

HOUSE BILL 824

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By: **Delegate Hammen (Chair, Health and Government Operations Committee)**

Introduced and read first time: February 9, 2012

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Physicians and Allied Health Advisory Committees – Sunset**
3 **Extension and Program Evaluation**

4 FOR the purpose of continuing the State Board of Physicians and certain allied health
5 advisory committees in accordance with the provisions of the Maryland
6 Program Evaluation Act (Sunset Law) by extending to a certain date the
7 termination provisions relating to the statutory and regulatory authority of the
8 Board and the committees; altering to a certain date the termination provision
9 related to the Perfusion Advisory Committee; prohibiting an individual from
10 being appointed to the Board or an allied health advisory committee under
11 certain circumstances; repealing a certain provision of law regarding entry onto
12 private premises for a certain purpose; authorizing the Board's executive
13 director to apply for a certain search warrant under certain circumstances;
14 specifying that the application for the warrant must meet certain requirements;
15 authorizing a judge who receives a certain search warrant application to issue a
16 warrant under certain circumstances; specifying that a certain search warrant
17 must include certain information and be executed and returned to a certain
18 person within a certain period of time; authorizing the Board to waive, under
19 certain circumstances, certain training required for licensure; codifying the
20 requirement that the Board provide certain individuals an opportunity to
21 appear before the Board under certain circumstances; requiring the Board to
22 disclose the filing of charges and initial denials of licensure on the Board's Web
23 site; requiring that physician license profiles include a summary of charges filed
24 against the physician and a copy of the charging document under certain
25 circumstances; requiring that license profiles include a certain disclaimer;
26 requiring the Board to include certain information on a license profile within a
27 certain time period; specifying that a certain report that certain entities are
28 required to file with the Board include certain information; authorizing the
29 Board to impose a certain civil penalty on an alternative health system that
30 fails to file a certain report; requiring the Board to remit a certain penalty to the

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 General Fund of the State; repealing the requirement that a circuit court of the
2 State impose a civil penalty on an alternative health system that fails to file a
3 certain report; specifying that a certain court reporting requirement is to be
4 enforced by the imposition of a certain fine by a circuit court of the State;
5 requiring the chairs of certain committees to serve in an advisory capacity to
6 the Board, report to the Board a certain number of times a year, and present to
7 the Board certain annual reports; requiring certain committees to submit an
8 annual report to the Board; requiring the Board to consider all
9 recommendations of certain committees, provide a certain explanation to the
10 committees under certain circumstances, and provide a certain report to the
11 committees a certain number of times each year; requiring the Board to create
12 and maintain a certain profile on certain licensees; requiring the profiles to
13 contain certain information; requiring the Board to forward a written copy of
14 certain profiles to a person under certain circumstances; requiring the Board to
15 maintain certain profiles on the Board's Web site; requiring the Board to
16 provide a mechanism for correcting errors in certain profiles; requiring the
17 Polysomnography Professional Standards Committee to elect a chair every
18 certain number of years; defining certain terms related to the practice of
19 athletic training in the State; altering a certain definition related to the practice
20 of athletic training in the State; authorizing an athletic trainer to accept an
21 outside referral from certain individuals under certain circumstances; repealing
22 the requirement that the Board assess a certain fee under certain
23 circumstances; requiring the Board and the Department of Health and Mental
24 Hygiene to develop and implement a certain strategy on or before a certain date;
25 requiring the Board to assess certain practices and submit a certain long-term
26 fiscal plan to the Department of Legislative Services on or before a certain date;
27 requiring the Board to develop and implement a certain recruitment plan on or
28 before a certain date; requiring the Board to amend the Board's regulations to
29 reflect the procedures of the Board on or before a certain date; requiring certain
30 entities to determine the appropriate entity to investigate and enforce certain
31 provisions of law on or before a certain date; requiring the Board, in
32 consultation with certain persons, to adopt certain regulations on or before a
33 certain date; requiring the Board to issue a license to an individual under a
34 certain provision of law under certain circumstances; requiring the Board to
35 submit a certain report to the Department of Legislative Services on or before a
36 certain date; requiring the Department of Legislative Services to make certain
37 recommendations to certain committees of the General Assembly on or before a
38 certain date; providing for the effective date of certain provisions of this Act;
39 and generally relating to the State Board of Physicians and the related allied
40 health advisory committees.

41 BY adding to

42 Article – Health Occupations

43 Section 14-202(l), 14-206.1, 14-401(l), 14-416, 14-5A-06(e), 14-5A-18.1,
44 14-5B-05(f), 14-5B-15.1, 14-5C-06(d) and (e), 14-5C-18.1,
45 14-5D-05(f), 14-5D-16.1, 15-202(f), and 15-316.1

46 Annotated Code of Maryland

1 (2009 Replacement Volume and 2011 Supplement)

2 BY repealing and reenacting, with amendments,
 3 Article – Health Occupations
 4 Section 14–206(d)(1), 14–307(d) and (g), 14–411(i), 14–411.1(b), (c)(2), and (f),
 5 14–413, 14–414, 14–5A–06(d), 14–5A–07, 14–5A–25, 14–5B–05(c),
 6 14–5B–06, 14–5B–21, 14–5C–07, 14–5C–25, 14–5D–01, 14–5D–05(e),
 7 14–5D–06, 14–5D–11, 14–5D–20, 14–702, 15–202(e), 15–205, and 15–502
 8 Annotated Code of Maryland
 9 (2009 Replacement Volume and 2011 Supplement)

10 BY repealing
 11 Article – Health Occupations
 12 Section 15–310(e)
 13 Annotated Code of Maryland
 14 (2009 Replacement Volume and 2011 Supplement)

15 BY repealing and reenacting, with amendments,
 16 Article – Health Occupations
 17 Section 14–5E–06(d), 14–5E–07, and 14–5E–25
 18 Annotated Code of Maryland
 19 (2009 Replacement Volume and 2011 Supplement)
 20 (As enacted by Chapter 588 of the Acts of the General Assembly of 2011)

21 BY adding to
 22 Article – Health Occupations
 23 Section 14–5E–06(e) and 14–5E–18.1
 24 Annotated Code of Maryland
 25 (2009 Replacement Volume and 2011 Supplement)
 26 (As enacted by Chapter 588 of the Acts of the General Assembly of 2011)

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

29 **Article – Health Occupations**

30 14–202.

31 **(L) AN INDIVIDUAL MAY NOT BE APPOINTED TO THE BOARD IF THE**
 32 **INDIVIDUAL IS PROVIDING OR HAS PROVIDED SERVICES TO THE BOARD FOR**
 33 **REMUNERATION.**

34 14–206.

35 (d) (1) If the entry is necessary to carry out a duty under this title, the
 36 Board’s executive director or other duly authorized agent or investigator of the Board
 37 may enter at any reasonable hour:

- 1 (i) A place of business of a licensed physician; OR
- 2 (ii) [Private premises where the Board suspects that a person
3 who is not licensed by the Board is practicing, attempting to practice, or offering to
4 practice medicine, based on a formal complaint; or
- 5 (iii)] Public premises.

6 **14-206.1.**

7 (A) THE BOARD'S EXECUTIVE DIRECTOR MAY APPLY TO A JUDGE OF
8 THE DISTRICT COURT OR A CIRCUIT COURT FOR A SEARCH WARRANT TO ENTER
9 PRIVATE PREMISES WHERE THE BOARD SUSPECTS THAT A PERSON WHO IS NOT
10 LICENSED BY THE BOARD IS PRACTICING, ATTEMPTING TO PRACTICE, OR
11 OFFERING TO PRACTICE MEDICINE, BASED ON A COMPLAINT RECEIVED BY THE
12 BOARD.

13 (B) AN APPLICATION FOR A SEARCH WARRANT SHALL:

14 (1) BE IN WRITING;

15 (2) BE VERIFIED BY THE APPLICANT; AND

16 (3) DESCRIBE THE PREMISES TO BE SEARCHED AND THE
17 NATURE, SCOPE, AND PURPOSE OF THE SEARCH.

18 (C) A JUDGE WHO RECEIVES AN APPLICATION FOR A SEARCH WARRANT
19 MAY ISSUE A WARRANT ON A FINDING THAT:

20 (1) THE SCOPE OF THE PROPOSED SEARCH IS REASONABLE;

21 (2) THE REQUEST FOR A SEARCH WARRANT IS BASED ON A
22 COMPLAINT RECEIVED BY THE BOARD; AND

23 (3) OBTAINING CONSENT TO ENTER THE PREMISES MAY
24 JEOPARDIZE THE ATTEMPT TO DETERMINE WHETHER A PERSON WHO IS NOT
25 LICENSED BY THE BOARD IS PRACTICING, ATTEMPTING TO PRACTICE, OR
26 OFFERING TO PRACTICE MEDICINE.

27 (D) (1) A SEARCH WARRANT ISSUED UNDER THIS SECTION SHALL
28 SPECIFY THE LOCATION OF THE PREMISES TO BE SEARCHED.

