

SENATE BILL 217

J2

6lr1243
CF 6lr2952

By: **Senator Conway**

Introduced and read first time: January 21, 2016

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 16, 2016

CHAPTER _____

1 AN ACT concerning

2 **State Board of Physicians – Distribution of Fees by Comptroller – Loan**
3 **Assistance Repayment for Physicians and Physician Assistants**

4 FOR the purpose of altering the circumstances under which the Comptroller is required to
5 distribute fees received from the State Board of Physicians to the Office of Student
6 Financial Assistance to be used to make grants under the Maryland Loan Assistance
7 Repayment Program for Physicians and Physician Assistants; repealing certain
8 provisions of law that require the Comptroller to distribute certain fees to the Health
9 Personnel Shortage Incentive Grant Program under certain circumstances;
10 repealing an obsolete provision of law; and generally relating to the distribution of
11 fees received from the State Board of Physicians by the Comptroller.

12 BY repealing and reenacting, with amendments,
13 Article – Health Occupations
14 Section 14–207 and 15–206
15 Annotated Code of Maryland
16 (2014 Replacement Volume and 2015 Supplement)

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

19 **Article – Health Occupations**

20 14–207.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (a) There is a Board of Physicians Fund.

2 (b) (1) The Board may set reasonable fees for the issuance and renewal of
3 licenses and its other services.

4 (2) The fees charged shall be set so as to approximate the cost of
5 maintaining the Board, including the cost of providing a rehabilitation program for
6 physicians under § 14–401.1(g) of this title.

7 (3) Funds to cover the compensation and expenses of the Board members
8 shall be generated by fees set under this section.

9 (c) (1) The Board shall pay all fees collected under the provisions of this title
10 to the Comptroller of the State.

11 (2) (i) If the Governor does not include in the State budget at least
12 ~~[\$750,000] \$350,000~~ \$400,000 for the operation of [the Health Personnel Shortage
13 Incentive Grant Program under § 18–803 of the Education Article and] the Maryland Loan
14 Assistance Repayment Program for Physicians and Physician Assistants under Title 18,
15 Subtitle 28 of the Education Article, as administered by the Maryland Higher Education
16 Commission, the Comptroller shall distribute:

17 1. [Except as provided in subparagraph (ii) of this
18 paragraph, 12 percent] ~~\$350,000~~ \$400,000 of the fees received from the Board to the
19 Office of Student Financial Assistance to be used [as follows:

20 A. One-half to make grants under the Health Personnel
21 Shortage Incentive Grant Program under § 18–803 of the Education Article; and

22 B. One-half] to make grants under the Maryland Loan
23 Assistance Repayment Program for Physicians and Physician Assistants under Title 18,
24 Subtitle 28 of the Education Article to physicians and physician assistants engaged in
25 primary care or to medical residents specializing in primary care who agree to practice for
26 at least 2 years as primary care physicians in a geographic area of the State that has been
27 designated by the Secretary of Health and Mental Hygiene as being medically underserved;
28 and

29 2. The balance of the fees to the Board of Physicians Fund.

30 (ii) [For fiscal 2008, if the Governor does not include in the State
31 budget the funds specified under subparagraph (i) of this paragraph, the Comptroller shall
32 distribute 14 percent of the fees received from the Board to the Office of Student Financial
33 Assistance to be used as provided under subparagraph (i) of this paragraph.

34 (iii) If the Governor includes in the State budget at least [\$750,000]
35 ~~\$350,000~~ \$400,000 for the operation of [the Health Personnel Shortage Incentive Grant

1 Program under § 18–803 of the Education Article and] the Maryland Loan Assistance
2 Repayment Program for Physicians and Physician Assistants under Title 18, Subtitle 28 of
3 the Education Article, as administered by the Maryland Higher Education Commission,
4 the Comptroller shall distribute the fees to the Board of Physicians Fund.

5 (d) (1) The Fund shall be used exclusively to cover the actual documented
6 direct and indirect costs of fulfilling the statutory and regulatory duties of the Board as
7 provided by the provisions of this title.

8 (2) (i) The Fund is a continuing, nonlapsing fund, not subject to §
9 7–302 of the State Finance and Procurement Article.

10 (ii) Any unspent portions of the Fund may not be transferred or
11 revert to the General Fund of the State, but shall remain in the Fund to be used for the
12 purposes specified in this title.

13 (3) Interest or other income earned on the investment of moneys in the
14 Fund shall be paid into the Fund.

15 (4) No other State money may be used to support the Fund.

16 (e) (1) In addition to the requirements of subsection (d) of this section, the
17 Board shall fund the budget of the Physician Rehabilitation Program with fees set,
18 collected, and distributed to the Fund under this title.

19 (2) After review and approval by the Board of a budget submitted by the
20 Physician Rehabilitation Program, the Board may allocate moneys from the Fund to the
21 Physician Rehabilitation Program.

22 (f) (1) The chair of the Board or the designee of the chair shall administer the
23 Fund.

24 (2) Moneys in the Fund may be expended only for any lawful purpose
25 authorized by the provisions of this title.

26 (g) The Legislative Auditor shall audit the accounts and transactions of the Fund
27 as provided in § 2–1220 of the State Government Article.

28 15–206.

29 (a) The Board shall set reasonable fees for:

30 (1) The issuance and renewal of licenses; and

31 (2) The other services rendered by the Board in connection with physician
32 assistants, including the cost of providing a rehabilitation program for physician assistants
33 under § 14–401.1(g) of this article.

1 (b) (1) The Board shall pay all fees collected under this title to the Comptroller
2 of the State.

3 (2) (i) If the Governor does not include in the State budget at least
4 ~~[\$750,000] \$350,000~~ \$400,000 for the operation of [the Health Personnel Shortage
5 Incentive Grant Program under § 18–803 of the Education Article and] the Maryland Loan
6 Assistance Repayment Program for Physicians and Physician Assistants under Title 18,
7 Subtitle 28 of the Education Article, as administered by the Maryland Higher Education
8 Commission, the Comptroller shall distribute:

9 1. [12 percent] ~~\$350,000~~ \$400,000 of the fees received from
10 the Board to the Office of Student Financial Assistance to be used [as follows:

11 A. One-half to make grants under the Health Personnel
12 Shortage Incentive Grant Program under § 18–803 of the Education Article; and

13 B. One-half] to make grants under the Maryland Loan
14 Assistance Repayment Program for Physicians and Physician Assistants under Title 18,
15 Subtitle 28 of the Education Article to physicians and physician assistants engaged in
16 primary care or to medical residents specializing in primary care who agree to practice for
17 at least 2 years as primary care physicians in a geographic area of the State that has been
18 designated by the Secretary of Health and Mental Hygiene as being medically underserved;
19 and

20 2. The balance of the fees to the Board of Physicians Fund.

21 (ii) If the Governor includes in the State budget at least ~~[\$750,000]~~
22 ~~\$350,000~~ \$400,000 for the operation of [the Health Personnel Shortage Incentive Grant
23 Program under § 18–803 of the Education Article and] the Maryland Loan Assistance
24 Repayment Program for Physicians and Physician Assistants under Title 18, Subtitle 28 of
25 the Education Article, as administered by the Maryland Higher Education Commission,
26 the Comptroller shall distribute the fees to the Board of Physicians Fund.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2016.