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Committee Report: Favorable with amendments

House action: Adopted

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CHAPTER _____

1 AN ACT concerning

2 **~~Health Care Professionals and Institutions of Higher Education—Cultural~~**
3 **~~Competency—Requirements~~**
4 **Health Occupations - Cultural Competency Workgroup**

5 FOR the purpose of ~~requiring each school of medicine in the State to include certain~~
6 ~~instruction in cultural competency in the curriculum and to offer certain~~
7 ~~continuing education training; requiring completion of certain instruction in~~
8 ~~cultural competency as a prerequisite for graduation from the school of~~
9 ~~medicine; requiring certain schools of higher education to offer certain~~
10 ~~instruction in cultural competency by a certain date; requiring completion of~~
11 ~~certain instruction in cultural competency as a prerequisite for graduation from~~
12 ~~the institution; requiring an applicant for licensure with the State Board of~~
13 ~~Physicians to submit certain evidence to the Board related to completion of~~
14 ~~instruction in cultural competency; requiring an individual to submit certain~~
15 ~~evidence to the Board related to completion of instruction in cultural~~
16 ~~competency as a one-time condition to the renewal of a license; requiring certain~~
17 ~~health care professionals to submit certain evidence to certain Boards related to~~
18 ~~the completion of cultural competency by a certain date; and generally relating~~
19 ~~to instruction in cultural competency for health care professionals requiring the~~
20 ~~Department of Health and Mental Hygiene to convene a certain workgroup;~~
21 ~~requiring each health occupations board within the Department to develop~~
22 ~~certain recommendations relating to cultural competency; requiring the~~
23 ~~workgroup to make certain recommendations relating to cultural competency~~
24 ~~and to review certain curriculum modules; providing for the staffing of the~~

1 workgroup; requiring the workgroup to make a certain report to certain
 2 committees of the General Assembly on or before a certain date; providing for
 3 the termination of this Act; and generally relating to the Department of Health
 4 and Mental Hygiene and a workgroup on cultural competency.

5 ~~BY repealing and reenacting, with amendments,~~
 6 ~~Article Health General~~
 7 ~~Section 20-902~~
 8 ~~Annotated Code of Maryland~~
 9 ~~(2005 Replacement Volume and 2005 Supplement)~~

10 ~~BY adding to~~
 11 ~~Article Health General~~
 12 ~~Section 20-902.1~~
 13 ~~Annotated Code of Maryland~~
 14 ~~(2005 Replacement Volume and 2005 Supplement)~~

15 ~~BY repealing and reenacting, with amendments,~~
 16 ~~Article Health Occupations~~
 17 ~~Section 14-307 and 14-316(d)~~
 18 ~~Annotated Code of Maryland~~
 19 ~~(2005 Replacement Volume)~~

20 Preamble

21 WHEREAS, In 2001, the U.S. Department of Health and Human Services
 22 launched the development of the Cultural Competency Curriculum Modules to equip
 23 physicians with the cultural and linguistic competencies required to improve the
 24 quality of care for minority, immigrant, and ethnically diverse communities; and

25 WHEREAS, In December 2004, the interactive online curriculum of the
 26 Cultural Competency Curriculum Module was made available at no cost to the public;
 27 and

28 WHEREAS, The Cultural Competency Curriculum Modules are accredited for
 29 continuing medical education credits for physicians and continuing education units
 30 for nurses and pharmacists; now, therefore,

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

33 ~~Article Health General~~

34 ~~20-902.~~

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

1 (4) ~~INCLUDE IN THE CURRICULUM INSTRUCTION IN CULTURAL~~
 2 ~~COMPETENCY DESIGNED TO ADDRESS THE PROBLEM OF RACE, ETHNICITY, AND~~
 3 ~~GENDER-BASED DISPARITIES IN MEDICAL TREATMENT DECISIONS;~~

4 (II) ~~OFFER CULTURAL COMPETENCY TRAINING FOR CONTINUING~~
 5 ~~EDUCATION CREDIT THAT IS PROVIDED THROUGH CLASSROOM INSTRUCTION,~~
 6 ~~WORKSHOPS, OR OTHER EDUCATIONAL PROGRAMS SPONSORED BY THE SCHOOL;~~
 7 ~~AND~~

8 (III) ~~REQUIRE THE COMPLETION OF THE INSTRUCTION IN~~
 9 ~~CULTURAL COMPETENCY REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH~~
 10 ~~AS A PREREQUISITE FOR GRADUATION FROM THE SCHOOL.~~

