

HB1265/164136/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 1265
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, insert "EMERGENCY BILL".

On page 2, in line 12, after "action;" insert "requiring a disciplinary panel to give an individual against whom certain action is contemplated an opportunity for a hearing before a hearing officer;"; in line 30, after "matters;" insert "making this Act an emergency measure;"; in line 35, after "14-302(a)," insert "14-302.1;"; and in line 42, after "15-313," insert "15-315(a)(1).".

AMENDMENT NO. 2

On page 9, after line 26, insert:

"14-302.1.

[(a) Subject to subsection (b) of this section, a] A physician who is licensed and resides in another jurisdiction may practice medicine without a license while engaged in clinical training with a licensed physician if:

(1) The Board finds, on application by a hospital in the State, that:

(i) The physician possesses a skill or uses a procedure that:

1. Is advanced beyond those skills or procedures normally taught or exercised in the hospital and in standard medical education or training;

2. Could not be otherwise conveniently taught or demonstrated in standard medical education or training in that hospital; and

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3. Is likely to benefit Maryland patients in this instance;

(ii) The demonstration of the skill or procedure would take no more than 14 consecutive days within a calendar year;

(iii) A licensed physician who practices at a hospital in the State has certified to the Board that the licensed physician will be responsible for the medical care provided by that visiting physician to patients in the State;

(iv) The visiting physician has no history of any medical disciplinary action in any other state, territory, nation, or any branch of the United States uniformed services or the Veterans Administration, and has no significant detrimental malpractice history in the judgment of the Board;

(v) The physician is covered by malpractice insurance in the jurisdiction in which the physician practices; and

(vi) The hospital assures the Board that the patients will be protected by adequate malpractice insurance; or

(2) The Board finds, on application by a Maryland hospital, that:

(i) The hospital provides training in a skill or uses a procedure that:

1. Is advanced beyond those skills or procedures normally taught or exercised in standard medical education or training;

2. Could not be otherwise conveniently taught or demonstrated in the visiting physician's practice; and

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3. Is likely to benefit Maryland patients in this instance;

(ii) The demonstration or exercise of the skill or procedure will take no more than 14 consecutive days within a calendar year;

(iii) A hospital physician licensed in the State has certified to the Board that the physician will be responsible for the medical care provided by that visiting physician to patients in the State;

(iv) The visiting physician has no history of any medical disciplinary action in any other state, territory, nation, or any branch of the United States uniformed services or the Veterans Administration, and has no significant detrimental malpractice history in the judgment of the Board;

(v) The physician is covered by malpractice insurance in the jurisdiction where the physician practices; and

(vi) The hospital assures the Board that the patients will be protected by adequate malpractice insurance.

[(b) A physician who is licensed and resides in another jurisdiction may practice medicine without a license under subsection (a) of this section if the physician submits to a criminal history records check in accordance with § 14-308.1 of this subtitle.]”.

On page 15, in line 5, strike “not”; in the same line, after “license” insert “**ONLY**”; in the same line, after “the” insert “**LICENSEE OR APPLICANT ATTESTS THAT THE LICENSEE OR APPLICANT HAS SUBMITTED TO A**”; in line 6, strike “record” and substitute “**RECORDS CHECK**”; in the same line, strike “information required”; and in the same line, strike “has not been received”.

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On page 18, in line 16, strike “not”; in the same line, after “license” insert “ONLY”; in the same line, after “the” insert “LICENSEE OR APPLICANT ATTESTS THAT THE LICENSEE OR APPLICANT HAS SUBMITTED TO A”; in line 17, strike “record” and substitute “RECORDS CHECK”; in the same line, strike “information required”; in the same line, strike “has not been received”; and strike beginning with “or” in line 21 down through “may” in line 22.

On page 21, in line 26, strike “not”; in the same line, after “license” insert “ONLY”; in the same line, after “the” insert “LICENSEE OR APPLICANT ATTESTS THAT THE LICENSEE OR APPLICANT HAS SUBMITTED TO A”; in line 27, strike “record” and substitute “RECORDS CHECK”; in the same line, strike “information required”; and in the same line, strike “has not been received”.

On page 22, strike beginning with “or” in line 8 down through “may” in line 9.

On page 25, in line 12, strike “not”; in the same line, after “license” insert “ONLY”; in the same line, after “the” insert “LICENSEE OR APPLICANT ATTESTS THAT THE LICENSEE OR APPLICANT HAS SUBMITTED TO A”; in line 13, strike “record” and substitute “RECORDS CHECK”; in the same line, strike “information required”; and in the same line, strike “has not been received”.

On page 28, in line 25, strike “not”; in the same line, after “license” insert “ONLY”; in the same line, after “the” insert “LICENSEE OR APPLICANT ATTESTS THAT THE LICENSEE OR APPLICANT HAS SUBMITTED TO A”; in line 26, strike “record” and substitute “RECORDS CHECK”; in the same line, strike “information required”; and in the same line, strike “has not been received”.

On pages 28 and 29, strike beginning with “or” in line 30 on page 28 down through “may” in line 1 on page 29.

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On page 32, in line 7, strike “not”; in the same line, after “license” insert “**ONLY**”; in the same line, after “the” insert “**LICENSEE OR APPLICANT ATTESTS THAT THE LICENSEE OR APPLICANT HAS SUBMITTED TO A**”; in line 8, strike “record” and substitute “**RECORDS CHECK**”; in the same line, strike “information required”; and in the same line, strike “has not been received”.

On page 36, in line 21, strike “not”; in the same line, after “license” insert “**ONLY**”; in the same line, after “the” insert “**LICENSEE OR APPLICANT ATTESTS THAT THE LICENSEE OR APPLICANT HAS SUBMITTED TO A**”; in line 22, strike “record” and substitute “**RECORDS CHECK**”; in the same line, strike “information required”; in the same line, strike “has not been received”; and in line 24, strike “**§ 15-313**” and substitute “**§ 15-315**”.

On page 37, strike beginning with “**OR**” in line 4 down through “**PANEL**” in line 6 and substitute “**, THE BOARD SHALL GIVE THE LICENSEE THE OPPORTUNITY FOR A HEARING BEFORE THE BOARD**”; in lines 7 and 9, in each instance, strike “**OR DISCIPLINARY PANEL**”; in line 13, strike “**applicant**” and substitute “**LICENSEE**”; in lines 14 and 15, strike “**OR A DISCIPLINARY PANEL DENYING A LICENSE**”; and after line 16, insert:

“**15-315.**”

(a) (1) **Except as otherwise provided under § 10-226 of the State Government Article, before a disciplinary panel takes any action under § 15-311 OR § 15-314(a) of this subtitle, the disciplinary panel shall give the individual against whom the action is contemplated an opportunity for a hearing before a hearing officer.**”.

On page 40, in line 25, strike “December” and substitute “**October**”.

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On page 41, in line 13, after “system;” insert “and”; strike beginning with “if” in line 14 down through “(4)” in line 17; and strike lines 19 and 20 in their entirety and substitute:

“SECTION 6. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.”