

HOUSE BILL 1054

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By: **Delegates Hill and Simmons**

Introduced and read first time: February 7, 2024

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Physicians – Licensing – Foreign Practicing Physicians**

3 FOR the purpose of exempting a foreign practicing physician applicant for a license from
4 certain education requirements under certain circumstances; requiring the State
5 Board of Physicians to establish a consortium of postgraduate medical education
6 programs for the purpose of developing, implementing, and administering an
7 examination to assess the ability of a foreign practicing physician to meet the
8 standard of care for the independent practice of medicine; requiring a foreign
9 practicing physician to pass a certain examination as a condition of the initial license
10 renewal; and generally relating to the licensing of foreign practicing physicians.

11 BY repealing and reenacting, without amendments,
12 Article – Health Occupations
13 Section 14–101(a)
14 Annotated Code of Maryland
15 (2021 Replacement Volume and 2023 Supplement)

16 BY adding to
17 Article – Health Occupations
18 Section 14–101(d–2) and (e–2) and 14–319.1
19 Annotated Code of Maryland
20 (2021 Replacement Volume and 2023 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article – Health Occupations
23 Section 14–308 and 14–316
24 Annotated Code of Maryland
25 (2021 Replacement Volume and 2023 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Health Occupations

14–101.

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

(D–2) “CONSORTIUM” MEANS THE CONSORTIUM OF POSTGRADUATE MEDICAL EDUCATION PROGRAMS ESTABLISHED UNDER § 14–319.1 OF THIS TITLE.

(E–2) “FOREIGN PRACTICING PHYSICIAN” MEANS A LICENSEE WHOSE APPLICATION INCLUDED AN EXEMPTION FROM THE EDUCATION REQUIREMENTS UNDER § 14–308(B)(6)(III) OF THIS TITLE.

14–308.

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

(2) “Fifth pathway program” means a program that the Board approves in its regulations for a student who:

(i) Has studied medicine at a foreign medical school;

(ii) Was a United States citizen when the student enrolled in the foreign medical school; and

(iii) Has completed all of the formal requirements for graduation from the foreign medical school, except for any social service or postgraduate requirements.

(3) “Foreign medical school” means a medical school located outside of the United States, its territories or possessions, Puerto Rico, or Canada.

(4) “FOREIGN PRACTICING PHYSICIAN APPLICANT” MEANS AN INDIVIDUAL WHO GRADUATED FROM A FOREIGN MEDICAL SCHOOL AND SUBMITS EVIDENCE ACCEPTABLE TO THE BOARD THAT THE APPLICANT:

(I) HAS PRACTICED AS A MEDICAL PROFESSIONAL AND PERFORMED THE DUTIES OF A PHYSICIAN OUTSIDE OF THE UNITED STATES, ITS TERRITORIES OR POSSESSIONS, PUERTO RICO, OR CANADA FOR AT LEAST 5 YEARS BEFORE THE DATE OF APPLICATION; AND

(II) IS IN GOOD STANDING WITH THE MEDICAL LICENSING OR REGULATORY AUTHORITY IN THE INDIVIDUAL’S LICENSING COUNTRY.

(b) An applicant for a license is exempt from the educational requirements of § 14–307 of this subtitle, if the applicant:

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

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

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

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

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

10 (6) Meets one of the following requirements:

11 (i) The applicant graduated from any foreign medical school and
12 submits evidence acceptable to the Board of successful completion of 2 years of training in
13 a postgraduate medical education program accredited by an accrediting organization
14 recognized by the Board; [or]

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

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

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

22 3. Has successfully completed 2 years of training in a
23 postgraduate medical education program following completion of a Board approved fifth
24 pathway program; **OR**

25 **(III) THE APPLICANT IS A FOREIGN PRACTICING PHYSICIAN**
26 **APPLICANT AND SUBMITS EVIDENCE ACCEPTABLE TO THE BOARD THAT THE**
27 **APPLICANT:**