1 **(2) A SEARCH CONDUCTED IN ACCORDANCE WITH A SEARCH**
2 **WARRANT ISSUED UNDER THIS SECTION MAY NOT EXCEED THE LIMITS**
3 **SPECIFIED IN THE WARRANT.**

4 **(E) A SEARCH WARRANT ISSUED UNDER THIS SECTION SHALL BE**
5 **EXECUTED AND RETURNED TO THE ISSUING JUDGE:**

6 **(1) WITHIN THE PERIOD SPECIFIED IN THE WARRANT, WHICH**
7 **MAY NOT EXCEED 30 DAYS FROM THE DATE OF ISSUANCE; OR**

8 **(2) WITHIN 15 DAYS AFTER THE WARRANT IS ISSUED, IF NO**
9 **PERIOD IS SPECIFIED IN THE WARRANT.**

10 14–307.

11 **(d) (1) Except as provided in § 14–308 of this subtitle AND PARAGRAPH**
12 **(2) OF THIS SUBSECTION, the applicant shall:**

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

16 **[(ii)] 2.** Submit evidence acceptable to the Board of successful
17 completion of 1 year of training in a postgraduate medical training program that is
18 accredited by an accrediting organization that the Board recognizes in its regulations;
19 or

20 **[(2)] [(i)] (II) 1.** Have a degree of doctor of osteopathy from a
21 school of osteopathy in the United States, its territories or possessions, Puerto Rico, or
22 Canada that has standards for graduation equivalent to those established by the
23 American Osteopathic Association; and

24 **[(ii)] 2.** Submit evidence acceptable to the Board of successful
25 completion of 1 year of training in a postgraduate medical training program accredited
26 by an accrediting organization that the Board recognizes in its regulations.

27 **(2) THE BOARD MAY WAIVE THE POSTGRADUATE MEDICAL**
28 **TRAINING REQUIREMENT IF THE APPLICANT HAS:**

29 **(I) TAUGHT FULL TIME IN A MEDICAL SCHOOL IN THE**
30 **UNITED STATES THAT IS ACCREDITED BY AN ACCREDITING ORGANIZATION**
31 **THAT THE BOARD RECOGNIZES IN ITS REGULATIONS; OR**

32 **(II) PRACTICED CLINICAL MEDICINE IN ANOTHER STATE OF**
33 **THE UNITED STATES OR CANADA.**

1 (g) (1) [An] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
2 SUBSECTION, AN applicant who has failed the examination or any part of the
3 examination 3 or more times shall submit evidence of having completed 1 year of
4 additional clinical training in an approved postgraduate training program following
5 the latest failure.

6 (2) THE BOARD MAY WAIVE THE ADDITIONAL CLINICAL TRAINING
7 REQUIREMENT IF THE APPLICANT CAN DEMONSTRATE THAT:

8 (I) THE FAILURES RESULTED FROM A PHYSICAL,
9 EMOTIONAL, OR MENTAL CONDITION OR LEARNING DISABILITY;

10 (II) THE INDIVIDUAL HAS PRACTICED CLINICAL MEDICINE
11 IN ANOTHER STATE OF THE UNITED STATES OR CANADA; OR

12 (III) THE INDIVIDUAL IS CERTIFIED BY A CERTIFYING
13 ORGANIZATION THAT THE BOARD RECOGNIZES IN ITS REGULATIONS.

14 14-401.

15 (L) THE BOARD, IN CONDUCTING A CASE RESOLUTION CONFERENCE,
16 OR ITS SUCCESSOR, UNDER COMAR 10.32.02.03 SHALL PROVIDE AN
17 OPPORTUNITY TO APPEAR BEFORE THE BOARD TO BOTH THE LICENSEE WHO
18 HAS BEEN CHARGED AND THE INDIVIDUAL WHO HAS FILED THE COMPLAINT
19 AGAINST THE LICENSEE GIVING RISE TO THE CHARGE.

20 14-411.

21 (i) Following the filing of charges or notice of initial denial of license
22 application, the Board shall disclose the filing to the public ON THE BOARD'S WEB
23 SITE.

24 14-411.1.

25 (b) The Board shall create and maintain a public individual profile on each
26 licensee that includes the following information:

27 (1) A SUMMARY OF CHARGES FILED AGAINST THE LICENSEE
28 THAT INCLUDES A COPY OF THE CHARGING DOCUMENT, UNTIL THE BOARD HAS
29 TAKEN ACTION UNDER § 14-404 OF THIS SUBTITLE BASED ON THE CHARGES OR
30 HAS RESCINDED THE CHARGES.

1 **(2)** A description of any disciplinary action taken by the Board against
2 the licensee within the most recent 10–year period that includes a copy of the public
3 order;

4 **[(2)] (3)** A description in summary form of any final disciplinary
5 action taken by a licensing board in any other state or jurisdiction against the licensee
6 within the most recent 10–year period;

7 **[(3)] (4)** The number of medical malpractice final court judgments
8 and arbitration awards against the licensee within the most recent 10–year period for
9 which all appeals have been exhausted as reported to the Board;

10 **[(4)] (5)** A description of a conviction or entry of a plea of guilty or
11 nolo contendere by the licensee for a crime involving moral turpitude reported to the
12 Board under § 14–413(b) of this subtitle; and

13 **[(5)] (6)** Medical education and practice information about the
14 licensee including:

15 (i) The name of any medical school that the licensee attended
16 and the date on which the licensee graduated from the school;

17 (ii) A description of any internship and residency training;

18 (iii) A description of any specialty board certification by a
19 recognized board of the American Board of Medical Specialties or the American
20 Osteopathic Association;

21 (iv) The name of any hospital where the licensee has medical
22 privileges as reported to the Board under § 14–413 of this subtitle;

23 (v) The location of the licensee’s primary practice setting; and

24 (vi) Whether the licensee participates in the Maryland Medical
25 Assistance Program.

26 (c) In addition to the requirements of subsection (b) of this section, the Board
27 shall:

28 (2) Include a statement on each licensee’s profile of information to be
29 taken into consideration by a consumer when viewing a licensee’s profile, including
30 factors to consider when evaluating a licensee’s malpractice data **AND A DISCLAIMER**
31 **STATING THAT A CHARGING DOCUMENT DOES NOT INDICATE A FINAL FINDING**
32 **OF GUILT BY THE BOARD**; and

1 (f) The Board shall include information relating to **CHARGES FILED**
2 **AGAINST A LICENSEE BY THE BOARD AND** a final disciplinary action taken by the
3 Board against a licensee in the licensee's profile within 10 days after **THE CHARGES**
4 **ARE FILED OR** the action becomes final.

5 14-413.

6 (a) (1) Every 6 months, each hospital and related institution shall file
7 with the Board a report that:

8 (i) Contains the name of each licensed physician who, during
9 the 6 months preceding the report:

- 10 1. Is employed by the hospital or related institution;
11 2. Has privileges with the hospital or related institution;
12 and
13 3. Has applied for privileges with the hospital or related
14 institution; [and]

15 (ii) States whether, as to each licensed physician, during the 6
16 months preceding the report:

17 1. The hospital or related institution denied the
18 application of a physician for staff privileges or limited, reduced, otherwise changed, or
19 terminated the staff privileges of a physician, or the physician resigned whether or not
20 under formal accusation, if the denial, limitation, reduction, change, termination, or
21 resignation is for reasons that might be grounds for disciplinary action under § 14-404
22 of this subtitle;

23 2. The hospital or related institution took any
24 disciplinary action against a salaried, licensed physician without staff privileges,
25 including termination of employment, suspension, or probation, for reasons that might
26 be grounds for disciplinary action under § 14-404 of this subtitle;

27 3. The hospital or related institution took any
28 disciplinary action against an individual in a postgraduate medical training program,
29 including removal from the training program, suspension, or probation for reasons
30 that might be grounds for disciplinary action under § 14-404 of this subtitle;

31 4. A licensed physician or an individual in a
32 postgraduate training program voluntarily resigned from the staff, employ, or training
33 program of the hospital or related institution for reasons that might be grounds for
34 disciplinary action under § 14-404 of this subtitle; or

1 5. The hospital or related institution placed any other
2 restrictions or conditions on any of the licensed physicians as listed in items 1 through
3 4 of this subparagraph for any reasons that might be grounds for disciplinary action
4 under § 14-404 of this subtitle; AND

5 **(III) STATES THAT NO ACTION WAS TAKEN AGAINST THE**
6 **LICENSED PHYSICIAN IF THE HOSPITAL OR RELATED INSTITUTION DID NOT**
7 **TAKE ACTION AGAINST THE LICENSED PHYSICIAN DURING THE PERIOD**
8 **COVERED BY THE REPORT.**

9 (2) The hospital or related institution shall:

10 (i) Submit the report within 10 days of any action described in
11 paragraph (1)(ii) of this subsection; and

12 (ii) State in the report the reasons for its action or the nature of
13 the formal accusation pending when the physician resigned.

14 (3) The Board may extend the reporting time under this subsection for
15 good cause shown.

16 (4) The minutes or notes taken in the course of determining the
17 denial, limitation, reduction, or termination of the staff privileges of any physician in a
18 hospital or related institution are not subject to review or discovery by any person.

19 **[(b) (1) Each court shall report to the Board each conviction of or entry of a**
20 **plea of guilty or nolo contendere by a physician for any crime involving moral**
21 **turpitude.**

22 (2) The court shall submit the report within 10 days of the conviction
23 or entry of the plea.]

