

SB0549/124339/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 549
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, insert “EMERGENCY BILL”; in line 12, after “doctors;” insert “authorizing a disciplinary panel, rather than the State Board of Physicians and subject to the Administrative Procedure Act and certain hearing provisions, to deny a license to an applicant or under certain circumstances to refuse to renew or reinstate an applicant’s license for certain reasons;”; in line 15, strike “related to criminal history records checks” and substitute “on a fiscal year basis”; in lines 15 and 16, strike “codifying the requirement that” and substitute “requiring”; in line 16, after “Physicians” insert “to”; in the same line, after “training” insert “on a certain basis rather than”; in line 17, strike “annually” and substitute “at certain intervals”; strike beginning with “authorizing” in line 17 down through “grounds;” in line 19 and substitute “altering the circumstances under which certain individuals may practice medicine without a license; authorizing a disciplinary panel, instead of the State Board of Physicians, to issue a cease and desist order or obtain injunctive relief against an individual for practicing medicine without a license or taking a certain action for which a disciplinary panel, instead of the State Board of Physicians, determines there is certain evidence and that poses a serious risk;”; in line 23, after “license;” insert “altering the circumstances under which the State Board of Physicians may renew or reinstate a license to practice medicine;”; in line 24, after “review;” insert “clarifying the application of the requirement that the State Board of Physicians or a disciplinary panel give certain individuals an opportunity for a certain hearing before taking certain action;”; and in line 27, after “intervals;” insert “authorizing a disciplinary panel, instead of the State Board of Physicians, on a certain vote of a disciplinary panel, instead of the State Board of Physicians, to deny a license to an applicant; authorizing a disciplinary panel, instead of the State Board of Physicians, to levy certain fines; requiring certain licensees to notify the State Board of Physicians in writing of a change in name or address within a certain time period; establishing a certain penalty; altering”

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a certain penalty provision; requiring the State Board of Physicians to pay certain penalties into the Board of Physicians Fund;”.

On pages 1 and 2, strike beginning with “requiring” in line 30 on page 1 down through “panels” in line 2 on page 2.

On page 2, in line 4, after “matters;” insert “making this Act an emergency measure;”; in line 8, after “14-101(a-1),” insert “14-205(b), 14-206(e).”; in line 9, after “(l),” insert “14-405(a).”; in line 10, after “14-5A-13(g),” insert “14-5A-17(a), 14-5A-23(b).”; in the same line, after “14-5B-12(g),” insert “14-5B-14(a).”; in the same line, after “14-5C-14(g),” insert “14-5C-17(a).”; in line 11, after “14-5D-12(h),” insert “14-5D-14(a), 14-5D-18(b).”; in the same line, after “14-5E-13(g),” insert “14-5E-16(a), 14-5E-23(b).”; in the same line, after “14-5F-15(d),” insert “14-5F-18(a), 14-5F-25, 14-5F-29.”; in line 12, strike “14-602(c), 14-606(a)(5)” and substitute “14-606(a)(4) and (5)”; in the same line, after “15-307(g),” insert “15-311, 15-313.”; in line 17, strike “and 14-302.2” and substitute “14-5C-14.1, and 14-5F-15.1”; in line 22, strike “and 14-606(a)(4)”; and strike in their entirety lines 30 through 39, inclusive.

On page 3, after line 12, insert:

“BY repealing

Chapter 109 of the Acts of the General Assembly of 1988, as amended by Chapter 271 of the Acts of the General Assembly of 1992 and Chapter 662 of the Acts of the General Assembly of 1994
Section 5”.

AMENDMENT NO. 2

On page 5, in line 23, strike “(A) **SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE**” and substitute “**THE**”; in line 24, strike “**AT LEAST ANNUALLY**” and substitute “**ON AN AS-NEEDED BASIS**”; and strike in their entirety lines 27 through 30, inclusive.

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AMENDMENT NO. 3

On page 6, strike beginning with “if” in line 2 down through “subtitle” in line 3; in lines 4, 6, 7, 12, 14, and 20, in each instance, strike the bracket; and in lines 7, 12, 14, and 20, strike “(1)”, “(2)”, “(3)”, and “(4)”, respectively.

AMENDMENT NO. 4

On page 7, strike in their entirety lines 1 through 11, inclusive.

On page 16, strike in their entirety lines 24 through 28, inclusive.

On page 18, strike in their entirety lines 11 through 17, inclusive.

AMENDMENT NO. 5

On page 8, in line 1, 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 2, 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 12, in line 4, 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 5, 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 13, in lines 1 and 28, in each instance, strike “not”; in the same lines, in each instance, after “license” insert “ONLY”; in the same lines, in each instance, after “the” insert “LICENSEE OR APPLICANT ATTESTS THAT THE LICENSEE OR APPLICANT HAS SUBMITTED TO A”; in lines 2 and 29, in each instance, strike “record” and substitute “RECORDS CHECK”; in the same lines, in each instance, strike

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“information required”; and in the same lines, in each instance, strike “has not been received”.