28 **1. HAS AN OFFER OF EMPLOYMENT AS A PHYSICIAN**
29 **FROM A HEALTH CARE PROVIDER IN THE STATE THAT OPERATES A POSTGRADUATE**
30 **MEDICAL EDUCATION PROGRAM ACCREDITED BY AN ACCREDITING ORGANIZATION**
31 **RECOGNIZED BY THE BOARD; AND**

1 **2. MEETS ANY OTHER QUALIFICATIONS FOR FOREIGN**
2 **PRACTICING PHYSICIAN APPLICANTS THAT THE BOARD ESTABLISHES IN ITS**
3 **REGULATIONS FOR LICENSING APPLICANTS.**

4 **(C) AN APPLICANT WHO QUALIFIES FOR LICENSURE THROUGH AN**
5 **EXEMPTION FROM THE EDUCATION REQUIREMENTS UNDER SUBSECTION (B)(6)(III)**
6 **OF THIS SECTION MAY BE GRANTED A LICENSE ONLY SUBJECT TO THE**
7 **REQUIREMENTS OF § 14-319.1 OF THIS SUBTITLE.**

8 14-316.

9 (a) (1) This subsection does not apply to a physician who is on inactive status
10 under § 14-320 of this subtitle or emeritus status under § 14-320.1 of this subtitle.

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

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

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

17 (i) A renewal notice that states:

18 1. The date on which the current license expires;

19 2. The date by which the renewal application must be
20 received by the Board for the renewal to be issued and mailed before the license expires;
21 and

22 3. The amount of the renewal fee; and

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

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

28 (c) (1) **[Before] SUBJECT TO SUBSECTION (E) OF THIS SECTION, BEFORE**
29 **the license expires, the licensee periodically may renew it for an additional term, if the**
30 **licensee:**

31 (i) Otherwise is entitled to be licensed;

1 (ii) Is of good moral character;

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

3 (iv) Submits to the Board:

4 1. A renewal application on the form that the Board requires;
5 and

6 2. Satisfactory evidence of compliance with any continuing
7 education requirements set under this section for license renewal.

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

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

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

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

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

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

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

31 (e) (1) **[The] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE**
32 Board shall renew the license of each licensee who meets the requirements of this section.

33 (2) (I) **THIS PARAGRAPH APPLIES ONLY TO THE INITIAL RENEWAL**
34 **OF A LICENSE OF A FOREIGN PRACTICING PHYSICIAN.**

1 **(II) THE BOARD SHALL RENEW THE LICENSE OF A FOREIGN**
2 **PRACTICING PHYSICIAN ONLY IF THE FOREIGN PRACTICING PHYSICIAN HAS**
3 **ACHIEVED A PASSING SCORE ON THE EXAMINATION ADMINISTERED UNDER §**
4 **14-319.1 OF THIS SUBTITLE.**

5 **(III) IF A FOREIGN PRACTICING PHYSICIAN DOES NOT ACHIEVE**
6 **A PASSING SCORE ON THE EXAMINATION:**

7 **1. THE BOARD MAY EXTEND THE LICENSE OF THE**
8 **FOREIGN PRACTICING PHYSICIAN FOR 1 YEAR FOR PURPOSES OF PREPARING FOR**
9 **AND REPEATING THE EXAMINATION BASED ON THE RECOMMENDATIONS OF THE**
10 **CONSORTIUM MADE UNDER § 14-319.1 OF THIS SUBTITLE; AND**

11 **2. THE FOREIGN PRACTICING PHYSICIAN SHALL:**

12 **A. COMPLETE ANY ADDITIONAL EDUCATION**
13 **RECOMMENDED BY THE CONSORTIUM;**

14 **B. COMPLY WITH ANY LICENSE RESTRICTIONS**
15 **RECOMMENDED BY THE CONSORTIUM; AND**

16 **C. REPEAT THE EXAMINATION WITHIN 1 YEAR.**

17 **(IV) THE BOARD MAY NOT RENEW THE LICENSE OF A FOREIGN**
18 **PRACTICING PHYSICIAN WHO FAILS TO ACHIEVE A PASSING SCORE ON THE**
19 **EXAMINATION WITHIN 3 YEARS.**