24 **[(c) (B) The Board may enforce this section by subpoena.**

25 **[(d) (C) Any person shall have the immunity from liability described under**
26 **§ 5-715(d) of the Courts and Judicial Proceedings Article for giving any of the**
27 **information required by this section.**

28 **[(e) (D) A report made under this section is not subject to subpoena or**
29 **discovery in any civil action other than a proceeding arising out of a hearing and**
30 **decision of the Board under this title.**

31 **[(f) (E) (1) The Board may impose a civil penalty of up to \$5,000 for**
32 **failure to report under this section.**

1 (2) The Board shall remit any penalty collected under this subsection
2 into the General Fund of the State.

3 14-414.

4 (a) (1) Every 6 months, each alternative health system as defined in §
5 1-401 of this article shall file with the Board a report that:

6 (i) Contains the name of each licensed physician who, during
7 the 6 months preceding the report:

8 1. Is employed by the alternative health system;

9 2. Is under contract with the alternative health system;
10 and

11 3. Has completed a formal application process to become
12 under contract with the alternative health system; [and]

13 (ii) States whether, as to each licensed physician, during the 6
14 months preceding the report:

15 1. The alternative health system denied the formal
16 application of a physician to contract with the alternative health system or limited,
17 reduced, otherwise changed, or terminated the contract of a physician, or the
18 physician resigned whether or not under formal accusation, if the denial, limitation,
19 reduction, change, termination, or resignation is for reasons that might be grounds for
20 disciplinary action under § 14-404 of this subtitle; or

21 2. The alternative health system placed any other
22 restrictions or conditions on any licensed physician for any reasons that might be
23 grounds for disciplinary action under § 14-404 of this subtitle; **AND**

24 **(III) STATES THAT NO ACTION WAS TAKEN AGAINST THE**
25 **LICENSED PHYSICIAN IF THE ALTERNATIVE HEALTH SYSTEM DID NOT TAKE**
26 **ACTION AGAINST THE LICENSED PHYSICIAN DURING THE PERIOD COVERED BY**
27 **THE REPORT.**

28 (2) The alternative health system shall:

29 (i) Submit the report within 10 days of any action described in
30 paragraph (1)(ii) of this subsection; and

31 (ii) State in the report the reasons for its action or the nature of
32 the formal accusation pending when the physician resigned.

1 (3) The Board may extend the reporting time under this subsection for
2 good cause shown.

3 (4) The minutes or notes taken in the course of determining the
4 denial, limitation, reduction, or termination of the employment contract of any
5 physician in an alternative health system are not subject to review or discovery by any
6 person.

7 [(b) (1) Each court shall report to the Board each conviction of or entry of a
8 plea of guilty or nolo contendere by a physician for any crime involving moral
9 turpitude.

10 (2) The court shall submit the report within 10 days of the conviction
11 or entry of the plea.]

12 [(c) (B) The Board may enforce this section by subpoena.

13 [(d) (C) Any person shall have the immunity from liability described under
14 § 5-715(d) of the Courts and Judicial Proceedings Article for giving any of the
15 information required by this section.

16 [(e) (D) A report made under this section is not subject to subpoena or
17 discovery in any civil action other than a proceeding arising out of a hearing and
18 decision of the Board under this title.

19 [(f) (E) (1) [Failure to report pursuant to the requirements of this
20 section shall result in imposition of a civil penalty of up to \$5,000 by a circuit court of
21 this State] **THE BOARD MAY IMPOSE A CIVIL PENALTY OF UP TO \$5,000 FOR**
22 **FAILURE TO REPORT UNDER THIS SECTION.**

23 (2) **THE BOARD SHALL REMIT ANY PENALTY COLLECTED UNDER**
24 **THIS SUBSECTION INTO THE GENERAL FUND OF THE STATE.**

25 **14-416.**

26 **(A) (1) EACH COURT SHALL REPORT TO THE BOARD EACH**
27 **CONVICTION OF OR ENTRY OF A PLEA OF GUILTY OR NOLO CONTENDERE BY A**
28 **PHYSICIAN FOR ANY CRIME INVOLVING MORAL TURPITUDE.**

29 **(2) THE COURT SHALL SUBMIT THE REPORT WITHIN 10 DAYS OF**
30 **THE CONVICTION OR ENTRY OF THE PLEA.**

31 **(B) FAILURE TO REPORT PURSUANT TO THE REQUIREMENTS OF THIS**
32 **SECTION SHALL RESULT IN IMPOSITION OF A CIVIL PENALTY OF UP TO \$5,000**
33 **BY A CIRCUIT COURT OF THE STATE.**

1 14-5A-06.

2 (d) (1) From among its members, the Committee shall elect a chair once
3 every 2 years.

4 (2) THE CHAIR SHALL:

5 (i) SERVE IN AN ADVISORY CAPACITY TO THE BOARD AS A
6 REPRESENTATIVE OF THE COMMITTEE;

7 (ii) REPORT TO THE BOARD TWICE A YEAR ON THE
8 ACTIVITIES OF THE COMMITTEE; AND

9 (iii) PRESENT TO THE BOARD THE COMMITTEE'S ANNUAL
10 REPORT.

11 (E) AN INDIVIDUAL MAY NOT BE APPOINTED TO THE COMMITTEE IF
12 THE INDIVIDUAL IS PROVIDING OR HAS PROVIDED SERVICES TO THE BOARD
13 FOR REMUNERATION.

14 14-5A-07.

15 (A) In addition to the powers set forth elsewhere in this subtitle, the
16 Committee shall:

17 (1) Develop and recommend to the Board regulations to carry out the
18 provisions of this subtitle;

19 (2) Develop and recommend to the Board a code of ethics for the
20 practice of respiratory care for adoption by the Board;

21 (3) If requested, develop and recommend to the Board standards of
22 care for the practice of respiratory care;

23 (4) Develop and recommend to the Board the requirements for
24 licensure as a respiratory care practitioner;

25 (5) Evaluate the credentials of applicants as necessary and
26 recommend licensure of applicants who fulfill the requirements for a license to
27 practice respiratory care;

28 (6) Develop and recommend to the Board continuing education
29 requirements for license renewal;

1 (7) Provide the Board with recommendations concerning the practice
2 of respiratory care;

3 (8) Develop and recommend to the Board criteria related to the
4 practice of respiratory care in the home setting; [and]

5 (9) Keep a record of its proceedings; AND

6 **(10) SUBMIT AN ANNUAL REPORT TO THE BOARD.**

7 **(B) THE BOARD SHALL:**

8 **(1) CONSIDER ALL RECOMMENDATIONS OF THE COMMITTEE AND**
9 **PROVIDE A WRITTEN EXPLANATION OF THE BOARD'S REASONS FOR REJECTING**
10 **OR MODIFYING THE COMMITTEE'S RECOMMENDATIONS; AND**

11 **(2) PROVIDE TO THE COMMITTEE TWICE A YEAR A REPORT ON**
12 **THE DISCIPLINARY MATTERS INVOLVING LICENSEES.**

13 **14-5A-18.1.**

14 **(A) FOLLOWING THE FILING OF CHARGES OR NOTICE OF INITIAL**
15 **DENIAL OF A LICENSE APPLICATION, THE BOARD SHALL DISCLOSE THE FILING**
16 **TO THE PUBLIC ON THE BOARD'S WEB SITE.**

17 **(B) THE BOARD SHALL CREATE AND MAINTAIN A PUBLIC INDIVIDUAL**
18 **PROFILE ON EACH LICENSEE THAT INCLUDES THE FOLLOWING INFORMATION:**

19 **(1) A SUMMARY OF CHARGES FILED AGAINST THE LICENSEE**
20 **THAT INCLUDES A COPY OF THE CHARGING DOCUMENT UNTIL THE BOARD HAS**
21 **TAKEN ACTION UNDER § 14-5A-17 OF THIS SUBTITLE BASED ON THE CHARGES**
22 **OR HAS RESCINDED THE CHARGES;**

23 **(2) A DESCRIPTION OF ANY DISCIPLINARY ACTION TAKEN BY THE**
24 **BOARD AGAINST THE LICENSEE WITHIN THE MOST RECENT 10-YEAR PERIOD**
25 **THAT INCLUDES A COPY OF THE PUBLIC ORDER;**

26 **(3) A DESCRIPTION IN SUMMARY FORM OF ANY FINAL**
27 **DISCIPLINARY ACTION TAKEN BY A LICENSING BOARD IN ANY OTHER STATE OR**
28 **JURISDICTION AGAINST THE LICENSEE WITHIN THE MOST RECENT 10-YEAR**
29 **PERIOD;**

30 **(4) A DESCRIPTION OF A CONVICTION OR ENTRY OF A PLEA OF**
31 **GUILTY OR NOLO CONTENDERE BY THE LICENSEE FOR A CRIME INVOLVING**

1 MORAL TURPITUDE REPORTED TO THE BOARD UNDER § 14-5A-17(C) OF THIS
2 SUBTITLE; AND

3 (5) THE PUBLIC ADDRESS OF THE LICENSEE.

4 (C) IN ADDITION TO THE REQUIREMENTS OF SUBSECTION (B) OF THIS
5 SECTION, THE BOARD SHALL INCLUDE A STATEMENT ON EACH LICENSEE'S
6 PROFILE OF INFORMATION TO BE TAKEN INTO CONSIDERATION BY A CONSUMER
7 WHEN VIEWING A LICENSEE'S PROFILE, INCLUDING A DISCLAIMER STATING
8 THAT A CHARGING DOCUMENT DOES NOT INDICATE A FINAL FINDING OF GUILT
9 BY THE BOARD.

