

SENATE BILL 42

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2002 Regular Session
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(PRE-FILED)

By: **Senator Hafer**

Requested: November 6, 2001

Introduced and read first time: January 9, 2002

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 6, 2002

CHAPTER _____

1 AN ACT concerning

2 **State Board of Physician Quality Assurance - Examination Requirements -**
3 **Exception**

4 FOR the purpose of requiring the Board of Physician Quality Assurance to adopt
5 regulations, to take effect by a certain date, that provide ~~for~~ that a limited
6 exception to the time period within which an applicant must pass a certain
7 medical licensing examination may be granted to an applicant whose medical
8 education was delayed due to serious illness and who complies with certain
9 requirements; providing for the application of this Act; and generally relating to
10 examination requirements of the Board of Physician Quality Assurance.

11 BY repealing and reenacting, with amendments,
12 Article - Health Occupations
13 Section 14-307
14 Annotated Code of Maryland
15 (2000 Replacement Volume and 2001 Supplement)

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

18 **Article - Health Occupations**

19 14-307.

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

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

2 (c) The applicant 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
5 is accredited by an accrediting organization that the Board recognizes in its
6 regulations; and

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

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

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

18 (e) Except as otherwise provided in this title, the applicant shall pass an
19 examination required by the Board under this subtitle.

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

22 (G) THE BOARD SHALL ADOPT REGULATIONS GRANTING A LIMITED
23 EXCEPTION TO THE TIME PERIOD SET BY THE BOARD IN REGULATIONS WITHIN
24 WHICH AN APPLICANT SHALL PASS ALL OR PART OF THE UNITED STATES MEDICAL
25 LICENSING EXAMINATION TO AN APPLICANT WHOSE MEDICAL EDUCATION WAS
26 DELAYED DUE TO SERIOUS ILLNESS OF THE APPLICANT, IF THE APPLICANT:

27 (1) SUBMITS DOCUMENTED EVIDENCE OF THE ILLNESS TO THE BOARD,
28 INCLUDING PROOF THAT THE ILLNESS CAUSED THE DELAY IN MEDICAL EDUCATION;
29 ~~AND~~

30 (2) RESUMES THE APPLICANT'S MEDICAL EDUCATION WITHIN A
31 REASONABLE TIME AFTER THE ILLNESS NO LONGER CAUSED THE DELAY IN
32 MEDICAL EDUCATION;

33 (3) IS CONTINUOUSLY ENROLLED IN AN ACCREDITED CLINICAL
34 POSTGRADUATE MEDICAL EDUCATION INSTITUTION OR ENGAGED IN CLINICAL
35 RESEARCH INTEGRAL TO THE CLINICAL POSTGRADUATE MEDICAL EDUCATION; AND

36 (4) IN EACH YEAR OF ACCREDITED CLINICAL POSTGRADUATE MEDICAL
37 EDUCATION OR CLINICAL RESEARCH, DEMONSTRATES SUFFICIENT ACADEMIC AND

1 CLINICAL ABILITY TO QUALIFY FOR ADVANCEMENT WITHOUT CONDITIONAL OR
2 PROBATIONARY STATUS TO THE NEXT YEAR AND NEXT PROGRESSIVE LEVEL OF
3 RESPONSIBILITY.

4 [(g)] (H) An applicant who has failed the examination or any part of the
5 examination 3 or more times shall submit evidence of having completed 1 year of
6 additional clinical training in an approved postgraduate training program following
7 the latest failure.

8 [(h)] (I) (1) The Board shall require as part of its examination or licensing
9 procedures that an applicant for a license to practice medicine demonstrate an oral
10 competency in the English language.

11 (2) Graduation from a recognized English-speaking undergraduate
12 school or high school, including General Education Development (GED), after at least
13 3 years of enrollment, or from a recognized English-speaking professional school is
14 acceptable as proof of proficiency in the oral communication of the English language
15 under this section.

16 (3) By regulation, the Board shall develop a procedure for testing
17 individuals who because of their speech impairment are unable to complete
18 satisfactorily a Board approved standardized test of oral competency.

19 (4) If any disciplinary charges or action that involves a problem with the
20 oral communication of the English language are brought against a licensee under this
21 title, the Board shall require the licensee to take and pass a Board approved
22 standardized test of oral competency.

23 SECTION 2. AND BE IT FURTHER ENACTED, That the State Board of
24 Physician Quality Assurance shall adopt regulations to take effect no later than
25 October 1, 2002, implementing the requirements of § 14-307(g) of the Health
26 Occupations Article, as enacted by this Act.

27 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall be
28 construed to apply retroactively and shall be applied to and interpreted to affect any
29 applicant who first passed Step 1 or Step 2 of the United States Medical Licensing
30 Examination on or after January 1, 1992.

31 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 June 1, 2002.

