
By: **Delegates Nathan-Pulliam, Barve, Benson, Bobo, Bronrott, Burns, Cane, Costa, Franchot, Gaines, Goodwin, Haddaway, Haynes, Hixson, Howard, Hubbard, Kach, Kelley, Kirk, Kullen, Lee, Mandel, Menes, Murray, Oaks, Paige, Patterson, Petzold, Pugh, Ramirez, F. Turner, V. Turner, and Vaughn**

Introduced and read first time: February 10, 2006

Assigned to: Health and Government Operations and Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Health Care Professionals and Institutions of Higher Education - Cultural**
 3 **Competency - Requirements**

4 FOR the purpose of requiring each school of medicine in the State to include certain
 5 instruction in cultural competency in the curriculum and to offer certain
 6 continuing education training; requiring completion of certain instruction in
 7 cultural competency as a prerequisite for graduation from the school of
 8 medicine; requiring certain schools of higher education to offer certain
 9 instruction in cultural competency by a certain date; requiring completion of
 10 certain instruction in cultural competency as a prerequisite for graduation from
 11 the institution; requiring an applicant for licensure with the State Board of
 12 Physicians to submit certain evidence to the Board related to completion of
 13 instruction in cultural competency; requiring an individual to submit certain
 14 evidence to the Board related to completion of instruction in cultural
 15 competency as a one-time condition to the renewal of a license; requiring certain
 16 health care professionals to submit certain evidence to certain Boards related to
 17 the completion of cultural competency by a certain date; and generally relating
 18 to instruction in cultural competency for health care professionals.

19 BY repealing and reenacting, with amendments,
 20 Article - Health - General
 21 Section 20-902
 22 Annotated Code of Maryland
 23 (2005 Replacement Volume and 2005 Supplement)

24 BY adding to
 25 Article - Health - General
 26 Section 20-902.1
 27 Annotated Code of Maryland
 28 (2005 Replacement Volume and 2005 Supplement)

1 BY repealing and reenacting, with amendments,
2 Article - Health Occupations
3 Section 14-307 and 14-316(d)
4 Annotated Code of Maryland
5 (2005 Replacement Volume)

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

8 **Article - Health - General**

9 20-902.

10 (A) (1) EACH SCHOOL OF MEDICINE IN THE STATE SHALL:

11 (I) INCLUDE IN THE CURRICULUM INSTRUCTION IN CULTURAL
12 COMPETENCY DESIGNED TO ADDRESS THE PROBLEM OF RACE, ETHNICITY, AND
13 GENDER-BASED DISPARITIES IN MEDICAL TREATMENT DECISIONS;

14 (II) OFFER CULTURAL COMPETENCY TRAINING FOR CONTINUING
15 EDUCATION CREDIT THAT IS PROVIDED THROUGH CLASSROOM INSTRUCTION,
16 WORKSHOPS, OR OTHER EDUCATIONAL PROGRAMS SPONSORED BY THE SCHOOL;
17 AND

18 (III) REQUIRE THE COMPLETION OF THE INSTRUCTION IN
19 CULTURAL COMPETENCY REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH
20 AS A PREREQUISITE FOR GRADUATION FROM THE SCHOOL.

21 (2) THE INSTRUCTION REQUIRED UNDER PARAGRAPH (1) OF THIS
22 SUBSECTION SHALL BE DEVELOPED IN CONSULTATION WITH THE ASSOCIATION OF
23 AMERICAN MEDICAL COLLEGES, THE INSTITUTE OF MEDICINE, OR ANY OTHER
24 NATIONALLY-RECOGNIZED ORGANIZATION THAT REVIEWS MEDICAL SCHOOL
25 CURRICULA.

26 (B) ON OR BEFORE JULY 1, 2008, AN INSTITUTION OF HIGHER EDUCATION IN
27 THE STATE THAT INCLUDES IN THE CURRICULUM COURSES NECESSARY FOR THE
28 LICENSING OF HEALTH CARE PROFESSIONALS IN THE STATE SHALL:

29 (1) INCLUDE IN THE CURRICULUM INSTRUCTION IN CULTURAL
30 COMPETENCY DESIGNED TO ADDRESS THE PROBLEM OF RACE, ETHNICITY, AND
31 GENDER-BASED DISPARITIES IN HEALTH CARE DELIVERY TREATMENT DECISIONS;
32 AND

33 (2) REQUIRE THE COMPLETION OF THE INSTRUCTION IN CULTURAL
34 COMPETENCY REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION AS A
35 PREREQUISITE FOR GRADUATION FROM THE INSTITUTION.