10 (D) THE BOARD:

11 (1) ON RECEIPT OF A WRITTEN REQUEST FOR A LICENSEE'S
12 PROFILE FROM ANY PERSON, SHALL FORWARD A WRITTEN COPY OF THE
13 PROFILE TO THE PERSON; AND

14 (2) SHALL MAINTAIN A WEB SITE THAT SERVES AS A SINGLE
15 POINT OF ENTRY WHERE ALL LICENSEE PROFILE INFORMATION IS AVAILABLE
16 TO THE PUBLIC ON THE INTERNET.

17 (E) THE BOARD SHALL PROVIDE A MECHANISM FOR THE NOTIFICATION
18 AND PROMPT CORRECTION OF ANY FACTUAL INACCURACIES IN A LICENSEE'S
19 PROFILE.

20 (F) THE BOARD SHALL INCLUDE INFORMATION RELATING TO CHARGES
21 FILED AGAINST A LICENSEE BY THE BOARD AND A FINAL DISCIPLINARY ACTION
22 TAKEN BY THE BOARD AGAINST A LICENSEE IN THE LICENSEE'S PROFILE
23 WITHIN 10 DAYS AFTER THE CHARGES ARE FILED OR THE ACTION BECOMES
24 FINAL.

25 14-5A-25.

26 Subject to the evaluation and reestablishment provisions of the Maryland
27 Program Evaluation Act and subject to the termination of this title under § 14-702 of
28 this title, this subtitle and all rules and regulations adopted under this subtitle shall
29 terminate and be of no effect after July 1, [2013] 2014.

30 14-5B-05.

31 (c) (1) From among its members, the Committee shall elect a chair once
32 every 2 years.

1 **(2) THE CHAIR SHALL:**

2 **(I) SERVE IN AN ADVISORY CAPACITY TO THE BOARD AS A**
3 **REPRESENTATIVE OF THE COMMITTEE;**

4 **(II) REPORT TO THE BOARD TWICE A YEAR ON THE**
5 **ACTIVITIES OF THE COMMITTEE; AND**

6 **(III) PRESENT TO THE BOARD THE COMMITTEE'S ANNUAL**
7 **REPORT.**

8 **(F) AN INDIVIDUAL MAY NOT BE APPOINTED TO THE COMMITTEE IF**
9 **THE INDIVIDUAL IS PROVIDING OR HAS PROVIDED SERVICES TO THE BOARD**
10 **FOR REMUNERATION.**

11 14-5B-06.

12 **(A)** In addition to the powers set forth elsewhere in this subtitle, the
13 Committee shall:

14 (1) Make recommendations to the Board on regulations necessary to
15 carry out the provisions of this subtitle;

16 (2) Make recommendations to the Board on a code of ethics for the
17 practice of radiation therapy, the practice of radiography, the practice of nuclear
18 medicine technology, and the practice of radiology assistance for adoption by the
19 Board;

20 (3) On request, make recommendations to the Board on standards of
21 care for the practice of radiation therapy, the practice of radiography, the practice of
22 nuclear medicine technology, and the practice of radiology assistance;

23 (4) Make recommendations to the Board on the requirements for
24 licensure as a radiation therapist, radiographer, nuclear medicine technologist, or
25 radiologist assistant;

26 (5) On request, review applications for licensure as a radiation
27 therapist, radiographer, nuclear medicine technologist, or radiologist assistant and
28 make recommendations to the Board;

29 (6) Develop and recommend to the Board continuing education
30 requirements for license renewal;

31 (7) Advise the Board on matters related to the practice of radiation
32 therapy, the practice of radiography, the practice of nuclear medicine technology, and
33 the practice of radiology assistance; [and]

1 (8) Keep a record of its proceedings; AND

2 (9) SUBMIT AN ANNUAL REPORT TO THE BOARD.

3 (B) THE BOARD SHALL:

4 (1) CONSIDER ALL RECOMMENDATIONS OF THE COMMITTEE AND
5 PROVIDE A WRITTEN EXPLANATION OF THE BOARD'S REASONS FOR REJECTING
6 OR MODIFYING THE COMMITTEE'S RECOMMENDATIONS; AND

7 (2) PROVIDE TO THE COMMITTEE TWICE A YEAR A REPORT ON
8 THE DISCIPLINARY MATTERS INVOLVING LICENSEES.

9 14-5B-15.1.

10 (A) FOLLOWING THE FILING OF CHARGES OR NOTICE OF INITIAL
11 DENIAL OF LICENSE APPLICATION, THE BOARD SHALL DISCLOSE THE FILING TO
12 THE PUBLIC ON THE BOARD'S WEB SITE.

13 (B) THE BOARD SHALL CREATE AND MAINTAIN A PUBLIC INDIVIDUAL
14 PROFILE ON EACH LICENSEE THAT INCLUDES THE FOLLOWING INFORMATION:

15 (1) A SUMMARY OF CHARGES FILED AGAINST THE LICENSEE
16 THAT INCLUDES A COPY OF THE CHARGING DOCUMENT UNTIL THE BOARD HAS
17 TAKEN ACTION UNDER § 14-5B-14 OF THIS SUBTITLE BASED ON THE CHARGES
18 OR HAS RESCINDED THE CHARGES;

19 (2) A DESCRIPTION OF ANY DISCIPLINARY ACTION TAKEN BY THE
20 BOARD AGAINST THE LICENSEE WITHIN THE MOST RECENT 10-YEAR PERIOD
21 THAT INCLUDES A COPY OF THE PUBLIC ORDER;

22 (3) A DESCRIPTION IN SUMMARY FORM OF ANY FINAL
23 DISCIPLINARY ACTION TAKEN BY A LICENSING BOARD IN ANY OTHER STATE OR
24 JURISDICTION AGAINST THE LICENSEE WITHIN THE MOST RECENT 10-YEAR
25 PERIOD;

26 (4) A DESCRIPTION OF A CONVICTION OR ENTRY OF A PLEA OF
27 GUILTY OR NOLO CONTENDERE BY THE LICENSEE FOR A CRIME INVOLVING
28 MORAL TURPITUDE REPORTED TO THE BOARD UNDER § 14-5B-14(C) OF THIS
29 SUBTITLE; AND

30 (5) THE PUBLIC ADDRESS OF THE LICENSEE.

1 **(C) IN ADDITION TO THE REQUIREMENTS OF SUBSECTION (B) OF THIS**
2 **SECTION, THE BOARD SHALL INCLUDE A STATEMENT ON EACH LICENSEE'S**
3 **PROFILE OF INFORMATION TO BE TAKEN INTO CONSIDERATION BY A CONSUMER**
4 **WHEN VIEWING A LICENSEE'S PROFILE, INCLUDING A DISCLAIMER STATING**
5 **THAT A CHARGING DOCUMENT DOES NOT INDICATE A FINAL FINDING OF GUILT**
6 **BY THE BOARD.**

7 **(D) THE BOARD:**

8 **(1) ON RECEIPT OF A WRITTEN REQUEST FOR A LICENSEE'S**
9 **PROFILE FROM ANY PERSON, SHALL FORWARD A WRITTEN COPY OF THE**
10 **PROFILE TO THE PERSON; AND**

11 **(2) SHALL MAINTAIN A WEB SITE THAT SERVES AS A SINGLE**
12 **POINT OF ENTRY WHERE ALL LICENSEE PROFILE INFORMATION IS AVAILABLE**
13 **TO THE PUBLIC ON THE INTERNET.**

14 **(E) THE BOARD SHALL PROVIDE A MECHANISM FOR THE NOTIFICATION**
15 **AND PROMPT CORRECTION OF ANY FACTUAL INACCURACIES IN A LICENSEE'S**
16 **PROFILE.**

17 **(F) THE BOARD SHALL INCLUDE INFORMATION RELATING TO CHARGES**
18 **FILED AGAINST A LICENSEE BY THE BOARD AND A FINAL DISCIPLINARY ACTION**
19 **TAKEN BY THE BOARD AGAINST A LICENSEE IN THE LICENSEE'S PROFILE**
20 **WITHIN 10 DAYS AFTER THE CHARGES ARE FILED OR THE ACTION BECOMES**
21 **FINAL.**

22 14-5B-21.

23 Subject to the evaluation and reestablishment provisions of the Maryland
24 Program Evaluation Act, and subject to the termination of this title under § 14-702 of
25 this title, this subtitle and all rules and regulations adopted under this subtitle shall
26 terminate and be of no effect after July 1, [2013] 2014.

27 14-5C-06.

28 **(D) (1) FROM AMONG ITS MEMBERS, THE COMMITTEE SHALL ELECT**
29 **A CHAIR ONCE EVERY 2 YEARS.**

30 **(2) THE CHAIR SHALL:**

31 **(I) SERVE IN AN ADVISORY CAPACITY TO THE BOARD AS A**
32 **REPRESENTATIVE OF THE COMMITTEE;**

1 **(II) REPORT TO THE BOARD TWICE A YEAR ON THE**
2 **ACTIVITIES OF THE COMMITTEE; AND**

3 **(III) PRESENT TO THE BOARD THE COMMITTEE'S ANNUAL**
4 **REPORT.**

5 **(E) AN INDIVIDUAL MAY NOT BE APPOINTED TO THE COMMITTEE IF**
6 **THE INDIVIDUAL IS PROVIDING OR HAS PROVIDED SERVICES TO THE BOARD**
7 **FOR REMUNERATION.**

8 14-5C-07.

