPSED SINCE THE EXPIRATION  
20 OF THE LICENSE; AND

21 (II) THE FORMER LICENSEE HAS APPLIED FOR LICENSE  
22 REINSTATEMENT, INCLUDING PAYMENT OF THE REINSTATEMENT FEE.

23 (3) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER THIS  
24 SECTION INTO THE BOARD OF PHYSICIANS FUND.

25 14–529.

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

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

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

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

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

6 (4) A physician who resides in and is licensed to practice medicine by any  
7 state adjoining this State and whose practice extends into this State;

8 (5) An individual in a postgraduate medical program that is accredited by  
9 an accrediting organization recognized by the Board in regulations while the individual is  
10 practicing medicine in the program; or

11 (6) A licensee who is on emeritus status under [§ 14–320.1] **§ 14–512** of  
12 this [title] **SUBTITLE**, [provided that] **IF** the licensee does not represent to the public that  
13 the licensee is authorized to practice medicine in the State.

14 (c) An unlicensed individual who acts under [§ 14–302 or § 14–306] **§ 14–502 OR**  
15 **§ 14–503** of this [title] **SUBTITLE** may use the word “physician” together with another  
16 word to describe the occupation of the individual as in phrases such as “physician’s  
17 assistant” or “physician’s aide”.

18 **(D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A**  
19 **PERSON WHO VIOLATES THIS SECTION IS:**

20 **(I) GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO A**  
21 **FINE NOT EXCEEDING \$10,000 OR IMPRISONMENT NOT EXCEEDING 5 YEARS OR**  
22 **BOTH; AND**

23 **(II) SUBJECT TO A CIVIL FINE OF NOT MORE THAN \$50,000 TO**  
24 **BE LEVIED BY A DISCIPLINARY PANEL.**

25 **(2) THE PROVISIONS OF PARAGRAPH (1) OF THIS SUBSECTION DO**  
26 **NOT APPLY TO A FORMER LICENSEE WHO HAS FAILED TO RENEW A LICENSE UNDER**  
27 **§ 14–306 OF THIS TITLE IF:**

28 **(I) LESS THAN 60 DAYS HAVE ELAPSED SINCE THE EXPIRATION**  
29 **OF THE LICENSE; AND**

30 **(II) THE FORMER LICENSEE HAS APPLIED FOR LICENSE**  
31 **REINSTATEMENT, INCLUDING PAYMENT OF THE REINSTATEMENT FEE.**

1           **(3) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER THIS**  
2 **SECTION INTO THE BOARD OF PHYSICIANS FUND.**

3 14-5A-01.

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

5           (c) “Committee” means the Respiratory Care [Professional Standards]  
6 **ADVISORY** Committee established under § 14-5A-05 of this subtitle.

7 14-5A-05.

8           There is a Respiratory Care [Professional Standards] **ADVISORY** Committee within  
9 the Board.

10 14-5A-06.

11           **(E) A QUORUM OF THE COMMITTEE CONSISTS OF FOUR MEMBERS.**

12 14-5A-08.

13           (a) Except as otherwise provided in this [subtitle] **TITLE**, an individual shall be  
14 licensed by the Board before the individual may practice respiratory care in this State.

15           (b) This section does not apply to:

16           [(1) An individual employed by the federal government as a respiratory care  
17 practitioner while the individual is practicing within the scope of that employment;

18           (2)] **(1)** A respiratory care practitioner student enrolled in an education  
19 program which is accredited by an approved accrediting organization while practicing  
20 respiratory care in the program; or

21           [(3)] **(2)** An individual practicing respiratory care who is licensed by and  
22 residing in another jurisdiction if:

23           (i) The individual is participating in the transportation of a patient  
24 from that individual’s jurisdiction of licensure into the State;

25           (ii) The individual practices respiratory care only during the  
26 transportation of the patient;

27           (iii) The individual does not practice respiratory care on another  
28 individual who is not the patient being transported into the State; and

1 (iv) The individual does not practice respiratory care in the State for  
2 more than a total of 14 days within a calendar year.

3 14-5A-09.

4 [(a) To qualify for a license, an applicant shall be an individual who meets the  
5 requirements of this section.

6 (b) The applicant shall be of good moral character.

7 (c) The applicant shall be at least 18 years old.

8 (d) The applicant] **TO QUALIFY FOR A LICENSE, IN ADDITION TO THE**  
9 **REQUIREMENTS UNDER § 14-301 OF THIS TITLE, AN APPLICANT** shall[:

10 (1) Meet] **MEET** any educational, training, or examination requirements  
11 established by the Board including:

12 [(i) (1) Graduation from an appropriate educational program as  
13 determined by the Board; and

14 [(ii) (2) Certification by a national certifying board approved by  
15 the Board]; and

16 (2) Demonstrate oral and written competency in English as required by the  
17 Board].

18 [(e) The applicant shall complete a criminal history records check in accordance  
19 with § 14-308.1 of this title.]

20 14-5A-17.

21 (a) Subject to the hearing provisions of § 14-405 of this title, a disciplinary panel,  
22 on the affirmative vote of a majority of a quorum of the disciplinary panel, may [deny a  
23 license to any applicant,] reprimand any licensee, place any licensee on probation, or  
24 suspend or revoke a license, if the [applicant or] licensee:

25 (1) Fraudulently or deceptively obtains or attempts to obtain a license for  
26 the applicant, licensee, or for another;

27 (2) Fraudulently or deceptively uses a license; ~~respiratory care;~~

28 (3) Is guilty of unprofessional or immoral conduct in the practice of  
29 respiratory care;

1 (4) Is professionally, physically, or mentally [incompetent] **UNABLE TO**  
2 **CARRY OUT IMPORTANT PROFESSIONAL ACTIVITIES;**

3 (5) Abandons a patient;

4 (6) Is habitually intoxicated;

5 (7) Is addicted to or habitually abuses any narcotic or controlled dangerous  
6 substance as defined in § 5–101 of the Criminal Law Article;

7 (8) Provides professional services while:

8 (i) Under the influence of alcohol; or

9 (ii) Using any narcotic or controlled dangerous substance as defined  
10 in § 5–101 of the Criminal Law Article or any other drug that is in excess of therapeutic  
11 amounts or without valid medical indication;

12 (9) Promotes the sale of services, drugs, devices, appliances, or goods to a  
13 patient so as to exploit the patient for financial gain;

14 (10) Willfully makes or files a false report or record in the practice of  
15 respiratory care;

16 (11) Willfully fails to file or record any report as required under law,  
17 willfully impedes or obstructs the filing or recording of a report, or induces another to fail  
18 to file or record a report;

19 (12) Breaches patient confidentiality;

20 (13) Pays or agrees to pay any sum or provide any form of remuneration or  
21 material benefit to any person for bringing or referring a patient or accepts or agrees to  
22 accept any sum or any form of remuneration or material benefit from an individual for  
23 bringing or referring a patient;

24 (14) Knowingly makes a misrepresentation while practicing respiratory  
25 care;

26 (15) Knowingly practices respiratory care with an unauthorized individual  
27 or aids an unauthorized individual in the practice of respiratory care;

28 (16) Offers, undertakes, or agrees to cure or treat disease by a secret  
29 method, treatment, or medicine;

30 (17) Is disciplined by a licensing or disciplinary authority or is convicted or  
31 disciplined by a court of any state or country or is disciplined by any branch of the United  
32 States uniformed services or the [Veterans' Administration] **U.S. DEPARTMENT OF**

1 **VETERANS AFFAIRS** for an act that would be grounds for disciplinary action under the  
2 Board's disciplinary statutes;

3 (18) Fails to meet appropriate standards for the delivery of respiratory care  
4 performed in any inpatient or outpatient facility, office, hospital or related institution,  
5 domiciliary care facility, patient's home, or any other location in this State;

6 (19) Knowingly submits false statements to collect fees for which services  
7 are not provided;

8 (20) (i) Has been subject to investigation or disciplinary action by a  
9 licensing or disciplinary authority or by a court of any state or country for an act that would  
10 be grounds for disciplinary action under the Board's disciplinary statutes; and

11 (ii) Has:

12 1. Surrendered the license issued by the state or country; or

13 2. Allowed the license issued by the state or country to expire  
14 or lapse;

15 (21) Knowingly fails to report suspected child abuse in violation of § 5–704  
16 of the Family Law Article;

17 (22) Sells, prescribes, gives away, or administers drugs for illegal or  
18 illegitimate medical purposes;

19 (23) Practices or attempts to practice beyond the authorized scope of  
20 practice;

21 (24) Refuses, withholds from, denies, or discriminates against an individual  
22 with regard to the provision of professional services for which the licensee is licensed and  
23 qualified to render because the individual is HIV positive;

24 (25) Practices or attempts to practice a respiratory care procedure or uses or  
25 attempts to use respiratory care equipment if the [applicant or] licensee has not received  
26 education and training in the performance of the procedure or the use of the equipment;

27 (26) Fails to cooperate with a lawful investigation conducted by the Board  
28 or a disciplinary panel;

29 (27) Fails to practice under the supervision of a physician or violates a  
30 supervisory order of a supervising physician; or

31 (28) Fails to complete a criminal history records check under [§ 14–308.1] §  
32 **14–302** of this title.



1 14-5A-20.

2 Except as otherwise provided in this [subtitle] TITLE, a person may not practice,  
3 attempt to practice, or offer to practice respiratory care in this State unless licensed to  
4 practice respiratory care by the Board.

5 14-5A-21.

6 (a) Unless authorized to practice respiratory care under this [subtitle] TITLE, a  
7 person may not represent to the public by title, by description of services, methods, or  
8 procedures, or otherwise, that the person is authorized to practice respiratory care in this  
9 State.

10 (b) Unless authorized to practice respiratory care under this [subtitle] TITLE, a  
11 person may not use the abbreviation "R.C.P." or any other words, letters, or symbols with  
12 the intent to represent that the person practices respiratory care.

13 14-5A-22.

14 A person may not provide, attempt to provide, offer to provide, or represent that the  
15 person provides respiratory care unless the respiratory care is provided by an individual  
16 who is authorized to practice respiratory care under this [subtitle] TITLE.

17 14-5A-22.1.

18 (a) Except as otherwise provided in this [subtitle] TITLE, a licensed physician  
19 may not employ or supervise an individual practicing respiratory care without a license.

20 14-5B-05.

21 **(F) A QUORUM OF THE COMMITTEE CONSISTS OF FIVE MEMBERS.**

22 14-5B-07.

23 (a) (2) The failure of a licensed physician to properly supervise a licensee is  
24 unprofessional conduct in the practice of medicine under [§ 14-404(a)(3)] § 14-516(A)(3)  
25 of this title.

26 14-5B-08.

27 (a) (1) Except as otherwise provided in this [subtitle] TITLE, an individual  
28 shall be licensed by the Board before the individual may practice radiation therapy,  
29 radiography, nuclear medicine technology, or radiology assistance in this State.

30 (2) A radiologist assistant may not:

- 1 (i) Interpret images;
- 2 (ii) Make diagnoses; or
- 3 (iii) Prescribe medications or therapies.

4 (b) This section does not apply to[:

5 (1) An individual employed by the federal government as a radiation  
6 therapist, radiographer, a nuclear medicine technologist, or radiologist assistant while the  
7 individual is practicing within the scope of that employment; or

8 (2) A] A radiation therapy student, a radiography student, a nuclear  
9 medicine technology student, or a radiology assistant student enrolled in an education  
10 program which is accredited by an approved accrediting organization while practicing  
11 radiation therapy, radiography, nuclear medicine technology, or radiology assistance in  
12 that program.

13 14-5B-09.

14 (a) [To qualify for a license, an applicant shall be an individual who meets the  
15 requirements of this section.

16 (b)] Except as provided in subsection [(c)] (B) of this section, [the] **TO QUALIFY**  
17 **FOR A LICENSE, IN ADDITION TO THE REQUIREMENTS UNDER § 14-301 OF THIS**  
18 **TITLE, AN** applicant shall[:

19 (1) Be of good moral character;

20 (2) Be at least 18 years old;

21 (3) Demonstrate oral and written competency in English as required by the  
22 Board;

23 (4) Meet] **MEET** any educational, training, or examination requirements  
24 established by the Board, including:

25 [(i)] (1) Graduation from an appropriate educational program as  
26 determined by the Board; and

27 [(ii)] (2) Certification[; and

28 (5) Complete a criminal history records check in accordance with §  
29 14-308.1 of this title].

