
By: **Senator Hollinger (Chairman, Health Subcommittee) and the Economic and Environmental Affairs Committee and Senators Craig, Pinsky, Sfikas, and Conway**

Introduced and read first time: February 6, 1998
Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Physician Quality Assurance - Licensure of Out-of-State**
3 **Physicians - "Telemedicine"**

4 FOR the purpose of altering the definition of "practice medicine"; altering a certain
5 ground for discipline; altering certain requirements for an out-of-state
6 physician who practices medicine across state lines; and generally relating to
7 the licensure of out-of-state physicians who practice medicine across state lines
8 through electronic transmission or other specified mechanisms into the State.

9 BY repealing and reenacting, with amendments,
10 Article - Health Occupations
11 Section 14-101(k), 14-302, and 14-404(a)(22)
12 Annotated Code of Maryland
13 (1994 Replacement Volume and 1997 Supplement)

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

16 **Article - Health Occupations**

17 14-101.

18 (k) (1) "Practice medicine" means to engage, with or without compensation,
19 in medical:

20 (i) Diagnosis;

21 (ii) Healing;

22 (iii) Treatment; or

23 (iv) Surgery.

1 (2) "Practice medicine" includes doing, undertaking, professing to do,
2 [and] attempting TO DO, OR, THROUGH ELECTRONIC TRANSMISSION OR OTHER
3 MECHANISMS OF INTERSTATE COMMERCE INTO THE STATE, PROVIDING any of the
4 following:

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

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

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

11 (ii) Ending of a human pregnancy; and

12 (iii) Performing acupuncture.

13 (3) "Practice medicine" does not include:

14 (i) Selling any nonprescription drug or medicine;

15 (ii) Practicing as an optician; or

16 (iii) Performing a massage or other manipulation by hand, but by no
17 other means.

18 14-302.

19 Subject to the rules, regulations, and orders of the Board, the following
20 individuals may practice medicine without a license:

21 (1) A medical student or an individual in a postgraduate medical
22 training program that is approved by the Board, while doing the assigned duties at
23 any office of a licensed physician, hospital, clinic, or similar facility;

24 (2) A physician licensed by and residing in another jurisdiction, while
25 engaging in consultation with a physician licensed in this State THAT DOES NOT
26 RESULT IN A PRIMARY DIAGNOSIS;

27 (3) A physician employed in the service of the federal government while
28 performing the duties incident to that employment;

29 (4) A physician who resides in and is authorized to practice medicine by
30 any state adjoining this State and whose practice extends into this State, if:

31 (i) The physician does not have an office or other regularly
32 appointed place in this State to meet patients; and

33 (ii) The same privileges are extended to licensed physicians of this
34 State by the adjoining state; and

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

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

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

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

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

14 14-404.

15 (a) Subject to the hearing provisions of § 14-405 of this subtitle, the Board, on
16 the affirmative vote of a majority of its full authorized membership, may reprimand
17 any licensee, place any licensee on probation, or suspend or revoke a license if the
18 licensee:

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

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 1998.