9 **(A)** In addition to the powers set forth elsewhere in this subtitle, the
10 Committee shall:

11 (1) Develop and recommend to the Board regulations to carry out the
12 provisions of this subtitle;

13 (2) Develop and recommend to the Board a code of ethics for the
14 practice of polysomnography for adoption by the Board;

15 (3) Develop and recommend to the Board standards of care for the
16 practice of polysomnography;

17 (4) Develop and recommend to the Board the requirements for
18 licensure as a polysomnographic technologist, including:

19 (i) Criteria for the educational and clinical training of licensed
20 polysomnographic technologists; and

21 (ii) Criteria for a professional competency examination and
22 testing of applicants for a license to practice polysomnography;

23 (5) Develop and recommend to the Board criteria for licensed
24 polysomnographic technologists who are licensed in other states to practice in this
25 State;

26 (6) Evaluate the accreditation status of education programs in
27 polysomnography for approval by the Board;

28 (7) Evaluate the credentials of applicants and recommend licensure of
29 applicants who fulfill the requirements for a license to practice polysomnography;

30 (8) Develop and recommend to the Board continuing education
31 requirements for license renewal;

1 (9) Provide the Board with recommendations concerning the practice
2 of polysomnography;

3 (10) Develop and recommend to the Board criteria for the direction of
4 students in clinical education programs by licensed polysomnographic technologists
5 and licensed physicians;

6 (11) Keep a record of its proceedings; and

7 (12) Submit an annual report to the Board.

8 **(B) THE BOARD SHALL:**

9 **(1) CONSIDER ALL RECOMMENDATIONS OF THE COMMITTEE AND**
10 **PROVIDE A WRITTEN EXPLANATION OF THE BOARD'S REASONS FOR REJECTING**
11 **OR MODIFYING THE COMMITTEE'S RECOMMENDATIONS; AND**

12 **(2) PROVIDE TO THE COMMITTEE TWICE A YEAR A REPORT ON**
13 **THE DISCIPLINARY MATTERS INVOLVING LICENSEES.**

14 **14-5C-18.1.**

15 **(A) FOLLOWING THE FILING OF CHARGES OR NOTICE OF INITIAL**
16 **DENIAL OF LICENSE APPLICATION, THE BOARD SHALL DISCLOSE THE FILING TO**
17 **THE PUBLIC ON THE BOARD'S WEB SITE.**

18 **(B) THE BOARD SHALL CREATE AND MAINTAIN A PUBLIC INDIVIDUAL**
19 **PROFILE ON EACH LICENSEE THAT INCLUDES THE FOLLOWING INFORMATION:**

20 **(1) A SUMMARY OF CHARGES FILED AGAINST THE LICENSEE**
21 **THAT INCLUDES A COPY OF THE CHARGING DOCUMENT UNTIL THE BOARD HAS**
22 **TAKEN ACTION UNDER § 14-5C-17 OF THIS SUBTITLE BASED ON THE CHARGES**
23 **OR HAS RESCINDED THE CHARGES;**

24 **(2) A DESCRIPTION OF ANY DISCIPLINARY ACTION TAKEN BY THE**
25 **BOARD AGAINST THE LICENSEE WITHIN THE MOST RECENT 10-YEAR PERIOD**
26 **THAT INCLUDES A COPY OF THE PUBLIC ORDER;**

27 **(3) A DESCRIPTION IN SUMMARY FORM OF ANY FINAL**
28 **DISCIPLINARY ACTION TAKEN BY A LICENSING BOARD IN ANY OTHER STATE OR**
29 **JURISDICTION AGAINST THE LICENSEE WITHIN THE MOST RECENT 10-YEAR**
30 **PERIOD;**

31 **(4) A DESCRIPTION OF A CONVICTION OR ENTRY OF A PLEA OF**
32 **GUILTY OR NOLO CONTENDERE BY THE LICENSEE FOR A CRIME INVOLVING**

1 MORAL TURPITUDE REPORTED TO THE BOARD UNDER § 14-5C-17(C) OF THIS
2 SUBTITLE; AND

3 (5) THE PUBLIC ADDRESS OF THE LICENSEE.

4 (C) IN ADDITION TO THE REQUIREMENTS OF SUBSECTION (B) OF THIS
5 SECTION, THE BOARD SHALL INCLUDE A STATEMENT ON EACH LICENSEE'S
6 PROFILE OF INFORMATION TO BE TAKEN INTO CONSIDERATION BY A CONSUMER
7 WHEN VIEWING A LICENSEE'S PROFILE, INCLUDING A DISCLAIMER STATING
8 THAT A CHARGING DOCUMENT DOES NOT INDICATE A FINAL FINDING OF GUILT
9 BY THE BOARD.

10 (D) THE BOARD:

11 (1) ON RECEIPT OF A WRITTEN REQUEST FOR A LICENSEE'S
12 PROFILE FROM ANY PERSON, SHALL FORWARD A WRITTEN COPY OF THE
13 PROFILE TO THE PERSON; AND

14 (2) SHALL MAINTAIN A WEB SITE THAT SERVES AS A SINGLE
15 POINT OF ENTRY WHERE ALL LICENSEE PROFILE INFORMATION IS AVAILABLE
16 TO THE PUBLIC ON THE INTERNET.

17 (E) THE BOARD SHALL PROVIDE A MECHANISM FOR THE NOTIFICATION
18 AND PROMPT CORRECTION OF ANY FACTUAL INACCURACIES IN A LICENSEE'S
19 PROFILE.

20 (F) THE BOARD SHALL INCLUDE INFORMATION RELATING TO CHARGES
21 FILED AGAINST A LICENSEE BY THE BOARD AND A FINAL DISCIPLINARY ACTION
22 TAKEN BY THE BOARD AGAINST A LICENSEE IN THE LICENSEE'S PROFILE
23 WITHIN 10 DAYS AFTER THE CHARGES ARE FILED OR THE ACTION BECOMES
24 FINAL.

25 14-5C-25.

26 Subject to the evaluation and reestablishment provisions of the Maryland
27 Program Evaluation Act and subject to the termination of this title under § 14-702 of
28 this title, this subtitle and all regulations adopted under this subtitle shall terminate
29 and be of no effect after July 1, [2013] 2014.

30 14-5D-01.

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

32 (b) "Athlete" means an individual who participates in an athletic activity.

1 (c) "Athletic activity" means exercise, recreation, sport, competition, or game
2 that:

3 (1) Requires physical strength, range of motion, flexibility, control,
4 speed, stamina, or agility; and

5 (2) Is associated with an educational institution or a professional,
6 amateur, or recreational sports club or athletic organization.

7 (d) "Athletic injury" means an injury that affects an athlete's participation or
8 performance in an athletic activity.

9 (e) "Board" means the State Board of Physicians.

10 (f) "Committee" means the Athletic Trainer Advisory Committee established
11 under § 14-5D-04 of this subtitle.

12 (g) "Educational institution" includes:

13 (1) The schools in the public elementary and secondary education
14 system of the State;

15 (2) A noncollegiate educational institution governed under § 2-206 of
16 the Education Article; and

17 (3) An institution of higher education as defined in § 10-101 of the
18 Education Article.

19 (h) "Evaluation and treatment protocol" means a document that is executed
20 by a physician and an athletic trainer that meets the requirements of § 14-5D-11 of
21 this subtitle.

22 (i) "License" means a license issued by the Board to practice athletic
23 training.

24 (j) "Licensed athletic trainer" means an individual who is licensed by the
25 Board to practice athletic training.

26 **(K) "LICENSED HEALTH CARE PRACTITIONER" MEANS:**

27 **(1) A CHIROPRACTOR LICENSED UNDER TITLE 3 OF THIS**
28 **ARTICLE;**

29 **(2) A NURSE PRACTITIONER CERTIFIED UNDER TITLE 8 OF THIS**
30 **ARTICLE;**

- 1 3. Medicine;
- 2 4. Occupational therapy; or
- 3 5. Physical therapy;
- 4 (ii) The reconditioning of systemic neurologic injuries,
5 conditions, or disease; or
- 6 (iii) Except for the conditioning of an athlete under the
7 supervision of a treating physician, the treatment, rehabilitation, or reconditioning of
8 nonathletic injuries or disease.

9 **[(m)] (P)** “Setting” means a:

- 10 (1) Location where an athletic activity, as defined in subsection (c) of
11 this section, is being held;
- 12 (2) Health or fitness club;
- 13 (3) Clinic or hospital;
- 14 (4) Corporation; or
- 15 (5) Government agency.

16 **[(n)] (Q)** “Supervision” means the responsibility of a physician to provide
17 ongoing and immediately available instruction, **IN PERSON, BY TELEPHONE, OR BY**
18 **OTHER ELECTRONIC MEANS**, that is adequate to ensure the safety and welfare of a
19 patient and is appropriate to the setting.

20 14–5D–05.

21 (e) **(1)** From among its members, the Committee shall elect a chair every
22 2 years.