1            **[(c)] (B)**        To qualify for a license to practice as a radiologist assistant, an  
2 applicant shall:

3            (1)        Be issued a general license to perform radiography;

4            (2)        Complete an advanced academic program with a nationally recognized  
5 radiology curriculum that results in a baccalaureate degree, post baccalaureate certificate,  
6 or graduate degree and incorporates a radiologist–directed clinical preceptorship;

7            (3)        Be certified in advanced cardiac life support; and

8            (4)        Be certified as a radiologist assistant by the American Registry of  
9 Radiologic Technologists.

10           **[(d)] (C)**        Except for requirements adopted by the Board for license renewal under  
11 **[\$ 14–5B–12 of this subtitle] § 14–306 OF THIS TITLE**, nothing in this subtitle may be  
12 construed to require an individual who is certified by the Board as a radiation  
13 oncology/therapy technologist, medical radiation technologist, or nuclear medicine  
14 technologist as of October 1, 2008, to meet additional education, training, or examination  
15 requirements.

16 14–5B–11.

17           (a)        Licensure as a radiation therapist authorizes an individual to practice  
18 radiation therapy **IN THE STATE** while the license is effective.

19           (b)        Licensure as a radiographer authorizes an individual to practice radiography  
20 **IN THE STATE** while the license is effective.

21           (c)        Licensure as a nuclear medicine technologist authorizes an individual to  
22 practice nuclear medicine technology **IN THE STATE** while the license is effective.

23           (d)        Licensure as a radiologist assistant authorizes an individual to practice  
24 radiology assistance **IN THE STATE** while the license is effective.

25 14–5B–14.

26           (a)        Subject to the hearing provisions of § 14–405 of this title, a disciplinary panel,  
27 on the affirmative vote of a majority of the quorum of the disciplinary panel, may **[deny a**  
28 **license to any applicant,]** reprimand any licensee, place any licensee on probation, or  
29 suspend or revoke a license, if the **[applicant or]** licensee:

30           (1)        Fraudulently or deceptively obtains or attempts to obtain a license for  
31 the applicant, licensed individual, or for another;

32           (2)        Fraudulently or deceptively uses a license;

1           (3) Is guilty of unprofessional or immoral conduct in the practice of  
2 radiation therapy, radiography, nuclear medicine technology, or radiology assistance;

3           (4) Is professionally, physically, or mentally [incompetent] **UNABLE TO**  
4 **CARRY OUT IMPORTANT PROFESSIONAL ACTIVITIES;**

5           (5) Abandons a patient;

6           (6) Is habitually intoxicated;

7           (7) Is addicted to or habitually abuses any narcotic or controlled dangerous  
8 substance as defined in § 5–101 of the Criminal Law Article;

9           (8) Provides professional services while:

10                   (i) Under the influence of alcohol; or

11                   (ii) Using any narcotic or controlled dangerous substance as defined  
12 in § 5–101 of the Criminal Law Article or any other drug that is in excess of therapeutic  
13 amounts or without valid medical indication;

14           (9) Promotes the sale of services, drugs, devices, appliances, or goods to a  
15 patient so as to exploit the patient for financial gain;

16           (10) Willfully makes or files a false report or record in the practice of  
17 radiation therapy, radiography, nuclear medicine technology, or radiology assistance;

18           (11) Willfully fails to file or record any report as required under law,  
19 willfully impedes or obstructs the filing or recording of a report, or induces another to fail  
20 to file or record a report;

21           (12) Breaches patient confidentiality;

22           (13) Pays or agrees to pay any sum or provide any form of remuneration or  
23 material benefit to any person for bringing or referring a patient or accepts or agrees to  
24 accept any sum or any form of remuneration or material benefit from an individual for  
25 bringing or referring a patient;

26           (14) Knowingly makes a misrepresentation while practicing radiation  
27 therapy, radiography, nuclear medicine technology, or radiology assistance;

28           (15) Knowingly practices radiation therapy, radiography, nuclear medicine  
29 technology, or radiology assistance with an unauthorized individual or aids an  
30 unauthorized individual in the practice of radiation therapy, radiography, nuclear medicine  
31 technology, or radiology assistance;

1 (16) Offers, undertakes, or agrees to cure or treat disease by a secret  
2 method, treatment, or medicine;

3 (17) Is disciplined by a licensing or disciplinary authority or is convicted or  
4 disciplined by a court of any state or country or is disciplined by any branch of the United  
5 States uniformed services or the [Veterans' Administration] **U.S. DEPARTMENT OF**  
6 **VETERANS AFFAIRS** for an act that would be grounds for disciplinary action under the  
7 Board's disciplinary statutes;

8 (18) Fails to meet appropriate standards for the delivery of quality radiation  
9 therapy, radiography, nuclear medicine technology, or radiology assistance care performed  
10 in any outpatient surgical facility, office, hospital or related institution, or any other  
11 location in this State;

12 (19) Knowingly submits false statements to collect fees for which services  
13 are not provided;

14 (20) (i) Has been subject to investigation or disciplinary action by a  
15 licensing or disciplinary authority or by a court of any state or country for an act that would  
16 be grounds for disciplinary action under the Board's disciplinary statutes; and

17 (ii) Has:

18 1. Surrendered the license issued by the state or country; or

19 2. Allowed the license issued by the state or country to expire  
20 or lapse;

21 (21) Knowingly fails to report suspected child abuse in violation of § 5-704  
22 of the Family Law Article;

23 (22) Sells, prescribes, gives away, or administers drugs for illegal or  
24 illegitimate medical purposes;

25 (23) Practices or attempts to practice beyond the authorized scope of  
26 practice;

27 (24) Refuses, withholds from, denies, or discriminates against an individual  
28 with regard to the provision of professional services for which the licensee is licensed and  
29 qualified to render because the individual is HIV positive;

30 (25) Practices or attempts to practice a radiation therapy, radiography,  
31 nuclear medicine technology, or radiology assistance procedure or uses radiation therapy,  
32 radiography, nuclear medicine technology, or radiology assistance equipment if the  
33 [applicant or] licensee has not received education, internship, training, or experience in the  
34 performance of the procedure or the use of the equipment;

1 (26) Fails to cooperate with a lawful investigation conducted by the Board  
2 or a disciplinary panel;

3 (27) Fails to practice under the supervision of a physician or violates a  
4 supervisory order of a supervising physician; or

5 (28) Fails to complete a criminal history records check under [§ 14–308.1] §  
6 **14–302** of this title.

7 14–5B–17.

8 (a) Except as otherwise provided in this [subtitle] **TITLE**, a person may not  
9 practice, attempt to practice, or offer to practice radiation therapy in this State unless  
10 licensed to practice radiation therapy by the Board.

11 (b) Except as otherwise provided in this [subtitle] **TITLE**, a person may not  
12 practice, attempt to practice, or offer to practice nuclear medicine technology in this State  
13 unless licensed to practice nuclear medicine technology by the Board.

14 (c) Except as otherwise provided in this [subtitle] **TITLE**, a person may not  
15 practice, attempt to practice, or offer to practice radiography in this State unless licensed  
16 to practice radiography by the Board.

17 (d) Except as otherwise provided in this [subtitle] **TITLE**, a person may not  
18 practice, attempt to practice, or offer to practice radiology assistance in this State unless  
19 licensed to practice radiology assistance by the Board.

20 14–5B–18.

21 (b) A person may not provide, attempt to provide, offer to provide, or represent  
22 that the person provides radiation therapy, radiography, nuclear medicine technology, or  
23 radiology assistance care unless the radiation therapy, radiography, nuclear medicine  
24 technology, or radiology assistance care is provided by an individual who is authorized to  
25 practice radiation therapy, radiography, nuclear medicine technology, or radiology  
26 assistance under this [subtitle] **TITLE**.

27 14–5B–18.1.

28 (a) Except as otherwise provided in this [subtitle] **TITLE**, a licensed physician  
29 may not employ or supervise an individual practicing radiation therapy, radiography,  
30 nuclear medicine technology, or radiology assistance without a license or temporary license.

31 (b) Except as otherwise provided in this [subtitle] **TITLE**, a hospital, related  
32 institution, alternative health system, or employer may not employ an individual practicing  
33 radiation therapy, radiography, nuclear medicine technology, or radiology assistance  
34 without a license or temporary license.

1 14-5C-01.

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

3 (c) "Committee" means the Polysomnography [Professional Standards]  
4 **ADVISORY** Committee established under § 14-5C-05 of this subtitle.

5 14-5C-05.

6 There is a Polysomnography [Professional Standards] **ADVISORY** Committee within  
7 the Board.

8 14-5C-06.

9 **(E) A QUORUM OF THE COMMITTEE CONSISTS OF FOUR MEMBERS.**

10 14-5C-08.

11 (b) This section does not apply to a student enrolled in an education program  
12 under [§ 14-5C-09(c)(3)] **§ 14-5C-09(3)** of this subtitle while practicing polysomnography  
13 in that program.

14 14-5C-09.

15 [(a) To qualify for a license, an applicant shall be an individual who meets the  
16 requirements of this section.

17 (b) The applicant shall:

18 (1) Be of good moral character;

19 (2) Be at least 18 years old; and

20 (3) Complete a criminal history records check in accordance with §  
21 14-308.1 of this title.

22 (c) **An] TO QUALIFY FOR A LICENSE, IN ADDITION TO THE REQUIREMENTS**  
23 **SET FORTH IN § 14-301 OF THIS TITLE, AN** applicant for a polysomnographic technologist  
24 license shall:

25 (1) Have passed the national certifying examination given by the Board of  
26 Registered Polysomnographic Technologists or another examination approved by the  
27 Board;

1           (2) Submit to the Board proof of certification as a registered  
2 polysomnographic technologist or other national certification approved by the Board;

3           (3) (i) 1. Have graduated from a polysomnographic educational  
4 program that is accredited by the Commission on Accreditation of Allied Health Education  
5 Programs; or

6                           2. A. Have graduated from a sleep technologist  
7 educational program that is accredited by the American Academy of Sleep Medicine; and

8                           B. Have completed a clinical component of an educational  
9 program as established by the Committee and approved by the Board;

10           (ii) 1. Have graduated from a respiratory care educational  
11 program that is accredited by the Commission on Accreditation of Allied Health Education  
12 Programs; and

13                           2. Have completed the Committee on Accreditation for  
14 Respiratory Care's curriculum for a polysomnography certificate that is accredited by the  
15 Commission on Accreditation of Allied Health Education Programs; or

16           (iii) 1. Have graduated from an electroneuro–diagnostic  
17 educational program that is accredited by the Commission on Accreditation of Allied Health  
18 Education Programs; and

19                           2. Have completed additional units, modules, and courses of  
20 instruction focused on polysomnographic technology that are accredited by the Commission  
21 on Accreditation of Allied Health Education Programs; and

22           (4) Meet any other educational or clinical requirements established by the  
23 Committee and approved by the Board.

24 14–5C–10.

25           **[(a)]** The Board shall waive the education requirement under **[(§ 14–5C–09(c)(3)] §**  
26 **14–5C–09(3)** of this subtitle if on or before September 30, 2013, an individual:

27           (1) Has passed the national certifying examination by the Board of  
28 Registered Polysomnographic Technologists or another examination approved by the  
29 Board;

30           (2) Is certified by the Board of Registered Polysomnographic Technologists  
31 as a registered polysomnographic technologist;

32           (3) Has submitted an application for licensure to the Board; and



1 (4) Meets all of the requirements under [§ 14-5C-09(b) and (c)(1) and (2)]  
2 **§ 14-301(B), (C), AND (D) OF THIS TITLE AND § 14-5C-09(1) AND (2)** of this subtitle.

3 [(b) (1) If an individual has not satisfied the requirements under subsection (a)  
4 of this section on or before September 30, 2013, the individual may petition the Board for  
5 an extension.

6 (2) The Board shall determine whether to grant an extension under this  
7 subsection on a case-by-case basis.]

8 14-5C-17.