20 **(V) THE BOARD SHALL RENEW THE LICENSE OF A FOREIGN**
21 **PRACTICING PHYSICIAN WHO ACHIEVES A PASSING SCORE ON THE EXAMINATION**
22 **WITHOUT ANY ADDITIONAL RESTRICTIONS.**

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

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

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

29 (i) Renewal applicants as determined by regulations adopted by the
30 Board; and

1 (ii) Each former licensee who files for reinstatement under § 14–317
2 of this subtitle.

3 (2) On receipt of the criminal history record information of a licensee
4 forwarded to the Board in accordance with § 14–308.1 of this subtitle, in determining
5 whether disciplinary action should be taken, based on the criminal record information,
6 against a licensee who renewed or reinstated a license, the Board shall consider:

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

8 (ii) The nature of the crime;

9 (iii) The circumstances surrounding the crime;

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

11 (v) Subsequent work history;

12 (vi) Employment and character references; and

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

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

18 **14–319.1.**

19 **(A) (1) (I) THE BOARD SHALL ESTABLISH A CONSORTIUM OF**
20 **POSTGRADUATE MEDICAL EDUCATION PROGRAMS BY REGULATION.**

21 **(II) THE PURPOSE OF THE CONSORTIUM IS TO DEVELOP,**
22 **IMPLEMENT, AND ADMINISTER AN EXAMINATION TO ASSESS THE ABILITY OF A**
23 **FOREIGN PRACTICING PHYSICIAN TO MEET THE STANDARD OF CARE FOR THE**
24 **INDEPENDENT PRACTICE OF MEDICINE IN THE STATE.**

25 **(2) THE EXAMINATION DEVELOPED UNDER PARAGRAPH (1) OF THIS**
26 **SUBSECTION SHALL:**

27 **(I) REQUIRE THE FOREIGN PRACTICING PHYSICIAN TO KEEP A**
28 **LOGBOOK OF ALL PATIENTS SEEN BY THE FOREIGN PRACTICING PHYSICIAN DURING**
29 **THE FIRST 2 YEARS OF LICENSURE; AND**

30 **(II) INCLUDE:**

1 1. **A REVIEW OF THE FOREIGN PRACTICING PHYSICIAN’S**
2 **LOGBOOK; AND**

3 2. **AN ASSESSMENT OF A SUBSET OF CASES INCLUDED IN**
4 **THE FOREIGN PRACTICING PHYSICIAN’S LOGBOOK.**

5 **(3) THE CONSORTIUM SHALL:**

6 **(I) DETERMINE THE PASSING SCORE FOR THE EXAMINATION;**

7 **(II) DEVELOP PROCEDURES FOR REPEATING THE**
8 **EXAMINATION IF A PASSING SCORE IS NOT ACHIEVED; AND**

9 **(III) DEVELOP POLICIES FOR ADDITIONAL EDUCATION**
10 **REQUIREMENTS OR LICENSE RESTRICTIONS FOR A FOREIGN PRACTICING**
11 **PHYSICIAN IF A PASSING SCORE IS NOT ACHIEVED.**

12 **(B) A FOREIGN PRACTICING PHYSICIAN SHALL REMAIN EMPLOYED AS A**
13 **PHYSICIAN FOR A HEALTH CARE PROVIDER IN THE STATE THAT OPERATES A**
14 **POSTGRADUATE MEDICAL EDUCATION PROGRAM ACCREDITED BY AN ACCREDITING**
15 **ORGANIZATION RECOGNIZED BY THE BOARD UNTIL THE FOREIGN PRACTICING**
16 **PHYSICIAN ACHIEVES A PASSING SCORE ON THE EXAMINATION ADMINISTERED BY**
17 **THE CONSORTIUM.**

18 **(C) THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2024.