23 **(2) THE CHAIR SHALL:**

24 **(I) SERVE IN AN ADVISORY CAPACITY TO THE BOARD AS A**
25 **REPRESENTATIVE OF THE COMMITTEE;**

26 **(II) REPORT TO THE BOARD TWICE A YEAR ON THE**
27 **ACTIVITIES OF THE COMMITTEE; AND**

28 **(III) PRESENT TO THE BOARD THE COMMITTEE’S ANNUAL**
29 **REPORT.**

1 **(F) AN INDIVIDUAL MAY NOT BE APPOINTED TO THE COMMITTEE IF**
2 **THE INDIVIDUAL IS PROVIDING OR HAS PROVIDED SERVICES TO THE BOARD**
3 **FOR REMUNERATION.**

4 14-5D-06.

5 **(A)** In addition to the powers set forth elsewhere in this subtitle, the
6 Committee shall:

7 (1) Develop and recommend to the Board regulations to carry out this
8 subtitle;

9 (2) Develop and recommend to the Board continuing education
10 requirements for license renewal;

11 (3) Provide the Board with recommendations concerning the practice
12 of athletic training;

13 (4) Develop and recommend to the Board an evaluation and treatment
14 protocol for use by an athletic trainer and the physician with whom the athletic
15 trainer practices;

16 (5) Provide advice and recommendations to the Board on individual
17 evaluation and treatment protocols when requested; [and]

18 (6) Keep a record of its proceedings; **AND**

19 **(7) SUBMIT AN ANNUAL REPORT TO THE BOARD.**

20 **(B) THE BOARD SHALL:**

21 **(1) CONSIDER ALL RECOMMENDATIONS OF THE COMMITTEE AND**
22 **PROVIDE A WRITTEN EXPLANATION OF THE BOARD'S REASONS FOR REJECTING**
23 **OR MODIFYING THE COMMITTEE'S RECOMMENDATIONS; AND**

24 **(2) PROVIDE TO THE COMMITTEE TWICE A YEAR A REPORT ON**
25 **THE DISCIPLINARY MATTERS INVOLVING LICENSEES.**

26 14-5D-11.

27 (a) Nothing in this title may be construed to authorize an athletic trainer to
28 practice except under the supervision of a licensed physician and in an approved
29 setting **OR AS PROVIDED IN SUBSECTION (D) OF THIS SECTION.**

1 (b) Before an athletic trainer may practice athletic training, the athletic
2 trainer shall:

3 (1) Obtain a license under this subtitle;

4 (2) Enter into a written evaluation and treatment protocol with a
5 licensed physician; and

6 (3) Obtain Board approval of the evaluation and treatment protocol.

7 (c) An evaluation and treatment protocol shall:

8 (1) Describe the qualifications of the licensed physician and licensed
9 athletic trainer;

10 (2) Describe the settings where the athletic trainer may practice;

11 (3) Describe the physician supervision mechanisms that the physician
12 will use to give direction to the athletic trainer; and

13 (4) Specify the treatment procedures the athletic trainer may perform.

14 **(D) AN ATHLETIC TRAINER MAY ACCEPT AN OUTSIDE REFERRAL FROM**
15 **A NONSUPERVISING PHYSICIAN OR LICENSED HEALTH CARE PRACTITIONER IF:**

16 **(1) THE SUPERVISING PHYSICIAN SPECIFIES IN THE EVALUATION**
17 **AND TREATMENT PROTOCOL THAT THE ATHLETIC TRAINER MAY ACCEPT**
18 **REFERRALS FROM A NONSUPERVISING PHYSICIAN OR LICENSED HEALTH CARE**
19 **PRACTITIONER;**

20 **(2) THE NONSUPERVISING PHYSICIAN OR LICENSED HEALTH**
21 **CARE PRACTITIONER HAS SEEN THE ATHLETE AND HAS WRITTEN AN ORDER FOR**
22 **THE CARE OF THE ATHLETE; AND**

23 **(3) THE TREATMENT PROCEDURES TO BE USED BY THE ATHLETIC**
24 **TRAINER ARE:**

25 **(I) WITHIN THE SCOPE OF PRACTICE OF AN ATHLETIC**
26 **TRAINER; AND**

27 **(II) INCLUDED IN THE EVALUATION AND TREATMENT**
28 **PROTOCOL THAT THE ATHLETIC TRAINER HAS ENTERED INTO WITH THE**
29 **SUPERVISING PHYSICIAN.**

30 **14-5D-16.1.**

1 **(A) FOLLOWING THE FILING OF CHARGES OR NOTICE OF INITIAL**
2 **DENIAL OF LICENSE APPLICATION, THE BOARD SHALL DISCLOSE THE FILING TO**
3 **THE PUBLIC ON THE BOARD'S WEB SITE.**

4 **(B) THE BOARD SHALL CREATE AND MAINTAIN A PUBLIC INDIVIDUAL**
5 **PROFILE ON EACH LICENSEE THAT INCLUDES THE FOLLOWING INFORMATION:**

6 **(1) A SUMMARY OF CHARGES FILED AGAINST THE LICENSEE**
7 **THAT INCLUDES A COPY OF THE CHARGING DOCUMENT UNTIL THE BOARD HAS**
8 **TAKEN ACTION UNDER § 14-5D-14 OF THIS SUBTITLE BASED ON THE CHARGES**
9 **OR HAS RESCINDED THE CHARGES;**

10 **(2) A DESCRIPTION OF ANY DISCIPLINARY ACTION TAKEN BY THE**
11 **BOARD AGAINST THE LICENSEE WITHIN THE MOST RECENT 10-YEAR PERIOD**
12 **THAT INCLUDES A COPY OF THE PUBLIC ORDER;**

13 **(3) A DESCRIPTION IN SUMMARY FORM OF ANY FINAL**
14 **DISCIPLINARY ACTION TAKEN BY A LICENSING BOARD IN ANY OTHER STATE OR**
15 **JURISDICTION AGAINST THE LICENSEE WITHIN THE MOST RECENT 10-YEAR**
16 **PERIOD;**

17 **(4) A DESCRIPTION OF A CONVICTION OR ENTRY OF A PLEA OF**
18 **GUILTY OR NOLO CONTENDERE BY THE LICENSEE FOR A CRIME INVOLVING**
19 **MORAL TURPITUDE REPORTED TO THE BOARD UNDER § 14-5D-14(B) OF THIS**
20 **SUBTITLE; AND**

21 **(5) THE PUBLIC ADDRESS OF THE LICENSEE.**

22 **(C) IN ADDITION TO THE REQUIREMENTS OF SUBSECTION (B) OF THIS**
23 **SECTION, THE BOARD SHALL INCLUDE A STATEMENT ON EACH LICENSEE'S**
24 **PROFILE OF INFORMATION TO BE TAKEN INTO CONSIDERATION BY A CONSUMER**
25 **WHEN VIEWING A LICENSEE'S PROFILE, INCLUDING A DISCLAIMER STATING**
26 **THAT A CHARGING DOCUMENT DOES NOT INDICATE A FINAL FINDING OF GUILT**
27 **BY THE BOARD.**

28 **(D) THE BOARD:**

29 **(1) ON RECEIPT OF A WRITTEN REQUEST FOR A LICENSEE'S**
30 **PROFILE FROM ANY PERSON, SHALL FORWARD A WRITTEN COPY OF THE**
31 **PROFILE TO THE PERSON; AND**

1 **(2) SHALL MAINTAIN A WEB SITE THAT SERVES AS A SINGLE**
2 **POINT OF ENTRY WHERE ALL LICENSEE PROFILE INFORMATION IS AVAILABLE**
3 **TO THE PUBLIC ON THE INTERNET.**

4 **(E) THE BOARD SHALL PROVIDE A MECHANISM FOR THE NOTIFICATION**
5 **AND PROMPT CORRECTION OF ANY FACTUAL INACCURACIES IN A LICENSEE'S**
6 **PROFILE.**

7 **(F) THE BOARD SHALL INCLUDE INFORMATION RELATING TO CHARGES**
8 **FILED AGAINST A LICENSEE BY THE BOARD AND A FINAL DISCIPLINARY ACTION**
9 **TAKEN BY THE BOARD AGAINST A LICENSEE IN THE LICENSEE'S PROFILE**
10 **WITHIN 10 DAYS AFTER THE CHARGES ARE FILED OR THE ACTION BECOMES**
11 **FINAL.**

12 14-5D-20.

13 Subject to the evaluation and reestablishment provisions of the Maryland
14 Program Evaluation Act and subject to the termination of this title under § 14-702 of
15 this title, this subtitle and all rules and regulations adopted under this subtitle shall
16 terminate and be of no effect after July 1, [2013] **2014.**

17 14-702.

18 Subject to the evaluation and reestablishment provisions of the Program
19 Evaluation Act, this title and all rules and regulations adopted under this title shall
20 terminate and be of no effect after July 1, [2013] **2014.**

21 15-202.

22 (e) The chairperson shall:

23 **(1) [serve] SERVE** in an advisory capacity to the Board as a
24 representative of the Committee;

25 **(2) REPORT TO THE BOARD TWICE A YEAR ON THE ACTIVITIES OF**
26 **THE COMMITTEE; AND**

27 **(3) PRESENT TO THE BOARD THE COMMITTEE'S ANNUAL**
28 **REPORT.**

29 **(F) AN INDIVIDUAL MAY NOT BE APPOINTED TO THE COMMITTEE IF**
30 **THE INDIVIDUAL IS PROVIDING OR HAS PROVIDED SERVICES TO THE BOARD**
31 **FOR REMUNERATION.**

32 15-205.