9 (a) Subject to the hearing provisions of § 14-405 of this title, a disciplinary panel,  
10 on the affirmative vote of a majority of a quorum of the disciplinary panel, may [deny a  
11 license to any applicant,] reprimand any licensee, place any licensee on probation, or  
12 suspend or revoke a license, if the [applicant or] licensee:

13 (1) Fraudulently or deceptively obtains or attempts to obtain a license for  
14 the applicant, licensee, or for another;

15 (2) Fraudulently or deceptively uses a license;

16 (3) Is guilty of unprofessional or immoral conduct in the practice of  
17 polysomnography;

18 (4) Is professionally, physically, or mentally [incompetent] **UNABLE TO**  
19 **CARRY OUT IMPORTANT PROFESSIONAL ACTIVITIES;**

20 (5) Abandons a patient;

21 (6) Is habitually intoxicated;

22 (7) Is addicted to or habitually abuses any narcotic or controlled dangerous  
23 substance as defined in § 5-101 of the Criminal Law Article;

24 (8) Provides professional services while:

25 (i) Under the influence of alcohol; or

26 (ii) Using any narcotic or controlled dangerous substance as defined  
27 in § 5-101 of the Criminal Law Article or any other drug that is in excess of therapeutic  
28 amounts or without valid medical indication;

29 (9) Promotes the sale of services, drugs, devices, appliances, or goods to a  
30 patient so as to exploit the patient for financial gain;

- 1 (10) Willfully makes or files a false report or record in the practice of  
2 polysomnography;
- 3 (11) Willfully fails to file or record any report as required under law,  
4 willfully impedes or obstructs the filing or recording of a report, or induces another to fail  
5 to file or record a report;
- 6 (12) Breaches patient confidentiality;
- 7 (13) Pays or agrees to pay any sum or provide any form of remuneration or  
8 material benefit to any person for bringing or referring a patient or accepts or agrees to  
9 accept any sum or any form of remuneration or material benefit from an individual for  
10 bringing or referring a patient;
- 11 (14) Knowingly makes a misrepresentation while practicing  
12 polysomnography;
- 13 (15) Knowingly practices polysomnography with an unauthorized individual  
14 or aids an unauthorized individual in the practice of polysomnography;
- 15 (16) Knowingly delegates a polysomnographic duty to an unlicensed  
16 individual;
- 17 (17) Offers, undertakes, or agrees to cure or treat disease by a secret  
18 method, treatment, or medicine;
- 19 (18) Is disciplined by a licensing or disciplinary authority or is convicted or  
20 disciplined by a court of any state or country or is disciplined by any branch of the United  
21 States uniformed services or the U.S. Department of Veterans Affairs for an act that would  
22 be grounds for disciplinary action under the Board's disciplinary statutes;
- 23 (19) Fails to meet appropriate standards for the delivery of  
24 polysomnographic services performed in a hospital sleep laboratory or a stand-alone sleep  
25 center;
- 26 (20) Knowingly submits false statements to collect fees for which services  
27 are not provided;
- 28 (21) (i) Has been subject to investigation or disciplinary action by a  
29 licensing or disciplinary authority or by a court of any state or country for an act that would  
30 be grounds for disciplinary action under the Board's disciplinary statutes; and
- 31 (ii) Has:
- 32 1. Surrendered the license, if any, issued by the state or  
33 country; or



1 (F) A QUORUM OF THE COMMITTEE CONSISTS OF SIX MEMBERS.

2 14-5D-07.

3 (a) Except as otherwise provided in this [subtitle] TITLE, an individual shall be  
4 licensed by the Board before the individual may practice athletic training in the State.

5 (b) This section does not apply to:

6 [(1) An individual employed by the federal government as an athletic  
7 trainer while the individual is practicing within the scope of that employment;

8 (2)] (1) An individual employed by or under contract with an entity  
9 located in another state who represents that entity:

10 (i) At an athletic event in the State;

11 (ii) For a period of time not to exceed 45 days within a calendar year;  
12 and

13 (iii) By providing athletic training services to individuals  
14 representing the entity at the event; or

15 [(3)] (2) A student enrolled in an education program that meets the  
16 criteria of [§ 14-5D-08(c)(2)] § 14-5D-08(A)(2) of this subtitle while engaged in an  
17 unpaid, clinical educational experience of athletic training.

18 14-5D-08.

19 [(a) To qualify for a license, an applicant shall be an individual who meets the  
20 requirements of this section.

21 (b) The applicant shall:

22 (1) Be of good moral character;

23 (2) Be at least 18 years old; and

24 (3) Complete a criminal history records check in accordance with §  
25 14-308.1 of this title.]

26 [(c)] (A) [The] TO QUALIFY FOR A LICENSE, IN ADDITION TO THE  
27 REQUIREMENTS UNDER § 14-301 OF THIS TITLE, AN applicant shall:

28 (1) Have a current certification by a national certifying board approved by  
29 the Board; AND

1           (2)     Have received a bachelor's or master's degree from an athletic training  
2 educational program that is accredited by the Commission on Accreditation of Athletic  
3 Training Education or its successor[;

4           (3)     Demonstrate oral and written competency in English as required by the  
5 Board; and

6           (4)     Meet any other requirements established by the Board].

7           **[(d)] (B)**     The Board shall waive the education requirements under this section if  
8 an individual was certified by the National Athletic Trainers' Association Board of  
9 Certification, Inc., on or before October 1, 2012, and is currently in good standing.

10   14-5D-10.

11           (a)     An athletic trainer license authorizes the licensee to practice athletic training  
12 services **IN THE STATE** while the license is effective.

13   14-5D-11.1.

14           (a)     Except as otherwise provided in this [subtitle] **TITLE**, a licensed physician  
15 may not employ or supervise an individual practicing athletic training without a license or  
16 without an approved evaluation and treatment protocol.

17           (b)     Except as otherwise provided in this [subtitle] **TITLE**, a hospital, an  
18 institution, an alternative health system, or any other employer may not employ an  
19 individual practicing athletic training without a license or without an approved evaluation  
20 and treatment protocol.

21   14-5D-14.

22           (a)     Subject to the hearing provisions of § 14-405 of this title, a disciplinary panel,  
23 on the affirmative vote of a majority of a quorum of the disciplinary panel, may [deny a  
24 license to any applicant,] reprimand any licensee, place any licensee on probation, or  
25 suspend or revoke a license, if the [applicant or] licensee:

26                   (1)     Fraudulently or deceptively obtains or attempts to obtain a license for  
27 the [applicant,] licensee[,] or for another;

28                   (2)     Fraudulently or deceptively uses a license;

29                   (3)     Is guilty of unprofessional or immoral conduct in the practice of athletic  
30 training;

- 1           (4) Is professionally, physically, or mentally [incompetent] **UNABLE TO**  
2 **CARRY OUT IMPORTANT PROFESSIONAL ACTIVITIES;**
- 3           (5) Abandons a patient;
- 4           (6) Habitually is intoxicated;
- 5           (7) Is addicted to, or habitually abuses, any narcotic or controlled  
6 dangerous substances as defined in § 5–101 of the Criminal Law Article;
- 7           (8) Provides professional services while:
- 8               (i) Under the influence of alcohol; or
- 9               (ii) Using any narcotic or controlled dangerous substance as defined  
10 in § 5–101 of the Criminal Law Article, or any other drug that is in excess of therapeutic  
11 amounts or without valid medical indication;
- 12           (9) Promotes the sale of services, drugs, devices, appliances, or goods to a  
13 patient so as to exploit the patient for financial gain;
- 14           (10) Willfully makes or files a false report or record in the practice of athletic  
15 training;
- 16           (11) Willfully fails to file or record any report as required under law,  
17 willfully impedes or obstructs the filing or recording of the report, or induces another to fail  
18 to file or record the report;
- 19           (12) Breaches patient confidentiality;
- 20           (13) Pays or agrees to pay any sum or provide any form of remuneration or  
21 material benefit to any individual for bringing or referring a patient or accepts or agrees to  
22 accept any sum or any form of remuneration or material benefit from an individual for  
23 bringing or referring a patient;
- 24           (14) Knowingly makes a misrepresentation while practicing athletic  
25 training;
- 26           (15) Knowingly practices athletic training with an unauthorized individual  
27 or aids an unauthorized individual in the practice of athletic trainer services;
- 28           (16) Offers, undertakes, or agrees to cure or treat disease by a secret  
29 method, treatment, or medicine;
- 30           (17) Is disciplined by a licensing, certifying, or disciplinary authority or is  
31 convicted or disciplined by a court of any state or country or is disciplined by any branch of  
32 the United States uniformed services or the [Veterans Administration] **U.S.**

1 **DEPARTMENT OF VETERANS AFFAIRS** for an act that would be grounds for disciplinary  
2 action under this section;

3 (18) Fails to meet appropriate standards for the delivery of athletic training  
4 services;

5 (19) Knowingly submits false statements to collect fees for which services  
6 have not been provided;

7 (20) (i) Has been subject to investigation or disciplinary action by a  
8 licensing or disciplinary authority or by a court of any state or country for an act that would  
9 be grounds for disciplinary action under the Board's disciplinary statutes; and

10 (ii) Has:

11 1. Surrendered the license issued by the state or country; or

12 2. Allowed the license issued by the state or country to expire  
13 or lapse;

14 (21) Knowingly fails to report suspected child abuse in violation of § 5-704  
15 of the Family Law Article;

16 (22) Sells, prescribes, gives away, or administers drugs for illegal or  
17 illegitimate medical purposes;

18 (23) Practices or attempts to practice beyond the authorized scope of  
19 practice;

20 (24) Refuses, withholds from, denies, or discriminates against an individual  
21 with regard to the provision of professional services for which the licensee is licensed and  
22 qualified to render because the individual is HIV positive;

23 (25) Practices or attempts to practice an athletic training procedure or uses  
24 or attempts to use athletic training equipment if the applicant or licensee has not received  
25 education and training in the performance of the procedure or the use of the equipment;

26 (26) Fails to cooperate with a lawful investigation conducted by the Board  
27 or a disciplinary panel;

28 (27) Fails to practice under the supervision of a physician or violates the  
29 approved evaluation and treatment protocol;

30 (28) Violates an order of the Board or a disciplinary panel, including any  
31 condition of probation;

1 (29) Fails to complete a criminal history records check under [§ 14-308.1] §  
2 **14-302** of this title; or

3 (30) Performs dry needling without the approval of the Board issued under  
4 § 14-5D-11.4 of this subtitle.

5 14-5D-17.

6 Unless authorized to practice athletic training under this [subtitle] **TITLE**, a person  
7 may not:

8 (1) Practice athletic training in this State;

9 (2) Attempt to practice or offer to practice athletic training in this State;

10 (3) Represent to the public by title, by description of services, methods, or  
11 procedures, or otherwise, that the person is authorized to practice athletic training in this  
12 State; or

13 (4) Use the abbreviation "A.T.", "A.T.L.", "L.A.T.", or any other words,  
14 letters, or symbols with the intent to represent that the person practices athletic training.

15 14-5E-01.

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

17 (g) "Student" means an individual who, in accordance with [§ 14-5E-09(c)] §  
18 **14-5E-09** of this subtitle, is:

19 (1) Enrolled in an accredited educational program to qualify for a license  
20 under this subtitle; and

21 (2) Performing perfusion services within the accredited program under the  
22 supervision of a licensed perfusionist and without compensation.

23 14-5E-06.

24 **(E) A QUORUM OF THE COMMITTEE CONSISTS OF FOUR MEMBERS.**

25 14-5E-08.

26 (a) Except as otherwise provided in this [subtitle] **TITLE**, on or after October 1,  
27 2013, an individual shall be licensed by the Board before the individual may practice  
28 perfusion in this State.



1 (b) This section does not apply to a student enrolled in an education program  
2 under [§ 14-5E-09(c)(2)] **§ 14-5E-09(2)** of this subtitle while practicing perfusion in that  
3 program.

4 14-5E-09.

5 [(a) To qualify for a license, an applicant shall be an individual who meets the  
6 requirements of this section.

7 (b) The applicant shall:

8 (1) Be of good moral character;

9 (2) Be at least 18 years old; and

10 (3) Complete a criminal history records check in accordance with §  
11 14-308.1 of this title.