11 (2) ~~THE INSTRUCTION REQUIRED UNDER PARAGRAPH (1) OF THIS~~
 12 ~~SUBSECTION SHALL BE DEVELOPED IN CONSULTATION WITH THE ASSOCIATION OF~~
 13 ~~AMERICAN MEDICAL COLLEGES, THE INSTITUTE OF MEDICINE, OR ANY OTHER~~
 14 ~~NATIONALLY RECOGNIZED ORGANIZATION THAT REVIEWS MEDICAL SCHOOL~~
 15 ~~CURRICULA.~~

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

19 (1) ~~INCLUDE IN THE CURRICULUM INSTRUCTION IN CULTURAL~~
 20 ~~COMPETENCY DESIGNED TO ADDRESS THE PROBLEM OF RACE, ETHNICITY, AND~~
 21 ~~GENDER-BASED DISPARITIES IN HEALTH CARE DELIVERY TREATMENT DECISIONS;~~
 22 ~~AND~~

23 (2) ~~REQUIRE THE COMPLETION OF THE INSTRUCTION IN CULTURAL~~
 24 ~~COMPETENCY REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION AS A~~
 25 ~~PREREQUISITE FOR GRADUATION FROM THE INSTITUTION.~~

26 {(a)} (C) ~~An institution of higher education in the State that includes in the~~
 27 ~~curriculum courses necessary for the licensing of health care professionals in the~~
 28 ~~State may include in the curriculum courses or offer special seminars that address~~
 29 ~~the identification and elimination of health care services disparities of minority~~
 30 ~~populations as reported in the findings of:~~

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

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

34 {(b)} (D) ~~The courses or special seminars described under subsection (a) of this~~
 35 ~~section shall address, with cultural competence, sensitivity, and health literacy the~~
 36 ~~issue of health care services disparities of minority populations identified by:~~

37 (1) ~~Race;~~

38 (2) ~~Ethnicity;~~

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

5 (iii) ~~SUBMIT EVIDENCE ACCEPTABLE TO THE BOARD OF~~
6 ~~SUCCESSFUL COMPLETION OF INSTRUCTION IN CULTURAL COMPETENCY AS~~
7 ~~REQUIRED UNDER § 20-902 OF THE HEALTH GENERAL ARTICLE.~~

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

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

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

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

19 (2) ~~Graduation from a recognized English speaking undergraduate~~
20 ~~school or high school, including General Education Development (GED), after at least~~
21 ~~3 years of enrollment, or from a recognized English speaking professional school is~~
22 ~~acceptable as proof of proficiency in the oral communication of the English language~~
23 ~~under this section.~~

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

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

31 14-316.

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

35 (2) ~~In establishing these requirements, the Board shall evaluate existing~~
36 ~~methods, devices, and programs in use among the various medical specialties and~~
37 ~~other recognized medical groups.~~

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

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

10 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
11 MARYLAND, That:

12 (a) The Department of Health and Mental Hygiene shall convene a workgroup
13 consisting of representatives from each health occupations board and the Office of
14 Minority Health and Health Disparities.

15 (b) Each health occupations board shall develop recommendations for
16 requiring individuals licensed by the board to receive instruction in cultural
17 competency as part of an individual's licensure or renewal of a license.

18 (c) The recommendations shall include:

19 (1) the number of hours of instruction in cultural competency that
20 should be required according to the licensee subject to the requirement;

21 (2) a time frame for implementing the requirement according to the
22 licensee subject to the requirement; and

23 (3) whether certain boards or licensees should not be required to receive
24 instruction in cultural competency, including a justification for the exemption.

25 (d) (1) The workgroup shall make recommendations regarding the required
26 courses in cultural competency including the types of cultural competency courses to
27 be approved.

28 (2) The workgroup shall review Cultural Competency Curriculum
29 Modules (CCCMs) developed by the U.S. Department of Health and Human Services'
30 Office of Minority Health and recommend whether CCCMs should be required for
31 certain health care providers.

32 (e) The health occupations boards shall provide staff for the workgroup.

33 (f) The workgroup shall report to the Senate Education, Health, and
34 Environmental Affairs Committee, Senate Budget and Taxation Committee, House
35 Appropriations Committee, and the House Health and Government Operations
36 Committee, on or before January 1, 2007, in accordance with § 2-1246 of the State
37 Government Article, on the recommendations of the workgroup regarding cultural
38 competency courses and the recommendations of the health occupations boards.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 July 1, 2006. It shall remain effective for a period of 1 year and, at the end of June 30,
3 2007, with no further action required by the General Assembly, this Act shall be
4 abrogated and of no further force and effect.