1 (a) In addition to the powers set forth elsewhere in this title, the Committee,
2 on its initiative or on the Board's request, may:

3 (1) Recommend to the Board regulations for carrying out the
4 provisions of this title;

5 (2) Recommend to the Board approval, modification, or disapproval of
6 an application for licensure or a delegation agreement;

7 (3) Report to the Board any conduct of a supervising physician or a
8 physician assistant that may be cause for disciplinary action under this title or under
9 § 14-404 of this article; and

10 (4) Report to the Board any alleged unauthorized practice of a
11 physician assistant.

12 **(B) THE COMMITTEE SHALL SUBMIT AN ANNUAL REPORT TO THE**
13 **BOARD.**

14 **[(b)] (C)** (1) In addition to the duties set forth elsewhere in this title, the
15 Board shall adopt regulations to carry out the provisions of this title.

16 (2) The Board shall:

17 (i) Consider all recommendations of the Committee; **[and]**

18 (ii) Provide a written explanation of the Board's reasons for
19 rejecting or modifying the Committee's recommendations; **AND**

20 **(III) PROVIDE TO THE COMMITTEE TWICE A YEAR A REPORT**
21 **ON THE DISCIPLINARY MATTERS INVOLVING LICENSEES.**

22 (3) The Board may:

23 (i) Investigate any alleged unauthorized practice of a physician
24 assistant;

25 (ii) Investigate any conduct that may be cause for disciplinary
26 action under this title; and

27 (iii) On receipt of a written and signed complaint, including a
28 referral from the Commissioner of Labor and Industry, conduct an unannounced
29 inspection of the office of a physician assistant, other than an office of a physician
30 assistant in a hospital, related institution, freestanding medical facility, or

1 freestanding birthing center, to determine compliance at that office with the Centers
2 for Disease Control and Prevention's guidelines on universal precautions.

3 (4) If the entry is necessary to carry out a duty under this subtitle,
4 including an investigation or determination of compliance as provided under
5 paragraph (3) of this subsection and an audit to determine compliance with the
6 Board's requirements with respect to physician assistant practice, the Executive
7 Director of the Board or other duly authorized agent or investigator may enter at any
8 reasonable hour a place of business of a licensed physician or a licensed physician
9 assistant or public premises.

10 (5) (i) A person may not deny or interfere with an entry under this
11 subsection.

12 (ii) A person who violates any provision of this subsection is
13 guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$100.

14 15-310.

15 [(e) The Board shall assess each applicant for a license or the renewal of a
16 license to practice as a physician assistant, a fee set by the Board sufficient to fund the
17 activities of the Board's rehabilitation program under § 14-401(g) of this article in
18 conducting a physician assistant rehabilitation program.]

19 **15-316.1.**

20 **(A) FOLLOWING THE FILING OF CHARGES OR NOTICE OF INITIAL**
21 **DENIAL OF LICENSE APPLICATION, THE BOARD SHALL DISCLOSE THE FILING TO**
22 **THE PUBLIC ON THE BOARD'S WEB SITE.**

23 **(B) THE BOARD SHALL CREATE AND MAINTAIN A PUBLIC INDIVIDUAL**
24 **PROFILE ON EACH LICENSEE THAT INCLUDES THE FOLLOWING INFORMATION:**

25 **(1) A SUMMARY OF CHARGES FILED AGAINST THE LICENSEE**
26 **THAT INCLUDES A COPY OF THE CHARGING DOCUMENT UNTIL THE BOARD HAS**
27 **TAKEN ACTION UNDER § 15-314 OF THIS SUBTITLE BASED ON THE CHARGES OR**
28 **HAS RESCINDED THE CHARGES;**

29 **(2) A DESCRIPTION OF ANY DISCIPLINARY ACTION TAKEN BY THE**
30 **BOARD AGAINST THE LICENSEE WITHIN THE MOST RECENT 10-YEAR PERIOD**
31 **THAT INCLUDES A COPY OF THE PUBLIC ORDER;**

32 **(3) A DESCRIPTION IN SUMMARY FORM OF ANY FINAL**
33 **DISCIPLINARY ACTION TAKEN BY A LICENSING BOARD IN ANY OTHER STATE OR**

1 JURISDICTION AGAINST THE LICENSEE WITHIN THE MOST RECENT 10-YEAR
2 PERIOD;

3 (4) A DESCRIPTION OF A CONVICTION OR ENTRY OF A PLEA OF
4 GUILTY OR NOLO CONTENDERE BY THE LICENSEE FOR A CRIME INVOLVING
5 MORAL TURPITUDE REPORTED TO THE BOARD UNDER § 15-314(B) OF THIS
6 SUBTITLE; AND

7 (5) THE PUBLIC ADDRESS OF THE LICENSEE.

8 (C) IN ADDITION TO THE REQUIREMENTS OF SUBSECTION (B) OF THIS
9 SECTION, THE BOARD SHALL INCLUDE A STATEMENT ON EACH LICENSEE'S
10 PROFILE OF INFORMATION TO BE TAKEN INTO CONSIDERATION BY A CONSUMER
11 WHEN VIEWING A LICENSEE'S PROFILE, INCLUDING A DISCLAIMER STATING
12 THAT A CHARGING DOCUMENT DOES NOT INDICATE A FINAL FINDING OF GUILT
13 BY THE BOARD.

14 (D) THE BOARD:

15 (1) ON RECEIPT OF A WRITTEN REQUEST FOR A LICENSEE'S
16 PROFILE FROM ANY PERSON, SHALL FORWARD A WRITTEN COPY OF THE
17 PROFILE TO THE PERSON; AND

18 (2) SHALL MAINTAIN A WEB SITE THAT SERVES AS A SINGLE
19 POINT OF ENTRY WHERE ALL LICENSEE PROFILE INFORMATION IS AVAILABLE
20 TO THE PUBLIC ON THE INTERNET.

21 (E) THE BOARD SHALL PROVIDE A MECHANISM FOR THE NOTIFICATION
22 AND PROMPT CORRECTION OF ANY FACTUAL INACCURACIES IN A LICENSEE'S
23 PROFILE.

24 (F) THE BOARD SHALL INCLUDE INFORMATION RELATING TO CHARGES
25 FILED AGAINST A LICENSEE BY THE BOARD AND A FINAL DISCIPLINARY ACTION
26 TAKEN BY THE BOARD AGAINST A LICENSEE IN THE LICENSEE'S PROFILE
27 WITHIN 10 DAYS AFTER THE CHARGES ARE FILED OR THE ACTION BECOMES
28 FINAL.

29 15-502.

30 Subject to the evaluation and reestablishment provisions of the Maryland
31 Program Evaluation Act, this title and all regulations adopted under this title shall
32 terminate and be of no effect after July 1, [2013] 2014.

1 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
2 read as follows:

3 **Article – Health Occupations**

4 14–5E–06.

5 (d) (1) From among its members, the Committee shall elect a chair every
6 2 years.

7 (2) **THE CHAIR SHALL:**

8 (I) **SERVE IN AN ADVISORY CAPACITY TO THE BOARD AS A**
9 **REPRESENTATIVE OF THE COMMITTEE;**

10 (II) **REPORT TO THE BOARD TWICE A YEAR ON THE**
11 **ACTIVITIES OF THE COMMITTEE; AND**

12 (III) **PRESENT TO THE BOARD THE COMMITTEE’S ANNUAL**
13 **REPORT.**

14 (E) **AN INDIVIDUAL MAY NOT BE APPOINTED TO THE COMMITTEE IF**
15 **THE INDIVIDUAL IS PROVIDING OR HAS PROVIDED SERVICES TO THE BOARD**
16 **FOR REMUNERATION.**

17 14–5E–07.