12 (c) An] **TO QUALIFY FOR A LICENSE, IN ADDITION TO THE REQUIREMENTS**  
13 **UNDER § 14-301 OF THIS TITLE, AN** applicant for a license to practice perfusion shall:

14 (1) (i) Submit to the Board satisfactory evidence of certification as a  
15 certified perfusionist or other national certification approved by the Board; and

16 (ii) Meet any other educational or clinical requirements established  
17 by the Committee and approved by the Board; or

18 (2) (i) Submit to the Board satisfactory evidence of graduation from a  
19 perfusion educational program that is accredited by the Commission on Accreditation of  
20 Allied Health Education Programs, or the Commission's predecessor or successor; and

21 (ii) Meet any other educational or clinical requirements established  
22 by the Committee and approved by the Board.

23 14-5E-10.

24 (a) Except as provided in subsection (b) of this section, an applicant who  
25 otherwise qualifies for a license under [§ 14-5E-09(c)(2)] **§ 14-5E-09(2)** of this subtitle is  
26 entitled to be licensed for a single 2-year term before taking the national certifying  
27 examination given by the American Board of Cardiovascular Perfusion or its successor  
28 organization or another examination given or approved by the Board.

29 14-5E-13.

30 [(a) (1) A license expires on a date set by the Board, unless the license is  
31 renewed for an additional term as provided in this section.

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

2 (b) At least 1 month before a license expires, the Board shall send to the licensed  
3 perfusionist a renewal notice that states:

4 (1) The date on which the current license expires;

5 (2) The date by which the renewal application must be received by the  
6 Board for the renewal to be issued and sent before the license expires;

7 (3) The amount of the renewal fee; and]

8 [(4)] (A) For licensees who qualified for an initial license under [§  
9 14-5E-09(c)(2)] **§ 14-5E-09(2)** of this subtitle, **THE NOTIFICATION SENT TO THE**  
10 **LICENSEES UNDER § 14-306(B) OF THIS TITLE SHALL INCLUDE A STATEMENT** that  
11 the licensee must submit satisfactory evidence of a passing score on the examination as  
12 required under subsection [(c)(2)] (B) of this section.

13 [(c) (1) Except as otherwise provided in this subtitle, before a license expires,  
14 the licensed perfusionist periodically may renew it for an additional term, if the licensee:

15 (i) Otherwise is entitled to be licensed;

16 (ii) Is of good moral character;

17 (iii) Pays to the Board a renewal fee set by the Board; and

18 (iv) Except as provided in paragraph (2) of this subsection, submits  
19 to the Board:

20 1. A renewal application on the form that the Board requires;  
21 and

22 2. Satisfactory evidence of compliance with any continuing  
23 education or competency requirements and other requirements set under this section for  
24 license renewal.]

25 [(2)] (B) A licensee who qualified for an initial license under [§  
26 14-5E-09(c)(2)] **§ 14-5E-09(2)** of this subtitle shall submit to the Board satisfactory  
27 evidence of a passing score on the national certifying examination given by the American  
28 Board of Cardiovascular Perfusion or its successor organization or another examination  
29 given or approved by the Board.

1            [(d) In addition to any other qualifications and requirements established by the  
2 Board, the Board shall establish continuing education or competency requirements as a  
3 condition of the renewal of a license under this section.]

4            [(e) (C) (1) The Board shall renew the license of each licensee who meets the  
5 requirements of this section AND § 14-306 OF THIS TITLE.

6            (2) The Board may not renew the license of a licensee who fails to submit  
7 satisfactory evidence of a passing score on the examination as required under subsection  
8 [(c)(2)] (B) of this section.

9            [(f) The Board shall reinstate the license of an individual who has failed to renew  
10 the license for any reason if the individual:

11            (1) Applies for reinstatement after the date the license expires;

12            (2) Meets the renewal requirements of this section; and

13            (3) Pays to the Board the reinstatement fee set by the Board.

14            (g) (1) Beginning October 1, 2016, the Board shall require a criminal history  
15 records check in accordance with § 14-308.1 of this title for:

16            (i) Renewal applicants as determined by regulations adopted by the  
17 Board; and

18            (ii) Each former licensee who files for reinstatement under  
19 subsection (f) of this section.

20            (2) On receipt of the criminal history record information of a licensee  
21 forwarded to the Board in accordance with § 14-308.1 of this title, in determining whether  
22 disciplinary action should be taken, based on the criminal history record information,  
23 against a licensee who renewed or reinstated a license, the Board shall consider:

24            (i) The age at which the crime was committed;

25            (ii) The nature of the crime;

26            (iii) The circumstances surrounding the crime;

27            (iv) The length of time that has passed since the crime;

28            (v) Subsequent work history;

29            (vi) Employment and character references; and

1 (vii) Other evidence that demonstrates whether the licensee poses a  
2 threat to the public health or safety.

3 (3) The Board may renew or reinstate a license only if the licensee or  
4 applicant attests that the licensee or applicant has submitted to a criminal history records  
5 check under § 14–308.1 of this title.

6 (h) A disciplinary panel may impose a civil penalty of up to \$100 per continuing  
7 education credit in lieu of a sanction under § 14–5E–16 of this subtitle, for a first offense  
8 for failure of a licensee to obtain the continuing education credits required by the Board.]

9 14–5E–14.

10 [(a) (1) A licensed perfusionist shall notify the Board in writing of a change in  
11 name or address within 60 days after the change.

12 (2) A licensed perfusionist who fails to comply with the requirements of  
13 paragraph (1) of this subsection is subject to an administrative penalty of \$100.]

14 [(b)] Each licensed perfusionist shall:

15 (1) Keep a copy of the license in the licensee's employment file; and

16 (2) Make the license available for inspection on request.

17 14–5E–16.

18 (a) Subject to the hearing provisions of § 14–405 of this title, a disciplinary panel,  
19 on the affirmative vote of a majority of the quorum of the disciplinary panel, may [deny a  
20 license to any applicant,] reprimand any licensee, place any licensee on probation, or  
21 suspend or revoke a license, if the [applicant or] licensee:

22 (1) Fraudulently or deceptively obtains or attempts to obtain a license for  
23 the [applicant or] licensee or for another;

24 (2) Fraudulently or deceptively uses a license;

25 (3) Is guilty of unprofessional or immoral conduct in the practice of  
26 perfusion;

27 (4) Is professionally, physically, or mentally [incompetent] **UNABLE TO**  
28 **CARRY OUT IMPORTANT PROFESSIONAL ACTIVITIES;**

29 (5) Abandons a patient;

30 (6) Is habitually intoxicated;

- 1           (7) Is addicted to or habitually abuses any narcotic or controlled dangerous  
2 substance as defined in § 5–101 of the Criminal Law Article;
- 3           (8) Provides professional services while:
- 4                 (i) Under the influence of alcohol; or
- 5                 (ii) Using any narcotic or controlled dangerous substance as defined  
6 in § 5–101 of the Criminal Law Article or any other drug that is in excess of therapeutic  
7 amounts or without valid medical indication;
- 8           (9) Promotes the sale of services, drugs, devices, appliances, or goods to a  
9 patient so as to exploit the patient for financial gain;
- 10          (10) Willfully makes or files a false report or record in the practice of  
11 perfusion;
- 12          (11) Willfully fails to file or record any report as required under law,  
13 willfully impedes or obstructs the filing or recording of a report, or induces another to fail  
14 to file or record a report;
- 15          (12) Breaches patient confidentiality;
- 16          (13) Pays or agrees to pay any sum or provide any form of remuneration or  
17 material benefit to any person for bringing or referring a patient or accepts or agrees to  
18 accept any sum or any form of remuneration or material benefit from an individual for  
19 bringing or referring a patient;
- 20          (14) Knowingly makes a misrepresentation while practicing perfusion;
- 21          (15) Knowingly practices perfusion with an unauthorized individual or aids  
22 an unauthorized individual in the practice of perfusion;
- 23          (16) Knowingly delegates a perfusion duty to an unlicensed individual;
- 24          (17) Offers, undertakes, or agrees to cure or treat disease by a secret  
25 method, treatment, or medicine;
- 26          (18) Is disciplined by a licensing or disciplinary authority or is convicted or  
27 disciplined by a court of any state or country or is disciplined by any branch of the United  
28 States uniformed services or the U.S. Department of Veterans Affairs for an act that would  
29 be grounds for disciplinary action under the Board's disciplinary statutes;
- 30          (19) Fails to meet appropriate standards for the delivery of perfusion  
31 services;

1 (20) Knowingly submits false statements to collect fees for which services  
2 are not provided;

3 (21) (i) Has been subject to investigation or disciplinary action by a  
4 licensing or disciplinary authority or by a court of any state or country for an act that would  
5 be grounds for disciplinary action under the Board's disciplinary statutes; and

6 (ii) Has:

7 1. Surrendered the license, if any, issued by the state or  
8 country; or

9 2. Allowed the license, if any, issued by the state or country  
10 to expire or lapse;

11 (22) Knowingly fails to report suspected child abuse in violation of § 5–704  
12 of the Family Law Article;

13 (23) Sells, prescribes, gives away, or administers drugs for illegal or  
14 illegitimate medical purposes;

15 (24) Practices or attempts to practice beyond the authorized scope of  
16 practice;

17 (25) Refuses, withholds from, denies, or discriminates against an individual  
18 with regard to the provision of professional services for which the licensee is licensed and  
19 qualified to render because the individual is HIV positive;

20 (26) Practices or attempts to practice a perfusion procedure or uses or  
21 attempts to use perfusion equipment if the applicant or licensee has not received education  
22 and training in the performance of the procedure or the use of the equipment;

23 (27) Fails to cooperate with a lawful investigation of the Board or a  
24 disciplinary panel; or

25 (28) Fails to complete a criminal history records check under [§ 14–308.1] §  
26 **14–302** of this title.

27 14–5E–20.

28 Except as otherwise provided in this [subtitle] **TITLE**, a person may not practice,  
29 attempt to practice, or offer to practice perfusion in this State unless licensed to practice  
30 perfusion by the Board.

31 14–5E–21.

1 (a) Unless authorized to practice perfusion under this [subtitle] **TITLE**, a person  
2 may not represent to the public by title, by description of services, methods, or procedures,  
3 or otherwise, that the person is authorized to practice perfusion in this State.

4 (b) Unless authorized to practice perfusion under this [subtitle] **TITLE**, a person  
5 may not use the titles “certified clinical perfusionist”, “licensed perfusionist”, or “licensed  
6 clinical perfusionist”, the abbreviations “C.C.P.”, “L.P.”, or “L.C.P.”, or any other words,  
7 letters, or symbols with the intent to represent that the person practices perfusion, holds a  
8 certificate as a certified clinical perfusionist issued by the American Board of  
9 Cardiovascular Perfusion or its successor entity, or holds a license as a licensed perfusionist  
10 issued by the Board.

11 14-5E-22.

12 A person may not provide, attempt to provide, offer to provide, or represent that the  
13 person provides perfusion services unless the perfusion is provided by an individual who is  
14 authorized to practice perfusion under this [subtitle] **TITLE**.

15 14-5F-07.

16 **(G) A QUORUM OF THE COMMITTEE CONSISTS OF THREE MEMBERS.**

17 14-5F-10.

18 (a) Beginning March 1, 2016, except as otherwise provided in this [subtitle]  
19 **TITLE**, an individual shall be licensed by the Board before the individual may practice  
20 naturopathic medicine in the State.

21 (b) This section does not apply to:

22 [(1) An individual who is employed by the United States government to  
23 practice naturopathic medicine while practicing within the scope of that employment;

24 (2) (1) A student who is enrolled in an approved naturopathic medical  
25 program while the student is participating in a course of study under the supervision of a  
26 licensed naturopathic doctor or a licensed professional in the field of study;

27 (3) (2) An individual who is licensed in another state to practice  
28 naturopathic medicine and whose practice of naturopathic medicine in the State is limited  
29 to examination, recommendation, or testimony in litigation; or

30 (4) (3) A naturopathic doctor licensed by and residing in another  
31 jurisdiction, if the naturopathic doctor is engaged in consultation with the naturopathic  
32 doctor in the State about a particular patient and does not direct patient care.

1 (c) The Board may not discriminate, in any manner, against any applicant or  
2 licensee for reason of sex, age, race, color, creed, sexual orientation, gender identity, or  
3 national origin.

4 14-5F-11.

5 (a) **[To] IN ADDITION TO THE REQUIREMENTS UNDER § 14-301 OF THIS**  
6 **TITLE, TO** qualify for a license, an **[applicant shall be an individual who meets the**  
7 **requirements of this section.**

8 (b) The applicant shall be of good moral character.