On page 14, 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 page 15, 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”; and in the same line, strike “has not been received”.

On page 16, in line 18, 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 19, 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 18, 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”.

AMENDMENT NO. 6

On page 7 in line 18, on page 11 in line 21, on page 12 in line 17, on page 13 in line 14, on page 14 in line 11, on page 15 in line 7, on page 16 in line 4, and on page 17

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in line 21, in each instance, strike “after failing to renew the license for a period of 1 year or more”.

AMENDMENT NO. 7

On page 10, strike in their entirety lines 3 through 6, inclusive; in lines 7, 11, and 14, strike “(IV)”, “(V)”, and “(IV)”, respectively, and substitute “(III)”, “(IV)”, and “(III)”, respectively; strike beginning with “or” in line 7 down through “program” in line 8; and strike beginning with “OR” in line 12 down through “PROGRAM” in line 13.

AMENDMENT NO. 8

On page 13, after line 29, insert:

“14-5C-14.1.

(A) A LICENSEE SHALL NOTIFY THE BOARD IN WRITING OF A CHANGE IN NAME OR ADDRESS WITHIN 60 DAYS AFTER THE CHANGE.

(B) A LICENSEE WHO FAILS TO COMPLY WITH SUBSECTION (A) OF THIS SECTION IS SUBJECT TO AN ADMINISTRATIVE PENALTY OF \$100.”.

On page 16, after line 19, insert:

“14-5F-15.1.

(A) A LICENSEE SHALL NOTIFY THE BOARD IN WRITING OF A CHANGE IN NAME OR ADDRESS WITHIN 60 DAYS AFTER THE CHANGE.

(B) A LICENSEE WHO FAILS TO COMPLY WITH SUBSECTION (A) OF THIS SECTION IS SUBJECT TO AN ADMINISTRATIVE PENALTY OF \$100.”.

AMENDMENT NO. 9

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On page 5, in line 9, strike “**DECEMBER**” and substitute “**OCTOBER**”; strike beginning with “**FOR**” in line 12 down through “**PROFESSIONALS**” in line 13; after line 13, insert:

“(1) RELEVANT DISCIPLINARY INDICATORS, INCLUDING:

(I) THE NUMBER OF PHYSICIANS INVESTIGATED UNDER EACH OF THE DISCIPLINARY GROUNDS ENUMERATED UNDER § 14-404 OF THIS ARTICLE;

(II) THE NUMBER OF PHYSICIANS WHO WERE REPRIMANDED OR PLACED ON PROBATION OR WHO HAD THEIR LICENSES SUSPENDED OR REVOKED;

(III) THE NUMBER OF CASES PROSECUTED AND DISMISSED AND ON WHAT GROUNDS;

(IV) THE CRITERIA USED TO ACCEPT AND REJECT CASES FOR PROSECUTION; AND

(V) THE NUMBER OF UNRESOLVED ALLEGATIONS PENDING BEFORE THE BOARD;

(2) THE AVERAGE LENGTH OF THE TIME SPENT INVESTIGATING ALLEGATIONS BROUGHT AGAINST PHYSICIANS UNDER EACH OF THE DISCIPLINARY GROUNDS ENUMERATED UNDER § 14-404 OF THIS ARTICLE;

(3) THE NUMBER OF CASES NOT COMPLETED WITHIN 18 MONTHS AND THE REASONS FOR THE FAILURE TO COMPLETE THE CASES IN 18 MONTHS;

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(4) FOR BOTH PHYSICIANS AND ALLIED HEALTH PROFESSIONALS;

in lines 14, 15, 17, and 19, strike “(1)”, “(2)”, “(3)”, and “(4)”, respectively, and substitute “(I)”, “(II)”, “(III)”, and “(IV)”, respectively; and in line 21, after “CHECK” insert “; AND”

(5) THE ADEQUACY OF CURRENT BOARD STAFFING IN MEETING THE WORKLOAD OF THE BOARD.

AMENDMENT NO. 10

On page 19, after line 25, insert:

“Chapter 109 of the Acts of 1988, as amended by Chapter 271 of the Acts of 1992 and Chapter 662 of the Acts of 1994

[SECTION 5. AND BE IT FURTHER ENACTED, That the Department, on or before October 1 of each year, shall report to the Legislative Policy Committee for the previous fiscal year regarding:

(1) Relevant disciplinary indicators, which may include:

(i) The number of physicians investigated under each of the disciplinary grounds enumerated under § 14-404 of the Health Occupations Article;

(ii) The number of physicians who were reprimanded or placed on probation or who had their licenses suspended or revoked;

(iii) The number of cases prosecuted and dismissed and on what grounds;

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(iv) The criteria used to accept and reject cases for prosecution;
and

(v) The number of unresolved allegations pending before the
Board;

(2) The average length of the time spent investigating allegations
brought against physicians under each of the disciplinary grounds enumerated under §
14-404 of the Health Occupations Article;

(3) The number of cases not completed within 18 months and the
reasons for the failure to complete the cases in 18 months;

(4) The number and nature of allegations filed with the Board
concerning cardiac rescue technicians, aviation trauma technicians, emergency medical
technicians, medical radiation technicians, and physician assistants; and

(5) The adequacy of current Board staffing in meeting the workload of
the Board.】;

in line 26, after the first “the” insert “annual”; strike beginning with “Section” in line 27 down through “2013” in line 28 and substitute “§ 14-205.1 of the Health Occupations Article, as enacted by Section 1 of this Act.”; and in line 31, after “professionals;” insert “and”.