18 (A) In addition to the powers set forth elsewhere in this subtitle, the
19 Committee shall:

20 (1) Develop and recommend to the Board:

21 (i) Regulations to carry out the provisions of this subtitle;

22 (ii) A code of ethics for the practice of perfusion for adoption by
23 the Board;

24 (iii) Recommendations concerning the practice of perfusion,
25 including standards of care for the practice of perfusion; and

26 (iv) Continuing education requirements for license renewal;
27 [and]

28 (2) **Keep a record of its proceedings; AND**

1 **(3) SUBMIT AN ANNUAL REPORT TO THE BOARD.**

2 **(B) THE BOARD SHALL:**

3 **(1) CONSIDER ALL RECOMMENDATIONS OF THE COMMITTEE AND**
4 **PROVIDE A WRITTEN EXPLANATION OF THE BOARD'S REASONS FOR REJECTING**
5 **OR MODIFYING THE COMMITTEE'S RECOMMENDATIONS; AND**

6 **(2) PROVIDE TO THE COMMITTEE TWICE A YEAR A REPORT ON**
7 **THE DISCIPLINARY MATTERS INVOLVING LICENSEES.**

8 **14-5E-18.1.**

9 **(A) FOLLOWING THE FILING OF CHARGES OR NOTICE OF INITIAL**
10 **DENIAL OF LICENSE APPLICATION, THE BOARD SHALL DISCLOSE THE FILING TO**
11 **THE PUBLIC ON THE BOARD'S WEB SITE.**

12 **(B) THE BOARD SHALL CREATE AND MAINTAIN A PUBLIC INDIVIDUAL**
13 **PROFILE ON EACH LICENSEE THAT INCLUDES THE FOLLOWING INFORMATION:**

14 **(1) A SUMMARY OF CHARGES FILED AGAINST THE LICENSEE**
15 **THAT INCLUDES A COPY OF THE CHARGING DOCUMENT UNTIL THE BOARD HAS**
16 **TAKEN ACTION UNDER § 14-5E-16 OF THIS SUBTITLE BASED ON THE CHARGES**
17 **OR HAS RESCINDED THE CHARGES;**

18 **(2) A DESCRIPTION OF ANY DISCIPLINARY ACTION TAKEN BY THE**
19 **BOARD AGAINST THE LICENSEE WITHIN THE MOST RECENT 10-YEAR PERIOD**
20 **THAT INCLUDES A COPY OF THE PUBLIC ORDER;**

21 **(3) A DESCRIPTION IN SUMMARY FORM OF ANY FINAL**
22 **DISCIPLINARY ACTION TAKEN BY A LICENSING BOARD IN ANY OTHER STATE OR**
23 **JURISDICTION AGAINST THE LICENSEE WITHIN THE MOST RECENT 10-YEAR**
24 **PERIOD;**

25 **(4) A DESCRIPTION OF A CONVICTION OR ENTRY OF A PLEA OF**
26 **GUILTY OR NOLO CONTENDERE BY THE LICENSEE FOR A CRIME INVOLVING**
27 **MORAL TURPITUDE REPORTED TO THE BOARD UNDER § 14-5E-16(C) OF THIS**
28 **SUBTITLE; AND**

29 **(5) THE PUBLIC ADDRESS OF THE LICENSEE.**

30 **(C) IN ADDITION TO THE REQUIREMENTS OF SUBSECTION (B) OF THIS**
31 **SECTION, THE BOARD SHALL INCLUDE A STATEMENT ON EACH LICENSEE'S**
32 **PROFILE OF INFORMATION TO BE TAKEN INTO CONSIDERATION BY A CONSUMER**

1 WHEN VIEWING A LICENSEE'S PROFILE, INCLUDING A DISCLAIMER STATING
2 THAT A CHARGING DOCUMENT DOES NOT INDICATE A FINAL FINDING OF GUILT
3 BY THE BOARD.

4 (D) THE BOARD:

5 (1) ON RECEIPT OF A WRITTEN REQUEST FOR A LICENSEE'S
6 PROFILE FROM ANY PERSON, SHALL FORWARD A WRITTEN COPY OF THE
7 PROFILE TO THE PERSON; AND

8 (2) SHALL MAINTAIN A WEBSITE THAT SERVES AS A SINGLE
9 POINT OF ENTRY WHERE ALL LICENSEE PROFILE INFORMATION IS AVAILABLE
10 TO THE PUBLIC ON THE INTERNET.

11 (E) THE BOARD SHALL PROVIDE A MECHANISM FOR THE NOTIFICATION
12 AND PROMPT CORRECTION OF ANY FACTUAL INACCURACIES IN A LICENSEE'S
13 PROFILE.

14 (F) THE BOARD SHALL INCLUDE INFORMATION RELATING TO CHARGES
15 FILED AGAINST A LICENSEE BY THE BOARD AND A FINAL DISCIPLINARY ACTION
16 TAKEN BY THE BOARD AGAINST A LICENSEE IN THE LICENSEE'S PROFILE
17 WITHIN 10 DAYS AFTER THE CHARGES ARE FILED OR THE ACTION BECOMES
18 FINAL.

19 14-5E-25.

20 Subject to the evaluation and reestablishment provisions of the Maryland
21 Program Evaluation Act and subject to the termination of this title under § 14-702 of
22 this title, this subtitle and all regulations adopted under this subtitle shall terminate
23 and be of no effect after July 1, [2022] 2014.

24 SECTION 3. AND BE IT FURTHER ENACTED, That, on or before December
25 31, 2012, the State Board of Physicians and the Department of Health and Mental
26 Hygiene jointly shall develop and implement a strategy for reducing the backlog of
27 complaint cases.

28 SECTION 4. AND BE IT FURTHER ENACTED, That, on or before December
29 31, 2012, the State Board of Physicians shall assess its fee-charging practices and
30 submit to the Department of Legislative Services a long-term fiscal plan that includes:

31 (1) a description of the method the Board uses to determine the
32 amount of licensing fees that the Board will charge licensees;

33 (2) the adequacy of the Board's fund balance, including the Board's
34 projected fund balance based on fee levels specified in regulations; and

1 (3) the sufficiency of physician fee levels, including whether current
2 fee levels need to be adjusted to reflect costs associated with peer review and physician
3 rehabilitation activities.

4 SECTION 5. AND BE IT FURTHER ENACTED, That, on or before December
5 31, 2012, the State Board of Physicians shall develop and implement a plan to improve
6 the recruitment of allied health advisory committee members.

7 SECTION 6. AND BE IT FURTHER ENACTED, That, on or before December
8 31, 2012, the State Board of Physicians shall amend its regulations to reflect the
9 procedures of the Board.

10 SECTION 7. AND BE IT FURTHER ENACTED, That, on or before December
11 31, 2012, the State Board of Physicians, the Maryland Insurance Administration, the
12 Office of the Attorney General, and the Department of Health and Mental Hygiene's
13 Office of the Inspector General shall jointly determine the appropriate entity for
14 investigating and enforcing Title 1, Subtitle 3 of the Health Occupations Article.

15 SECTION 8. AND BE IT FURTHER ENACTED, That, on or before December
16 31, 2012, the State Board of Physicians, in consultation with the Physician Assistant
17 Advisory Committee and physician assistants and supervising physicians from a
18 variety of practice settings, shall adopt regulations for determining:

19 (1) what constitutes an advanced duty; and

20 (2) how many successful procedures a physician assistant must
21 perform to be deemed able to safely perform a medical act.

22 SECTION 9. AND BE IT FURTHER ENACTED, That the State Board of
23 Physicians shall issue a license to an individual under § 14-5B-10 of the Health
24 Occupations Article if the individual:

25 (1) was enrolled in an unaccredited radiation therapy, radiography, or
26 nuclear medicine technology program on October 1, 2010, and graduates by June 30,
27 2014; and

28 (2) meets all other requirements for licensure.

29 SECTION 10. AND BE IT FURTHER ENACTED, That, on or before June 1,
30 2013, the State Board of Physicians shall submit a report to the Department of
31 Legislative Services. The report shall address the status of the implementation of the
32 recommendations made by the Department of Legislative Services in the November
33 2011 publication "Sunset Review: Evaluation of the State Board of Physicians and the
34 Related Allied Health Advisory Committees". The report shall include:

1 (1) recommendations for measures to increase the involvement of
2 allied health advisory committees in complaint resolution and licensee discipline,
3 including the feasibility and efficacy of:

4 (i) allied health advisory committees handling all allied health
5 complaint resolution functions currently handled by the Board; or

6 (ii) having allied health committee members perform certain
7 complaint resolution functions, including whether allied health committee members
8 should serve on any panel established by the Board to review disciplinary cases
9 involving allied health licensees;

10 (2) with respect to the allied health advisory committees, measures
11 the Board is taking to:

12 (i) fill vacancies;

13 (ii) solicit, identify, and appoint new members before a
14 member's term expires;

15 (iii) promptly reappoint members eligible and nominated to
16 serve for an additional term; and

17 (iv) ensure that committee chairs are elected in a timely manner
18 and preside over committee meetings;

19 (3) whether board members should sit on allied health advisory
20 committees;

21 (4) whether the number of licensees should be considered when
22 determining the size of an allied health advisory committee;

23 (5) whether the size and composition of the allied health advisory
24 committees should be altered through statutory amendment to effectively carry out
25 the committees' oversight functions, including whether the membership of allied
26 health advisory committees should be reduced after the initial regulations governing
27 the allied health profession have been adopted by the Board;

28 (6) the findings regarding the appropriate entity for investigating and
29 enforcing Title 1, Subtitle 3 of the Health Occupations Article; and

30 (7) the strategy implemented by the Board as required by Section 3 of
31 this Act and the effect of the strategy on the backlog of complaints and complaint
32 resolution time.

33 SECTION 11. AND BE IT FURTHER ENACTED, That, on or before October 1,
34 2013, the Department of Legislative Services shall make recommendations to the

1 Senate Education, Health, and Environmental Affairs Committee and the House
2 Health and Government Operations Committee regarding further extension of the
3 termination dates of the State Board of Physicians and the related allied health
4 advisory committees and any related changes to § 8-403 of the State Government
5 Article that would be required.

6 SECTION 12. AND BE IT FURTHER ENACTED, That Section 2 of this Act
7 shall take effect October 1, 2012, the effective date of Chapter 588 of the Acts of the
8 General Assembly of 2011. If the effective date of Chapter 588 is amended, Section 2 of
9 this Act shall take effect on the taking effect of Chapter 588.

10 SECTION 13. AND BE IT FURTHER ENACTED, That, except as provided in
11 Section 12 of this Act, this Act shall take effect June 1, 2012.