9 (c) The] applicant shall be at least 21 years old.

10 **[(d)] (B)** Except as provided in § 14-5F-12 of this subtitle, the applicant shall:

11 (1) Have a doctorate in naturopathic medicine from an approved  
12 naturopathic medical program; and

13 (2) Pass the competency-based national naturopathic licensing  
14 examination Part I and Part II administered by the North American Board of Naturopathic  
15 Examiners, or its successor agency that has been nationally recognized to administer a  
16 naturopathic examination that represents federal standards of education and training.

17 **[(e)] (C)** An applicant shall be physically and mentally capable of safely  
18 practicing naturopathic medicine with or without reasonable accommodation.

19 **[(f)] (D)** If an applicant is licensed, certified, or registered to practice  
20 naturopathic medicine or any other health occupation in another state, the applicant shall  
21 be in good standing with the applicable state licensing, certification, or registration  
22 authority.

23 **[(g)]** An applicant shall complete a criminal history records check in accordance  
24 with § 14-308.1 of this title.]

25 14-5F-12.

26 To apply for a license, an applicant shall:

27 **[(1)]** Complete a criminal history records check in accordance with §  
28 14-308.1 of this title;

29 (2) Submit an application to the Board on a form that the Board requires;

30 (3) Pay to the Board an application fee set by the Board;]



1           **[(4)] (1)**     If the applicant has been licensed, certified, or registered to  
2 practice naturopathic medicine in another state, submit all evidence relating to:

3                   (i)     Any disciplinary action taken or any administrative penalties  
4 assessed against the applicant by the appropriate state licensing, certification, or  
5 registration authority; and

6                   (ii)    Any consent agreements the applicant entered into that contain  
7 conditions placed on the applicant's professional conduct and practice, including any  
8 voluntary surrender of a license;

9           **[(5)] (2)**     Complete and submit to the Board a Board-approved written  
10 attestation that:

11                   (i)     States that the applicant has a collaboration and consultation  
12 agreement with a physician licensed under this article;

13                   (ii)    Includes the name and license number of the physician with  
14 whom the applicant has a collaboration and consultation agreement;

15                   (iii)   States that the applicant will refer patients to and consult with  
16 physicians and other health care providers licensed or certified under this article as needed;  
17 and

18                   (iv)    States that the applicant will require patients to sign a consent  
19 form that states that the applicant's practice of naturopathic medicine is limited to the  
20 scope of practice identified in § 14-5F-14 of this subtitle; and

21           **[(6)] (3)**     Inform the physician named in the attestation that the physician  
22 has been named.

23 14-5F-15.

24           **[(a)] (1)**     The term of a license issued by the Board may not exceed 3 years.

25                   (2)     A license expires on a date set by the Board, unless the license is  
26 renewed as provided in this section.

27           **(b)**     At least 1 month before the license expires, the Board shall send to the licensee  
28 a renewal notice that states:

29                   (1)     The date on which the current license expires;

30                   (2)     The date by which the renewal application must be received by the  
31 Board for the renewal to be issued and mailed before the license expires; and

32                   (3)     The amount of the renewal fee.

1 (c) The Board shall renew the license of a licensee who:

2 (1) Submits a renewal application on the form that the Board requires;

3 (2) Is of good moral character;

4 (3) Pays a renewal fee set by the Board;

5 (4) Is otherwise entitled to be licensed;

6 (5) Meets the continuing education requirements adopted by the Board;

7 and

8 (6) Provides] **IN ADDITION TO MEETING THE LICENSE RENEWAL**  
9 **REQUIREMENTS UNDER § 14-306 OF THIS TITLE, THE LICENSEE SHALL PROVIDE**  
10 evidence of biennial cardiopulmonary resuscitation certification.

11 [(d) (1) Beginning October 1, 2016, the Board shall require a criminal history  
12 records check in accordance with § 14-308.1 of this title for:

13 (i) Renewal applicants as determined by regulations adopted by the  
14 Board; and

15 (ii) Each former licensee who files for reinstatement under §  
16 14-5F-16(b) of this subtitle.

17 (2) On receipt of the criminal history record information of a licensee  
18 forwarded to the Board in accordance with § 14-308.1 of this title, in determining whether  
19 disciplinary action should be taken, based on the criminal history record information,  
20 against a licensee who renewed or reinstated a license, the Board shall consider:

21 (i) The age at which the crime was committed;

22 (ii) The nature of the crime;

23 (iii) The circumstances surrounding the crime;

24 (iv) The length of time that has passed since the crime;

25 (v) Subsequent work history;

26 (vi) Employment and character references; and

27 (vii) Other evidence that demonstrates whether the licensee poses a  
28 threat to the public health or safety.

1           (3) The Board may renew or reinstate a license only if the licensee or  
2 applicant attests that the licensee or applicant has submitted to a criminal history records  
3 check under § 14–308.1 of this title.

4           (e) A disciplinary panel may impose a civil penalty of up to \$100 per continuing  
5 education credit in lieu of a sanction under § 14–5F–18 of this subtitle, for a first offense  
6 for failure of a licensee to obtain the continuing education credits required by the Board.]

7 14–5F–16.

8           (a) [(1)] The Board may place a licensee on inactive status if the licensee  
9 submits to the Board:

10                       [(i)] (1) An application for inactive status on the form required by  
11 the Board; and

12                       [(ii)] (2) The inactive status fee set by the Board.

13                       [(2)] (B) The Board shall issue a license to a naturopathic doctor who is  
14 on inactive status if the individual is otherwise entitled to be licensed under this subtitle  
15 and submits to the Board:

16                       [(i)] (1) Satisfactory evidence of compliance with the requirements  
17 of [§ 14–308.1] § 14–302 of this title;

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

20                       [(iii)] (3) A reinstatement fee set by the Board.

21           [(b)] The Board shall reinstate the license of a naturopathic doctor who has failed  
22 to renew the license for any reason if the naturopathic doctor:

23                       (1) Meets the renewal requirements of § 14–5F–15 of this subtitle;

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

25                       (3) Submits to the Board satisfactory evidence of compliance with the  
26 qualifications and requirements adopted by the Board under this subtitle for license  
27 reinstatements.]

28 14–5F–18.

29           (a) Subject to the hearing provisions of § 14–405 of this title, a disciplinary panel,  
30 on the affirmative vote of a majority of a quorum of the disciplinary panel, may [deny a

1 license to any applicant,] reprimand any licensee, place any licensee on probation, or  
2 suspend or revoke a license of any licensee if the [applicant or] licensee:

3 (1) Is habitually intoxicated, or is addicted to or habitually abuses any  
4 narcotic or controlled dangerous substance, as defined in § 5–101 of the Criminal Law  
5 Article, or any drug without a valid prescription or indication, or provides professional  
6 services while under the influence of alcohol or using any narcotic or controlled dangerous  
7 substance, as defined in § 5–101 of the Criminal Law Article;

8 (2) Has been found to be mentally [incompetent] **UNABLE TO CARRY OUT**  
9 **IMPORTANT PROFESSIONAL ACTIVITIES** by a physician if [the mental incompetence  
10 impairs the ability of the applicant or licensee to] **THE LICENSEE’S ABILITY TO** undertake  
11 the practice of naturopathic medicine in a manner consistent with the safety of the public  
12 **IS IMPAIRED;**

13 (3) Has entered into a consent agreement with or has been assessed an  
14 administrative penalty by a licensing authority in another state;

15 (4) Fraudulently or deceptively obtains, attempts to obtain, or uses a  
16 license for [the applicant,] the licensee[,] or another;

17 (5) Has a license revoked or suspended, or was otherwise acted against,  
18 including the denial of licensure, by the licensing authority of another state;

19 (6) Uses false, deceptive, or misleading advertising;

20 (7) Advertises, practices, or attempts to practice under a name other than  
21 the [applicant’s or] licensee’s own name;

22 (8) Aids, assists, employs, or advises any unlicensed individual to practice  
23 naturopathic medicine in violation of this subtitle;

24 (9) Willfully makes or files a false report or record in the practice of  
25 naturopathic medicine;

26 (10) Willfully or negligently fails to file a report or record as required by law,  
27 willfully impedes or obstructs the filing or recording of a report, or induces another to fail  
28 to file or record a report;

29 (11) Pays or receives any commission, bonus, kickback, or rebate, or engages  
30 in any split-fee arrangement in any form with a licensed physician, organization, agency,  
31 or other person, either directly or indirectly, for patients referred to health care providers;

32 (12) Exercises influence within a patient–doctor relationship for purposes of  
33 engaging a patient in sexual activity;

1 (13) Engages in sexual misconduct with a patient;

2 (14) Fails to keep written medical records justifying the course of treatment  
3 of a patient;

4 (15) Engages in an act or omission that does not meet generally accepted  
5 standards of practice of naturopathic medicine or of safe care of patients, whether or not  
6 actual injury to a patient is established;

7 (16) Delegates professional responsibilities to an individual when the  
8 licensee delegating the responsibilities knows or has reason to know that the individual is  
9 not qualified by training, experience, or licensure to perform the responsibilities;

10 (17) Promotes the sale of services, drugs, devices, appliances, or goods to a  
11 patient so as to exploit the patient for financial gain;

12 (18) Breaches patient confidentiality;

13 (19) Is guilty of unprofessional or immoral conduct in the practice of  
14 naturopathic medicine;

15 (20) Offers, undertakes, or agrees to cure or treat a disease by a secret  
16 method, treatment, or medicine;

17 (21) Knowingly fails to report suspected child abuse in violation of § 5–704  
18 of the Family Law Article;

19 (22) Sells, prescribes, gives away, or administers drugs for illegal or  
20 illegitimate purposes;

21 (23) Denies or discriminates against an individual with regard to the  
22 provision of professional services for which the licensee is licensed and qualified to render  
23 because the individual is HIV positive;

24 (24) Fails to cooperate with a lawful investigation of the Board;

25 (25) Abandons a patient;

26 (26) Violates any provision of this title or any regulation adopted by the  
27 Board; or

28 (27) Fails to complete a criminal history records check under [§ 14–308.1] §  
29 **14–302** of this title.

30 14–5F–21.

1 [(a) The Board shall give notice and hold a hearing in accordance with the  
2 Administrative Procedure Act.

3 (b) The individual may be represented at the hearing by counsel.

4 (c) Over the signature of an officer or the administrator of the Board, the Board  
5 or a disciplinary panel may issue subpoenas and administer oaths in connection with any  
6 investigation under this subtitle and any hearings or proceedings before the Board or a  
7 disciplinary panel.

8 (d) If, without lawful excuse, a person disobeys a subpoena from the Board or a  
9 disciplinary panel or an order by the Board or a disciplinary panel to take an oath or to  
10 testify or answer a question, then, on petition of the Board, a court of competent jurisdiction  
11 may punish the person as for contempt of court.

12 (e) If, after due notice, the individual against whom the action is contemplated  
13 fails or refuses to appear, the Board or a disciplinary panel may hear and determine the  
14 matter.

15 (f) If, after a hearing **IN ACCORDANCE WITH THE ADMINISTRATIVE**  
16 **PROCEDURE ACT**, an individual is found in violation of § 14-5F-18 of this subtitle, the  
17 individual shall pay the costs of the hearing as specified in a regulation adopted by the  
18 Board.

19 14-5F-24.

20 (c) A disciplinary panel may not reinstate a surrendered or revoked license that  
21 has been surrendered or revoked for a period of more than 1 year unless the licensee:

22 (1) Meets the requirements for reinstatement as established under this  
23 title; and

24 (2) Completes a criminal history records check in accordance with [§  
25 14-308.1] **§ 14-302** of this title.

26 14-5F-29.

27 (a) Except as otherwise provided in this [subtitle] **TITLE**, an individual may not  
28 practice, attempt to practice, or offer to practice naturopathic medicine in this State without  
29 a license.

30 14-5G-08.

31 (a) Except as otherwise provided in this [subtitle] **TITLE**, on or after January 1,  
32 2024, an individual shall be licensed by the Board before the individual may practice  
33 genetic counseling in the State.

