

SENATE BILL 690

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CF 3lr2516

By: **Senator Montgomery**

Introduced and read first time: February 1, 2013

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Board of Physicians – Failure to Renew a License or**
3 **Misrepresentation as a Licensed Person – Penalties**

4 FOR the purpose of altering the penalties to which a person is subject if the person
5 fails to renew a license to practice medicine or misrepresents to the public that
6 the person is authorized to practice medicine in the State; and generally
7 relating to penalties for violations of laws governing the practice of medicine in
8 the State.

9 BY repealing and reenacting, without amendments,
10 Article – Health Occupations
11 Section 14–601, 14–602, and 14–606(a)(1)
12 Annotated Code of Maryland
13 (2009 Replacement Volume and 2012 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Health Occupations
16 Section 14–606(a)(4) and (5)
17 Annotated Code of Maryland
18 (2009 Replacement Volume and 2012 Supplement)

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

21 **Article – Health Occupations**

22 14–601.

23 Except as otherwise provided in this title, a person may not practice, attempt to
24 practice, or offer to practice medicine in this State unless licensed by the Board.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 14-602.

2 (a) Unless authorized to practice medicine under this title, a person may not
3 represent to the public, by description of services, methods, or procedures, or
4 otherwise, that the person is authorized to practice medicine in this State.

5 (b) Except as otherwise provided in this article, a person may not use the
6 words or terms “Dr.,” “doctor,” “physician,” “D.O.,” or “M.D.” with the intent to
7 represent that the person practices medicine, unless the person is:

8 (1) Licensed to practice medicine under this title;

9 (2) A physician licensed by and residing in another jurisdiction, while
10 engaging in consultation with a physician licensed in this State;

11 (3) A physician employed by the federal government while performing
12 duties incident to that employment;

13 (4) A physician who resides in and is licensed to practice medicine by
14 any state adjoining this State and whose practice extends into this State; or

15 (5) An individual in a postgraduate medical program that is approved
16 by the Board.

17 (c) An unlicensed individual who acts under § 14-302 or § 14-306 of this
18 title may use the word “physician” together with another word to describe the
19 occupation of the individual as in phrases such as “physician’s assistant” or
20 “physician’s aide”.

21 14-606.

22 (a) (1) Except as provided in paragraph (4) of this subsection, a person
23 who violates any provision of this subtitle is guilty of a misdemeanor and on conviction
24 is subject to a fine not exceeding \$5,000 or imprisonment not exceeding 5 years or
25 both.

26 (4) Except as provided in paragraph (5) of this subsection, a person
27 who violates § 14-601 **OR § 14-602** of this subtitle is:

28 (i) Guilty of a felony and on conviction is subject to a fine not
29 exceeding \$10,000 or imprisonment not exceeding 5 years or both; and

30 (ii) Subject to a civil fine of not more than \$50,000 to be levied
31 by the Board.

32 (5) The provisions of paragraph ~~[(4)]~~ **(4)(I)** of this subsection do not
33 apply to a licensee who has failed to renew a license under § 14-316 of this title **IF:**

1 **(I) LESS THAN 60 DAYS HAVE ELAPSED SINCE THE**
2 **EXPIRATION OF THE LICENSE; AND**

3 **(II) THE LICENSEE HAS APPLIED FOR LICENSE RENEWAL,**
4 **INCLUDING PAYMENT OF THE RENEWAL FEE.**

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2013.