

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 119

(Delegate Reznik, *et al.*)

Health and Government Operations

Education, Health, and Environmental Affairs

State Board of Physicians - Licensing Exemption - Physicians With Traveling
Athletic and Sports Teams

This bill exempts a physician, who is licensed by and resides in another jurisdiction and who is designated as a team physician by an athletic or sports team based outside the State, from State licensing requirements, including the requirement to submit to a criminal history records check (CHRC).

Fiscal Summary

State Effect: The bill does not materially affect State finances or operations.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: A physician who is licensed by and resides in another jurisdiction may practice medicine without obtaining a State license, and without submitting to a CHRC, if the physician:

- has an active, unrestricted license to practice medicine in the jurisdiction where the physician regularly engages in the practice of medicine;
- is employed by, or has a written agreement with, an athletic or sports team based outside the State;

- is designated as the team physician to provide medical care to the team’s members, band members, cheerleaders, mascot, coaches, and other staff who travel to a sporting event in the State;
- provides medical care only to these specified individuals while in the State;
- does not provide medical care in the State for more than 45 days in a calendar year; and
- does not engage in the practice of medicine at a hospital, related institution, or other health care facility located in the State.

Current Law: In Maryland, an individual must be licensed by the State Board of Physicians (MBP) to practice medicine in the State. Pursuant to Chapter 34 of 2015, an individual must also submit to a CHRC as a qualification for licensure.

“Practice medicine” means to engage, with or without compensation, in medical diagnosis, healing, treatment, or surgery. The definition includes diagnosing, healing, treating, preventing, prescribing for, or removing a physical, mental, or emotional ailment (1) by physical, mental, emotional, or other process that is exercised or invoked by the practitioner, the patient, or both or (2) by appliance, test, drug, operation, or treatment.

A physician licensed by and residing in another jurisdiction is exempt from State licensing requirements if the physician submits to a CHRC and is (1) consulting with a State licensed physician about a particular patient and does not direct patient care or (2) engaged in clinical training with a licensed physician under specified circumstances. Additionally, a physician who resides in and is authorized to practice medicine by any state adjoining Maryland and whose practice extends into Maryland is exempt from State licensing requirements if the physician submits to a CHRC and (1) the physician does not have an office or other regularly appointed place in Maryland to meet patients and (2) the same privileges are extended to licensed Maryland physicians by the adjoining state.

A person who practices medicine in the State without a license is guilty of a felony and on conviction is subject to imprisonment for up to five years and/or a fine of up to \$10,000. MBP may also assess a civil fine of up to \$50,000 payable to the State Board of Physicians Fund.

Background: According to the American Medical Society for Sports Medicine, most states do not recognize out-of-state medical professionals’ licenses. Medical professionals who travel with a sports or athletic team to another state, therefore, risk their medical licenses; malpractice insurers may also not cover these individuals when they travel. Obtaining licensure in each state can be costly and impractical, as teams often travel with short notice.

A survey of medical boards in all 50 states and the District of Columbia, published in the *British Journal of Sports Medicine* in 2012, found that 17 states authorized physicians traveling with a sports team to practice medicine with their home-state license. However, the other 33 states (plus the District of Columbia) did not provide any legal pathway for these physicians to practice medicine without having to obtain a license from that state; 26 of them (including Maryland) expressly required a state-specific license in order to practice medicine in that state.

In 2015, the Sports Medicine Licensure Clarity Act of 2015 was introduced in the U.S. House of Representatives (H.R. 921) and the U.S. Senate (S. 689). The bills propose to establish protections for sports medicine professionals who provide medical services in states where they are not otherwise legally authorized to practice. Specifically, under the bills, certain medical services provided to an athlete, athletic team, or staff member of an athlete or athletic team are considered to have been provided in the medical professional's primary state of licensure for the purposes of (1) determining the medical liability insurance of that professional and (2) determining the professional's civil and criminal malpractice liability. Both bills were referred to congressional committees for consideration; as of January 2016, no further action had been taken on either bill.

MBP advises that it has not received any complaints, or taken any action, against out-of-state physicians traveling with athletic or sports teams for practicing without a State license. MBP advises that these physicians could technically face sanctions if they are practicing medicine, but that MBP considers these physicians' roles as more akin to first responders.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): American Medical Society for Sports Medicine, *British Journal of Sports Medicine*, Department of Health and Mental Hygiene, Department of Legislative Services

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