1 (b) This section does not apply to:

2 [(1) An individual who is employed by the United States government to  
3 practice genetic counseling while practicing within the scope of that employment;]

4 [(2)] (1) An individual who resides in and holds an active license in  
5 another state if the individual is engaged in consultation with a physician or genetic  
6 counselor licensed in the State about a particular patient and the individual:

7 (i) Does not order or coordinate genetic laboratory tests or other  
8 diagnostic studies; and

9 (ii) Does not provide consultation in the State for more than a total  
10 of 10 patients within a calendar year; or

11 [(3)] (2) A student enrolled in a genetic counseling training program that  
12 is accredited by a national accrediting organization recognized by the Board in regulations  
13 while the student is practicing genetic counseling in the program and doing the assigned  
14 duties at any office of a licensed physician or genetic counselor, hospital, clinic, or similar  
15 facility.

16 14-5G-09.

17 (a) To qualify for a license to practice genetic counseling, an applicant shall be an  
18 individual who meets the requirements of this section AND § 14-301 OF THIS TITLE.

19 (b) [The applicant must be of good moral character.

20 (c) The applicant must be at least 18 years old.

21 (d)] The applicant must be a graduate of an appropriate education program  
22 approved by the Board.

23 [(e)] (C) Except as provided in subsection [(f)] (D) of this section, the applicant  
24 shall submit to the Board satisfactory evidence of certification by a national certifying  
25 organization approved by the Board.

26 [(f)] (D) If an applicant does not meet the requirement under subsection [(e)]  
27 (C) of this section, the applicant may qualify for licensure if the applicant:

28 (1) Has worked as a genetic counselor for:

29 (i) At least 10 years before January 1, 2024; and

1 (ii) At least 5 consecutive years immediately preceding the date on  
2 which the applicant submits the application for licensure;

3 (2) Has graduated from an education program approved by the Board;

4 (3) Submits to the Board three letters of recommendation from licensed  
5 physicians who have been licensed for at least 5 years or certified genetic counselors eligible  
6 for licensure and who:

7 (i) Have worked with the applicant in an employment or  
8 professional setting for 3 years before the applicant submits the application for licensure;  
9 and

10 (ii) Can attest to the applicant's competency in providing genetic  
11 counseling services; and

12 (4) Applies for initial licensure on or before December 31, 2024.

13 [(g) The applicant shall complete a criminal history records check in accordance  
14 with § 14-308.1 of this title.]

15 [(h) (E) The applicant shall meet any additional education, training, or  
16 examination requirements established by the Board.

17 14-5G-14.

18 (h) A supervised genetic counselor is subject to discipline under [§ 14-5G-19] §  
19 ~~14-5G-18~~ of this subtitle to the same extent as a genetic counselor.

20 14-5G-17.

21 A disciplinary panel may issue a cease and desist order for[:

22 (1) Practicing genetic counseling without a license or with an unauthorized  
23 person; or

24 (2) Supervising] SUPERVISING or aiding an unauthorized person in the  
25 practice of genetic counseling.

26 14-5G-18.

27 (a) Subject to the hearing provisions of § 14-405 of this title, a disciplinary panel,  
28 on the affirmative vote of a majority of the quorum of the disciplinary panel, may [deny a  
29 license to any applicant,] reprimand any licensee, place any licensee on probation, or  
30 suspend or revoke a license, if the [applicant or] licensee:



- 1 (1) Fraudulently or deceptively obtains or attempts to obtain a license for  
2 the applicant or licensee or for another;
- 3 (2) Fraudulently or deceptively uses a license;
- 4 (3) Is guilty of unprofessional or immoral conduct while practicing genetic  
5 counseling;
- 6 (4) Is professionally, physically, or mentally [incompetent] **UNABLE TO**  
7 **CARRY OUT IMPORTANT PROFESSIONAL ACTIVITIES**;
- 8 (5) Abandons a patient;
- 9 (6) Is habitually intoxicated;
- 10 (7) Is addicted to or habitually abuses any narcotic or controlled dangerous  
11 substance as defined in § 5–101 of the Criminal Law Article;
- 12 (8) Provides professional services while:
- 13 (i) Under the influence of alcohol; or
- 14 (ii) Using any narcotic or controlled dangerous substance as defined  
15 in § 5–101 of the Criminal Law Article or any other drug that is in excess of therapeutic  
16 amounts or without valid medical indication;
- 17 (9) Promotes the sale of services, drugs, devices, appliances, or goods to a  
18 patient so as to exploit the patient for financial gain;
- 19 (10) Willfully makes or files a false report or record in the practice of genetic  
20 counseling;
- 21 (11) Willfully fails to file or record any report as required under law,  
22 willfully impedes or obstructs the filing or recording of a report, or induces another to fail  
23 to file or record a report;
- 24 (12) Breaches patient confidentiality;
- 25 (13) Pays or agrees to pay any sum or provide any form of remuneration or  
26 material benefit to any person for bringing or referring a patient or accepts or agrees to  
27 accept any sum or any form of remuneration or material benefit from an individual for  
28 bringing or referring a patient;
- 29 (14) Knowingly makes a misrepresentation while practicing genetic  
30 counseling;

1 (15) Knowingly practices genetic counseling with an unauthorized  
2 individual or aids an unauthorized individual in practicing genetic counseling;

3 (16) Knowingly delegates a genetic counseling duty to an unlicensed  
4 individual;

5 (17) [Grossly overutilizes] **ESTABLISHES A PATTERN OF**  
6 **OVERUTILIZATION OF** health care services;

7 (18) Offers, undertakes, or agrees to cure or treat disease by a secret  
8 method, treatment, or medicine;

9 (19) Is disciplined by a licensing or disciplinary authority or is convicted or  
10 disciplined by a court of any state or country or is disciplined by any branch of the United  
11 States uniformed services or the U.S. Department of Veterans Affairs for an act that would  
12 be grounds for disciplinary action under the Board's disciplinary statutes;

13 (20) Fails to meet appropriate standards for the delivery of genetic  
14 counseling services;

15 (21) Knowingly submits false statements to collect fees for which services  
16 are not provided;

17 (22) (i) Has been subject to investigation or disciplinary action by a  
18 licensing or disciplinary authority or by a court of any state or country for an act that would  
19 be grounds for disciplinary action under the Board's disciplinary statutes; and

20 (ii) Has:

21 1. Surrendered the license, if any, issued by the state or  
22 country; or

23 2. Allowed the license, if any, issued by the state or country  
24 to expire or lapse;

25 (23) Knowingly fails to report suspected child abuse in violation of § 5-704  
26 of the Family Law Article;

27 (24) Practices or attempts to practice beyond the authorized scope of  
28 practice;

29 (25) Refuses, withholds from, denies, or discriminates against an individual  
30 with regard to the provision of professional services for which the licensee is licensed and  
31 qualified to render because the individual is HIV positive;

32 (26) Practices or attempts to practice genetic counseling procedures or uses  
33 or attempts to use genetic assessments if the applicant or licensee has not received

1 education and training in the performance of the procedure or the use of the genetic  
2 assessment;

3 (27) Fails to cooperate with a lawful investigation of the Board or a  
4 disciplinary panel;

5 (28) Fails to complete a criminal history records check under [§ 14–308.1] §  
6 **14–302** of this title; or

7 (29) Violates any provision of this title or any rule or regulation pertaining  
8 to genetic counseling that is adopted by the Board, the State, or the federal government.

9 14–5G–23.

10 Except as otherwise provided in this [subtitle] **TITLE**, a person may not practice,  
11 attempt to practice, or offer to practice genetic counseling in this State unless licensed to  
12 practice genetic counseling by the Board.

13 14–5G–24.

14 (a) Unless authorized to practice genetic counseling under this [subtitle] **TITLE**,  
15 a person may not represent to the public by title, by description of services, methods, or  
16 procedures, or otherwise, that the person is authorized to practice genetic counseling in this  
17 State.

18 (b) Unless authorized to practice genetic counseling under this [subtitle] **TITLE**,  
19 a person may not use the titles “genetic counselor”, “licensed genetic counselor”, “certified  
20 genetic counselor”, “gene counselor”, “genetic consultant”, “genetic associate”, or any words,  
21 letters, or symbols with the intent to imply that the person practices genetic counseling or  
22 is a certified genetic counselor or licensed genetic counselor.

23 14–5G–25.

24 A person may not provide, attempt to provide, offer to provide, or represent that the  
25 person provides genetic counseling services unless the genetic counseling is provided by an  
26 individual who is authorized to practice genetic counseling under this [subtitle] **TITLE**.

27 14–5G–26.

28 (a) Except as otherwise provided in this [subtitle] **TITLE**, a licensed genetic  
29 counselor or a licensed physician may not employ or supervise an individual practicing  
30 genetic counseling without a license.

31 (b) Except as otherwise provided in this [subtitle] **TITLE**, a hospital, related  
32 institution, alternative health system, or employer may not employ an individual practicing  
33 genetic counseling without a license.

**SUBTITLE 5H. PHYSICIAN ASSISTANTS.**

14-5H-01.

(a) In this [title] **SUBTITLE** the following words have the meanings indicated.

[(d) “Board” means the State Board of Physicians, established under § 14-201 of this article.]

[(e) **(D)** “Committee” means the Physician Assistant Advisory Committee.

[(f) **(E)** “Controlled dangerous substances” has the meaning stated in § 5-101 of the Criminal Law Article.

[(g) **(F)** “Correctional facility” includes a State or local correctional facility.

[(h) **(G)** “Delegated medical acts” means activities that constitute the practice of medicine delegated by a physician under [Title 14 of this article] **THIS TITLE**.

[(i) **(H)** “Delegation agreement” means a document that is executed by a primary supervising physician and a physician assistant containing the requirements of [§ 15-302] **§ 14-5H-08** of this [title] **SUBTITLE**.

[(i-1) “Disciplinary panel” means a disciplinary panel of the Board established under § 14-401 of this article.]

[(j) **(I)** “Dispense” or “dispensing” has the meaning stated in § 12-101 of this article.

[(k) **(J)** “Drug sample” means a unit of a prescription drug that is intended to promote the sale of the drug and is not intended for sale.

[(l) **(K)** “Hospital” means:

(1) A hospital as defined under § 19-301 of the Health – General Article;

(2) A comprehensive care facility that:

(i) Meets the requirements of a hospital-based skilled nursing facility under federal law; and

(ii) Offers acute care in the same building; and

1 (3) An emergency room that is physically connected to a hospital or a  
2 freestanding medical facility that is licensed under Title 19, Subtitle 3A of the  
3 Health – General Article.

4 [(m)] (L) “License” means a license issued by the Board to a physician assistant  
5 under this title.

6 [(n)] (M) “National certifying examination” means the Physician Assistant  
7 National Certifying Examination administered by the National Commission on  
8 Certification of Physician Assistants or its successor.

9 [(o)] (N) “Physician assistant” means an individual who is licensed under this  
10 title to practice medicine with physician supervision.

11 [(p)] (O) “Practice as a physician assistant” means the performance of medical  
12 acts that are:

13 (1) Delegated by a supervising physician to a physician assistant;

14 (2) Within the supervising physician’s scope of practice; and

15 (3) Appropriate to the physician assistant’s education, training, and  
16 experience.

17 [(q)] (P) “Prescriptive authority” means the authority delegated by a primary or  
18 alternate supervising physician to a physician assistant to:

19 (1) Prescribe and administer controlled dangerous substances, prescription  
20 drugs, medical devices, and the oral, written, or electronic ordering of medications; and

21 (2) Dispense as provided under [§ 15–302.2(b), (c), and (d)] §  
22 14–5H–10(B), (C), AND (D) of this [title] SUBTITLE.

23 [(r)] (Q) “Primary supervising physician” means a physician who:

24 (1) Completes a delegation agreement that meets the requirements under  
25 [§§ 15–301(d) and (e) and 15–302] §§ 14–5H–07(D) AND (E) AND 14–5H–08 of this [title]  
26 SUBTITLE and files a copy with the Board;

27 (2) Acts as the physician responsible to ensure that a physician assistant  
28 practices medicine in accordance with this title and the regulations adopted under this title;

29 (3) Ensures that a physician assistant practices within the scope of practice  
30 of the primary supervising physician or any designated alternate supervising physician;  
31 and

1                   (4) Ensures that a list of alternate supervising physicians is maintained at  
2 the practice setting.

3           **[(s)] (R)**       “Public health facility” means a site where clinical public health  
4 services are rendered under the auspices of the Department, a local health department in  
5 a county, or the Baltimore City Health Department.