36 [(a)] (C) An institution of higher education in the State that includes in the
37 curriculum courses necessary for the licensing of health care professionals in the

1 State may include in the curriculum courses or offer special seminars that address
2 the identification and elimination of health care services disparities of minority
3 populations as reported in the findings of:

4 (1) The Institute of Medicine's report "Unequal Treatment: Confronting
5 Racial and Ethnic Disparities in Health Care"; and

6 (2) The Surgeon General's "Healthy People 2020" report.

7 [(b)] (D) The courses or special seminars described under subsection (a) of this
8 section shall address, with cultural competence, sensitivity, and health literacy the
9 issue of health care services disparities of minority populations identified by:

10 (1) Race;

11 (2) Ethnicity;

12 (3) Poverty; and

13 (4) Gender.

14 20-902.1.

15 (A) AN INDIVIDUAL APPLYING FOR A LICENSE TO PRACTICE MEDICINE IN
16 THIS STATE OR A PHYSICIAN WHO IS SEEKING RELICENSURE FROM THE BOARD OF
17 PHYSICIANS SHALL SUBMIT EVIDENCE ACCEPTABLE TO THE BOARD OF PHYSICIANS
18 OF SUCCESSFUL COMPLETION OF INSTRUCTION IN CULTURAL COMPETENCY AS
19 REQUIRED UNDER § 20-902 OF THIS SUBTITLE.

20 (B) BY JULY 1, 2009, AN INDIVIDUAL APPLYING FOR A LICENSE OR SEEKING
21 RELICENSURE TO PRACTICE AS A DENTIST, REGISTERED NURSE, PHYSICIANS
22 ASSISTANT, PSYCHOLOGIST, PODIATRIST, SOCIAL WORKER, OR PHYSICAL THERAPIST
23 IN THIS STATE SHALL SUBMIT EVIDENCE ACCEPTABLE TO THE LICENSING BOARD
24 FROM WHICH THE INDIVIDUAL IS SEEKING LICENSURE OR RELICENSURE OF
25 SUCCESSFUL COMPLETION OF INSTRUCTION IN CULTURAL COMPETENCY AS
26 REQUIRED UNDER § 20-902 OF THIS SUBTITLE.

27 **Article - Health Occupations**

28 14-307.

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

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

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

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

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

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

8 (III) SUBMIT EVIDENCE ACCEPTABLE TO THE BOARD OF
9 SUCCESSFUL COMPLETION OF INSTRUCTION IN CULTURAL COMPETENCY AS
10 REQUIRED UNDER § 20-902 OF THE HEALTH - GENERAL ARTICLE; 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 AND

19 (III) SUBMIT EVIDENCE ACCEPTABLE TO THE BOARD OF
20 SUCCESSFUL COMPLETION OF INSTRUCTION IN CULTURAL COMPETENCY AS
21 REQUIRED UNDER § 20-902 OF THE HEALTH - GENERAL ARTICLE.

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

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

26 (g) An applicant who has failed the examination or any part of the
27 examination 3 or more times shall submit evidence of having completed 1 year of
28 additional clinical training in an approved postgraduate training program following
29 the latest failure.

30 (h) (1) The Board shall require as part of its examination or licensing
31 procedures that an applicant for a license to practice medicine demonstrate an oral
32 competency in the English language.

33 (2) Graduation from a recognized English-speaking undergraduate
34 school or high school, including General Education Development (GED), after at least
35 3 years of enrollment, or from a recognized English-speaking professional school is
36 acceptable as proof of proficiency in the oral communication of the English language
37 under this section.

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

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

8 14-316.

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

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

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

18 (4) AS A ONE-TIME CONDITION TO THE RENEWAL OF A LICENSE UNDER
19 THIS SECTION, THE BOARD SHALL REQUIRE A LICENSEE WHO DID NOT RECEIVE
20 INSTRUCTION IN CULTURAL COMPETENCY AS PART OF THE LICENSEE'S MEDICAL
21 SCHOOL CURRICULUM TO SUBMIT EVIDENCE ACCEPTABLE TO THE BOARD OF
22 SUCCESSFUL COMPLETION OF CONTINUING EDUCATION IN CULTURAL
23 COMPETENCY AS REQUIRED UNDER § 20-902 OF THE HEALTH - GENERAL ARTICLE.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 July 1, 2006.