

Department of Legislative Services
Maryland General Assembly
2014 Session

FISCAL AND POLICY NOTE

House Bill 959 (Delegate A. Kelly, *et al.*)
Health and Government Operations Education, Health, and Environmental Affairs

State Board of Physicians - Qualifications for Licensure and Definitions

This bill specifies that certain applicants for a physician license must pass an examination and meet certain criteria to qualify for licensure. The definition of “board certified” is expanded to increase the number of certifying boards by which a physician may be certified.

Fiscal Summary

State Effect: To the extent the bill requires administrative changes, the board can handle them with existing resources.

Local Effect: None.

Small Business Effect: Potential meaningful for affected physicians.

Analysis

Bill Summary/Current Law: “Board certified” means the physician is certified by a public or private board, including a multidisciplinary board, and the certifying board (1) is a member of the American Board of Medical Specialties or an American Osteopathic Association certifying board; (2) has been approved by the board; or (3) requires that, in order to be certified, the physician complete a postgraduate training program that provides complete training in the specialty or subspecialty and is accredited by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association and that the physicians be certified by the member board of the American Board of Medical Specialties or the American Osteopathic Association in the training field.

The bill expands this definition to include a certifying board that is a member of the *Royal College of Physicians and Surgeons of Canada* or the *College of Family Physicians of Canada* and/or requires a physician to complete a postgraduate training program and be certified by one of these entities.

An applicant for a physician license must pass an examination required by the board. An applicant who has failed the examination or any part of the examination three or more times may qualify for a license if the applicant (1) has successfully completed two or more years of a residency or fellowship accredited by the Accreditation Council on Graduate Medical Education or the American Osteopathic Association; (2) has a minimum of five years of clinical practice of medicine in the United States or Canada, with at least three of the five years occurring within five years of the date of the application under a full, unrestricted license to practice medicine, and has no past or pending disciplinary action that would be grounds for discipline by the board; or (3) is board certified.

The bill specifies that an *otherwise qualified* applicant who *passes the examination* after having failed the examination or any part of the examination three or more times may qualify for a license *only* if the applicant meets the above-stated criteria.

Board regulations (Code of Maryland Regulations 10.32.01.03) specify that an applicant who fails any of the examinations or combination of examinations or any part, step, or component of any of the examinations three times must submit evidence of having successfully completed one year of accredited clinical postgraduate medical education that (1) is in addition to any required postgraduate medical education; (2) is a complete year comprising 12 consecutive months that began after the date of the last fail; (3) is under one sponsoring institution; (4) is at postgraduate year one or above in one accredited clinical specialty or subspecialty; and (5) does not include training begun before the last fail or extended from training begun before the last fail.

On a case-by-case basis, the board may consider licensure of an applicant who has passed one of the required examinations or examination combinations with more than three fails if the applicant can demonstrate that (1) the failures resulted from a physical, emotional, or mental condition or learning disability; (2) the individual has practiced clinical medicine in another state of the United States or in Canada for a minimum of 10 years, with three years being within five years of the application, under a full, unrestricted license to practice medicine and the individual has never had a medical license restricted due to a disciplinary action in any state or in Canada; or (3) the individual is currently certified by a member board of the American Board of Medical Specialties, an approved specialty board of the American Osteopathic Association, the Royal College of Physicians and Surgeons of Canada, or the College of Family Physicians of Canada.

Background: Chapters 582 and 583 of 2013, among other things, repealed the requirement that an applicant for a physician license who has failed specified examinations or any part of the examinations three or more times submit evidence of having completed one year of additional clinical training in an approved postgraduate training program following the latest failure. Instead, Chapters 582 and 583 authorize such an applicant to qualify for a license if the individual meets one of the three criteria noted above.

In the bill review letter for that legislation, the Attorney General noted that the new language may add ambiguity as to the criteria for licensure of an applicant who has failed the examination three or more times and recommended that consideration be given to amending subsection (g) in the next legislative session to clarify the nature of the requirements imposed on an applicant who has failed the licensure examination three or more times.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Health and Mental Hygiene, Department of Legislative Services

Fiscal Note History: First Reader - February 28, 2014
mc/ljm

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