6           **[(t)] (S)**       “Starter dosage” means an amount of a drug sufficient to begin therapy:

7                   (1) Of short duration of 72 hours or less; or

8                   (2) Prior to obtaining a larger quantity of the drug to complete therapy.

9           **[(u)] (T)**       (1) “Supervision” means the responsibility of a physician to exercise  
10 on-site supervision or immediately available direction for physician assistants performing  
11 delegated medical acts.

12                   (2) “Supervision” includes physician oversight of and acceptance of direct  
13 responsibility for the patient services and care rendered by a physician assistant, including  
14 continuous availability to the physician assistant in person, through written instructions,  
15 or by electronic means and by designation of one or more alternate supervising physicians.

16 14-5H-02.

17           **[(a)]** A physician assistant may not practice within the scope of practice of any of  
18 the following health occupations authorized under this article:

19                   (1) Nursing;

20                   (2) Optometry;

21                   (3) Physical therapy; or

22                   (4) Psychology.

23           **[(b)]** This title does not limit the right of an individual to practice a health  
24 occupation that the individual is authorized to practice under this article.]

25 14-5H-03.

26           (c) Except as otherwise provided under subsections (b) and (d) of this section, a  
27 hospital, a related institution, an alternative health care system, or an employer of a  
28 physician assistant shall report to the Board any limitation, reduction, or other change of  
29 the terms of employment of the physician assistant or any termination of employment of  
30 the physician assistant for any reason that might be grounds for disciplinary action under  
31 **[\\$ 15-314] § 14-5H-16** of this **[title] SUBTITLE**.

1 (d) A hospital, related institution, alternative health care system, or employer  
2 that has reason to know that a physician assistant has committed an action or has a  
3 condition that might be grounds for reprimand or probation of the physician assistant or  
4 suspension or revocation of the license of the physician assistant under [§ 15–314] §  
5 **14–5H–16** of this [title] SUBTITLE because the physician assistant is alcohol– or  
6 drug–impaired is not required to report to the Board if:

7 (1) The hospital, related institution, alternative health care system, or  
8 employer knows that the physician assistant is:

9 (i) In an alcohol or drug treatment program that is accredited by the  
10 Joint Commission [on the Accreditation of Healthcare Organizations] or is certified by the  
11 Department; or

12 (ii) Under the care of a health care practitioner who is competent  
13 and capable of dealing with alcoholism and drug abuse;

14 (2) The hospital, related institution, alternative health care system, or  
15 employer is able to verify that the physician assistant remains in the treatment program  
16 until discharge; and

17 (3) The action or condition of the physician assistant has not caused injury  
18 to any person while the physician assistant is practicing as a licensed physician assistant.

19 (e) (1) If the physician assistant enters, or is considering entering, an alcohol  
20 or drug treatment program that is accredited by the Joint Commission [on Accreditation of  
21 Healthcare Organizations] or that is certified by the Department, the physician assistant  
22 shall notify the hospital, related institution, alternative health care system, or employer of  
23 the physician assistant’s decision to enter the treatment program.

24 14–5H–06.

25 (a) In addition to the powers set forth elsewhere in this title, the Committee, on  
26 its initiative or on the Board’s request, may:

27 (1) Recommend to the Board regulations for carrying out the provisions of  
28 this title;

29 (2) Recommend to the Board approval, modification, or disapproval of an  
30 application for licensure or a delegation agreement;

31 (3) Report to the Board any conduct of a supervising physician or a  
32 physician assistant that may be cause for disciplinary action under this [title] SUBTITLE  
33 or under [§ 14–404 of this article] § **14–516 OF THIS TITLE**; and

1 (4) Report to the Board any alleged unauthorized practice of a physician  
2 assistant.

3 14-5H-07.

4 (c) Patient services that may be provided by a physician assistant include:

5 (1) (i) Taking complete, detailed, and accurate patient histories; and

6 (ii) Reviewing patient records to develop comprehensive medical  
7 status reports;

8 (2) Performing physical examinations and recording all pertinent patient  
9 data;

10 (3) Interpreting and evaluating patient data as authorized by the primary  
11 or alternate supervising physician for the purpose of determining management and  
12 treatment of patients;

13 (4) Initiating requests for or performing diagnostic procedures as indicated  
14 by pertinent data and as authorized by the supervising physician;

15 (5) Providing instructions and guidance regarding medical care matters to  
16 patients;

17 (6) Assisting the primary or alternate supervising physician in the delivery  
18 of services to patients who require medical care in the home and in health care institutions,  
19 including:

20 (i) Recording patient progress notes;

21 (ii) Issuing diagnostic orders; and

22 (iii) Transcribing or executing specific orders at the direction of the  
23 primary or alternate supervising physician; and

24 (7) Exercising prescriptive authority under a delegation agreement and in  
25 accordance with [§ 15-302.2] § 14-5H-10 of this subtitle.

26 (f) (1) Except as provided in [subsection (g) of this section, the following  
27 individuals may practice as a physician assistant without a license:

28 (1) A] PARAGRAPH (2) OF THIS SUBSECTION, A physician assistant  
29 student enrolled in a physician assistant educational program that is accredited by the  
30 Accreditation Review Commission on Education for the Physician Assistant or its successor  
31 and approved by the Board[; or



1 (2) A physician assistant employed in the service of the federal government  
2 while performing duties incident to that employment] **MAY PRACTICE AS A PHYSICIAN**  
3 **ASSISTANT WITHOUT A LICENSE.**

4 [(g)] (2) A physician may not delegate prescriptive authority to a physician  
5 assistant student in a training program that is accredited by the Accreditation Review  
6 Commission on Education for the Physician Assistant or its successor.

7 [(h)] (G) (1) If a medical act that is to be delegated under this section is a part  
8 of the practice of a health occupation that is regulated under this article by another board,  
9 any rule or regulation concerning that medical act shall be adopted jointly by the State  
10 Board of Physicians and the board that regulates the other health occupation.

11 (2) If the two boards cannot agree on a proposed rule or regulation, the  
12 proposal shall be submitted to the Secretary for a final decision.

13 14-5H-08.

14 (c) (2) (ii) 1. Before a physician assistant may perform X-ray duties  
15 authorized under [§ 14-306(e)] **§ 14-503(E)** of this [article] **TITLE** in the medical office of  
16 the physician delegating the duties, a primary supervising physician shall obtain the  
17 Board's approval of a delegation agreement that includes advanced duties in accordance  
18 with subparagraph 2 of this subparagraph.

19 (g) If the Board determines that a primary or alternate supervising physician or  
20 physician assistant is practicing in a manner inconsistent with the requirements of this  
21 title [or Title 14 of this article], the Board on its own initiative or on the recommendation  
22 of the Committee may demand modification of the practice, withdraw the approval of the  
23 delegation agreement, or refer the matter to a disciplinary panel for the purpose of taking  
24 other disciplinary action under [§ 14-404 or § 15-314] **§ 14-5H-16 OF THIS SUBTITLE**  
25 **OR § 14-516** of this [article] **TITLE.**

26 (k) Subject to the [notice] **NOTIFICATION** required under [§ 15-103] **§**  
27 **14-5H-03** of this [title] **SUBTITLE**, a physician assistant may terminate a delegation  
28 agreement filed with the Board under this subtitle at any time.

29 (l) (2) If there is no designated alternate supervising physician or the  
30 designated alternate supervising physician does not agree to supervise the physician  
31 assistant, the physician assistant may not practice until the physician assistant receives  
32 approval of a new delegation agreement under [§ 15-302.1] **§ 14-5H-09** of this subtitle.

33 (m) A physician assistant whose delegation agreement is terminated may not  
34 practice as a physician assistant until the physician assistant receives preliminary  
35 approval of a new delegation agreement under [§ 15-302.1] **§ 14-5H-09** of this subtitle.

36 14-5H-09.

1 (a) If a delegation agreement does not include advanced duties or the advanced  
2 duties have been approved under [§ 15-302(c)(1)] **§ 14-5H-08(C)(1)** of this subtitle, a  
3 physician assistant may assume the duties under a delegation agreement on the date that  
4 the Board acknowledges receipt of the completed delegation agreement.

5 (b) In this section, “pending” means that a delegation agreement that includes  
6 delegation of advanced duties in a setting that does not meet the requirements under [§  
7 15-302(c)(1)] **§ 14-5H-08(C)(1)** of this subtitle has been executed and submitted to the  
8 Board for its approval, but:

9 (1) The Committee has not made a recommendation to the Board; or

10 (2) The Board has not made a final decision regarding the delegation  
11 agreement.

12 14-5H-10.

13 (e) Before a physician assistant may renew a license for an additional 2-year  
14 term under [§ 15-307] **§ 14-306** of this [subtitle] **TITLE**, the physician assistant shall  
15 submit evidence to the Board of successful completion of 8 category 1 hours of pharmacology  
16 education within the previous 2 years.

17 14-5H-12.

18 (a) **[To] IN ADDITION TO THE REQUIREMENTS UNDER § 14-301 OF THIS**  
19 **TITLE, TO** qualify for a license, an applicant shall:

20 [(1) Complete a criminal history records check in accordance with §  
21 14-308.1 of this article;

22 (2) Be of good moral character;

23 (3) Demonstrate oral and written competency in the English language as  
24 required by the Board;

25 (4) Be at least 18 years old; and

26 (5) (i) **(1)** Be a graduate of a physician assistant training program  
27 approved by the Board; or

28 [(ii) **(2)** Have passed the physician assistant national certifying  
29 examination administered by the National Commission on Certification of Physician  
30 Assistants prior to 1986, maintained all continuing education and recertification  
31 requirements, and been in continuous practice since passage of the examination.

1 14-5H-14.

2 [(a)] Each licensee shall keep a license and delegation agreement for inspection at  
3 the primary place of business of the licensee.

4 [(b) (1)] Each licensee shall give the Board written notice of any change of name  
5 or address within 60 days of the date of the change.

6 (2) A licensee who fails to comply with this subsection is subject to an  
7 administrative penalty of \$100.]

8 14-5H-15.

9 (a) [(1)] Except as otherwise provided under § 10-226 of the State Government  
10 Article, before the Board takes any action to reject or modify a delegation agreement or  
11 advanced duty, the Board shall give the licensee the opportunity for a hearing before the  
12 Board.

13 [(2)] (B) The Board shall give notice and hold the hearing under Title 10,  
14 Subtitle 2 of the State Government Article.

15 [(3)] (C) The Board may administer oaths in connection with any  
16 proceeding under this section.

17 [(4)] (D) At least 14 days before the hearing, the hearing notice shall be  
18 sent to the last known address of the applicant or licensee.

19 [(b)] Any licensee aggrieved under this subtitle by a final decision of the Board  
20 rejecting or modifying a delegation agreement or advanced duty may petition for judicial  
21 review as allowed by the Administrative Procedure Act.]

22 14-5H-16.

23 (a) Subject to the hearing provisions of [§ 15-315] § 14-405 of this [subtitle]  
24 TITLE, a disciplinary panel, on the affirmative vote of a majority of the quorum, may  
25 reprimand any physician assistant, place any physician assistant on probation, or suspend  
26 or revoke a license if the physician assistant:

27 (1) Fraudulently or deceptively obtains or attempts to obtain a license for  
28 the applicant or licensee or for another;

29 (2) Fraudulently or deceptively uses a license;

30 (3) Is guilty of:

31 (i) Immoral conduct in the practice of medicine; or

1 (ii) Unprofessional conduct in the practice of medicine;

2 (4) Is professionally, physically, or mentally [incompetent] **UNABLE TO**  
3 **CARRY OUT IMPORTANT PROFESSIONAL ACTIVITIES;**

4 (5) Solicits or advertises in violation of [§ 14-503] **§ 14-5H-13** of this  
5 [article] **SUBTITLE;**

6 (6) Abandons a patient;

7 (7) Habitually is intoxicated;

8 (8) Is addicted to, or habitually abuses, any narcotic or controlled  
9 dangerous substance as defined in § 5-101 of the Criminal Law Article;

10 (9) Provides professional services:

11 (i) While under the influence of alcohol; or

12 (ii) While using any narcotic or controlled dangerous substance, as  
13 defined in § 5-101 of the Criminal Law Article, or other drug that is in excess of therapeutic  
14 amounts or without valid medical indication;

15 (10) Promotes the sale of drugs, devices, appliances, or goods to a patient so  
16 as to exploit the patient for financial gain;

17 (11) Willfully makes or files a false report or record in the practice of  
18 medicine;

19 (12) Willfully fails to file or record any medical report as required under law,  
20 willfully impedes or obstructs the filing or recording of the report, or induces another to fail  
21 to file or record the report;

22 (13) On proper request, and in accordance with the provisions of Title 4,  
23 Subtitle 3 of the Health – General Article, fails to provide details of a patient’s medical  
24 record to the patient, another physician, or hospital;

25 (14) Solicits professional patronage through an agent or other person or  
26 profits from the acts of a person who is represented as an agent of the physician;

27 (15) Pays or agrees to pay any sum to any person for bringing or referring a  
28 patient or accepts or agrees to accept any sum from any person for bringing or referring a  
29 patient;

1 (16) Agrees with a clinical or bioanalytical laboratory to make payments to  
2 the laboratory for a test or test series for a patient, unless the licensed physician assistant  
3 discloses on the bill to the patient or third-party payor:

4 (i) The name of the laboratory;

5 (ii) The amount paid to the laboratory for the test or test series; and

6 (iii) The amount of procurement or processing charge of the licensed  
7 physician, if any, for each specimen taken;

8 (17) Makes a willful misrepresentation in treatment;

9 (18) Practices medicine with an unauthorized person or aids an  
10 unauthorized person in the practice of medicine;

11 (19) [~~Grossly overutilizes~~] **ESTABLISHES A PATTERN OF**  
12 **OVERUTILIZATION OF** health care services;

13 (20) Offers, undertakes, or agrees to cure or treat disease by a secret  
14 method, treatment, or medicine;

15 (21) Is disciplined by a licensing or disciplinary authority or convicted or  
16 disciplined by a court of any state or country or disciplined by any branch of the United  
17 States uniformed services or the [~~Veterans' Administration~~] **U.S. DEPARTMENT OF**  
18 **VETERANS AFFAIRS** for an act that would be grounds for disciplinary action under this  
19 section;

20 (22) Fails to meet appropriate standards for the delivery of quality medical  
21 and surgical care performed in an outpatient surgical facility, office, hospital, or any other  
22 location in this State;

23 (23) Willfully submits false statements to collect fees for which services are  
24 not provided;

25 (24) Was subject to investigation or disciplinary action by a licensing or  
26 disciplinary authority or by a court of any state or country for an act that would be grounds  
27 for disciplinary action under this section and the licensee ~~state or country, or;~~

28 (i) Surrendered the license issued by the state or country to the  
29 state or country; or

30 (ii) Allowed the license issued by the state or country to expire or  
31 lapse;

32 (25) Knowingly fails to report suspected child abuse in violation of § 5-704  
33 of the Family Law Article;

- 1           (26) Fails to educate a patient being treated for breast cancer of alternative  
2 methods of treatment as required by § 20–113 of the Health – General Article;
- 3           (27) Sells, prescribes, gives away, or administers drugs for illegal or  
4 illegitimate medical purposes;
- 5           (28) Fails to comply with the provisions of § 12–102 of this article;
- 6           (29) Refuses, withholds from, denies, or discriminates against an individual  
7 with regard to the provision of professional services for which the physician assistant is  
8 licensed and qualified to render because the individual is HIV positive;
- 9           (30) Except as to an association that has remained in continuous existence  
10 since July 1, 1963:
- 11           (i) Associates with a pharmacist as a partner or co-owner of a  
12 pharmacy for the purpose of operating a pharmacy;
- 13           (ii) Employs a pharmacist for the purpose of operating a pharmacy;  
14 or
- 15           (iii) Contracts with a pharmacist for the purpose of operating a  
16 pharmacy;
- 17           (31) Except in an emergency life-threatening situation where it is not  
18 feasible or practicable, fails to comply with the Centers for Disease Control and  
19 Prevention’s guidelines on universal precautions;
- 20           (32) Fails to display the notice required under [§ 14–415] § 14–519 of this  
21 [article] TITLE;
- 22           (33) Fails to cooperate with a lawful investigation conducted by the Board  
23 or a disciplinary panel;
- 24           (34) Is convicted of insurance fraud as defined in § 27–801 of the Insurance  
25 Article;
- 26           (35) Is in breach of a service obligation resulting from the applicant’s or  
27 licensee’s receipt of State or federal funding for the physician assistant’s medical education;
- 28           (36) Willfully makes a false representation when seeking or making  
29 application for licensure or any other application related to the practice of medicine;
- 30           (37) By corrupt means, threats, or force, intimidates or influences, or  
31 attempts to intimidate or influence, for the purpose of causing any person to withhold or

1 change testimony in hearings or proceedings before the Board or a disciplinary panel or  
2 those otherwise delegated to the Office of Administrative Hearings;

3 (38) By corrupt means, threats, or force, hinders, prevents, or otherwise  
4 delays any person from making information available to the Board or a disciplinary panel  
5 in furtherance of any investigation of the Board or a disciplinary panel;

6 (39) Intentionally misrepresents credentials for the purpose of testifying or  
7 rendering an expert opinion in hearings or proceedings before the Board or a disciplinary  
8 panel or those otherwise delegated to the Office of Administrative Hearings;

9 (40) Fails to keep adequate medical records;

10 (41) Performs delegated medical acts beyond the scope of the delegation  
11 agreement filed with the Board or after notification from the Board that an advanced duty  
12 has been disapproved;

13 (42) Performs delegated medical acts without the supervision of a physician;

14 (43) Fails to complete a criminal history records check under [§ 14–308.1] §  
15 **14–302** of this [article] **TITLE**;

16 (44) Fails to comply with the requirements of the Prescription Drug  
17 Monitoring Program under Title 21, Subtitle 2A of the Health – General Article; or

18 (45) Fails to comply with any State or federal law pertaining to the practice  
19 as a physician assistant.

20 **(C) IF, AFTER A HEARING UNDER § 14–405 OF THIS TITLE, A DISCIPLINARY**  
21 **PANEL FINDS THAT THERE ARE GROUNDS FOR DISCIPLINE UNDER SUBSECTION (A)**  
22 **OF THIS SECTION TO SUSPEND OR REVOKE A LICENSE OF A PHYSICIAN ASSISTANT,**  
23 **REPRIMAND A LICENSED PHYSICIAN ASSISTANT, OR PLACE THE LICENSED**  
24 **PHYSICIAN ASSISTANT ON PROBATION, THE DISCIPLINARY PANEL MAY IMPOSE A**  
25 **FINE SUBJECT TO THE BOARD’S REGULATIONS IN ADDITION TO SUSPENDING OR**  
26 **REVOKING THE LICENSE, REPRIMANDING THE LICENSEE, OR PLACING THE**  
27 **LICENSEE ON PROBATION.**

28 **(D) THE BOARD SHALL PAY ANY FINES COLLECTED UNDER THIS SECTION IN**  
29 **THE GENERAL FUND OF THE STATE.**

30 **(E) IN ADDITION TO ANY SANCTION AUTHORIZED UNDER THIS SUBTITLE, A**  
31 **DISCIPLINARY PANEL MAY REQUIRE A LICENSEE TO COMPLY WITH SPECIFIED**  
32 **TERMS AND CONDITIONS DETERMINED BY THE DISCIPLINARY PANEL.**

33 14–5H–20.

1 (a) Except as otherwise provided in this [subtitle] **TITLE**, a licensed physician  
2 may not employ or supervise an individual practicing as a physician assistant who does not  
3 have a license.

4 (b) Except as otherwise provided in this [subtitle] **TITLE**, a hospital, related  
5 institution, alternative health care system, or employer may not employ an individual  
6 practicing as a physician assistant who does not have a license.

7 14-5H-21.

8 (a) A person who violates [§ 15-401 or § 15-402] **§ 14-5H-18 OR § 14-5H-19**  
9 of this subtitle:

10 (1) Is guilty of a misdemeanor and on conviction is subject to a fine not  
11 exceeding \$5,000 or imprisonment not exceeding 5 years or both; and

12 (2) Shall lose licensure as a physician assistant under this title.

13 (b) (1) In addition to the penalties under subsection (a) of this section, a person  
14 who violates [§ 15-401] **§ 14-5H-18** of this subtitle may be subject to a civil penalty  
15 assessed by a disciplinary panel in an amount not exceeding \$5,000.

16 (2) In addition to the penalties under paragraph (1) of this subsection, a  
17 person who violates [§ 15-309] **§ 14-5H-14** of this [title] **SUBTITLE** may be subject to a  
18 civil penalty assessed by a disciplinary panel in an amount not exceeding \$100.

19 (3) The Board shall pay any civil penalty collected under this subsection  
20 into the Board of Physicians Fund.

21 14-5H-22.

22 This [title] **SUBTITLE** may be cited as the "Maryland Physician Assistants Act".

23 14-5H-23.

24 Subject to the evaluation and reestablishment provisions of the Maryland Program  
25 Evaluation Act, this [title] **SUBTITLE** and all regulations adopted under this [title]  
26 **SUBTITLE** shall terminate and be of no effect after July 1, 2030.

27 **Article – Transportation**

28 13-616.

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



1 (7) “Licensed physician assistant” means an individual who is licensed  
2 under Title [15] 14, **SUBTITLE 5H** of the Health Occupations Article to practice medicine  
3 with physician supervision.

4 SECTION 4. AND BE IT FURTHER ENACTED, That the Laws of Maryland read  
5 as follows:

6 **Article – Health Occupations**

7 14–3A–01.

8 The Interstate Medical Licensure Compact is enacted into law and entered into with  
9 all other states legally joining in it in the form substantially as it appears in this section as  
10 follows:

11 SECTION 5. APPLICATION AND ISSUANCE OF EXPEDITED LICENSURE

12 (b) (3) (i) The member board within the state selected as the state of  
13 principal license shall, in the course of verifying eligibility, require the applicant to obtain  
14 a criminal background check as required under [§ 14–308.1] **§ 14–302** of this title,  
15 including the use of the results of fingerprint or other biometric data checks compliant with  
16 the requirements of the Federal Bureau of Investigation, with the exception of federal  
17 employees who have suitability determination in accordance with U.S. C.F.R. § 731.202.

18 SECTION 5. AND BE IT FURTHER ENACTED, That the Laws of Maryland read  
19 as follows:

20 **Article – Tax – General**

21 10–752.

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

23 (3) “Health care practitioner” means an individual who:

24 (i) is licensed to practice medicine under Title 14 of the Health  
25 Occupations Article;

26 (ii) is a physician assistant, as defined in [§ 15–101] **§ 14–5H–01** of  
27 the Health Occupations Article; or

28 (iii) is a registered nurse practitioner, as defined in § 8–101 of the  
29 Health Occupations Article.

30 (d) (7) The Fund consists of:

- 1 (i) revenue distributed to the Fund under [§ 15–206] § 14–207 of  
 2 the Health Occupations Article;
- 3 (ii) money appropriated in the State budget to the Fund; and ~~of the~~  
 4 ~~Fund.~~
- 5 (iii) any other money from any other source accepted for the benefit  
 6 of the Fund.

7 SECTION 6. AND BE IT FURTHER ENACTED, That the publisher of the  
 8 Annotated Code of Maryland, in consultation with and subject to the approval of the  
 9 Department of Legislative Services, shall correct, with no further action required by the  
 10 General Assembly, cross–references and terminology rendered incorrect by this Act. The  
 11 publisher shall adequately describe any correction that is made in an editor’s note following  
 12 the section affected.

13 SECTION 7. AND BE IT FURTHER ENACTED, That this Act shall take effect  
 14 October 1, 2024. Section 4 of this Act shall remain effective until the taking effect of the  
 15 termination provision specified in Section 5 of Chapter 470 of the Acts of the General  
 16 Assembly of 2018. If that termination provision takes effect, Section 4 of this Act shall be  
 17 abrogated and of no further force and effect. Section 5 of this Act shall remain effective  
 18 until the taking effect of the termination provision specified in Section 6 of Chapters 153  
 19 and 154 of the Acts of the General Assembly of 2021. If that termination provision takes  
 20 effect, Section 5 of this Act shall be abrogated and of no further force and effect. This Act  
 21 may not be interpreted to have any effect on those termination provisions.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.