On page 20, strike in their entirety lines 1 through 3, inclusive; in line 4, strike “(3)” and substitute “(2)”; in line 8, after the first “the” insert “annual”; strike beginning with “Section” in line 9 down through “2013” in line 10 and substitute “§ 14-205.1 of the Health Occupations Article, as enacted by Section 1 of this Act.”; in line 10, strike “2018” and substitute “2019”; and in line 22, after the first “the” insert “annual”.

AMENDMENT NO. 11

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On page 5, after line 7, insert:

“14–205.

(b) (1) In addition to the powers set forth elsewhere in this title, the Board may:

(i) Adopt regulations to regulate the performance of acupuncture, but only to the extent authorized by § 14–504 of this title;

(ii) After consulting with the State Board of Pharmacy, adopt rules and regulations regarding the dispensing of prescription drugs by a licensed physician;

[(iii) Subject to the Administrative Procedure Act, deny a license to an applicant or, if an applicant has failed to renew the applicant’s license, refuse to renew or reinstate an applicant’s license for:

1. Any of the reasons that are grounds for action under § 14–404 of this title; or

2. Failure to submit to a criminal history records check in accordance with § 14–308.1 of this title;]

[(iv)] (III) On receipt of a written and signed complaint, including a referral from the Commissioner of Labor and Industry, conduct an unannounced inspection of the office of a physician or acupuncturist, other than an office of a physician or acupuncturist in a hospital, related institution, freestanding medical facility, or a freestanding birthing center, to determine compliance at that office with the Centers for Disease Control and Prevention’s guidelines on universal precautions; and

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~~[(v)]~~ **(IV)** Contract with others for the purchase of administrative and examination services to carry out the provisions of this title.

(2) The Board or a disciplinary panel may investigate an alleged violation of this title.

(3) SUBJECT TO THE ADMINISTRATIVE PROCEDURE ACT AND THE HEARING PROVISIONS OF § 14-405 OF THIS TITLE, A DISCIPLINARY PANEL MAY DENY A LICENSE TO AN APPLICANT OR, IF AN APPLICANT HAS FAILED TO RENEW THE APPLICANT’S LICENSE, REFUSE TO RENEW OR REINSTATE AN APPLICANT’S LICENSE FOR:

(I) ANY OF THE REASONS THAT ARE GROUNDS FOR ACTION UNDER § 14-404 OF THIS TITLE; OR

(II) FAILURE TO SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 14-308.1 OF THIS TITLE.”;

and after line 30, insert:

“14-206.

(e) [The Board] A DISCIPLINARY PANEL may issue a cease and desist order or obtain injunctive relief against an individual for:

(1) Practicing medicine without a license; or

(2) Taking any action:

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(i) For which [the Board] A DISCIPLINARY PANEL determines there is a preponderance of evidence of grounds for discipline under § 14-404 of this title; and

(ii) That poses a serious risk to the health, safety, and welfare of a patient.”.

On page 9, after line 5, insert:

“14-405.

(a) Except as otherwise provided in the Administrative Procedure Act, before the Board or a disciplinary panel takes any action under § 14-404(a) of this subtitle or § 14-205(B)(3), § 14-5A-17(a), § 14-5B-14(A), § 14-5C-17(A), § 14-5D-14(A), § 14-5E-16(A), OR § 14-5F-18 of this title, it shall give the individual against whom the action is contemplated an opportunity for a hearing before a hearing officer.”.

On page 12, after line 5, insert:

“14-5A-17.

(a) Subject to the hearing provisions of § 14-405 of this title, [the Board] A DISCIPLINARY PANEL, on the affirmative vote of a majority of a quorum of the [Board] DISCIPLINARY PANEL, may deny a license to any applicant, [or a disciplinary panel, on the affirmative vote of a majority of a quorum of the disciplinary panel, may] reprimand any licensee, place any licensee on probation, or suspend or revoke a license, if the applicant or licensee:

(1) Fraudulently or deceptively obtains or attempts to obtain a license for the applicant, licensee, or for another;

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- (2) Fraudulently or deceptively uses a license;
- (3) Is guilty of unprofessional or immoral conduct in the practice of respiratory care;
- (4) Is professionally, physically, or mentally incompetent;
- (5) Abandons a patient;
- (6) Is habitually intoxicated;
- (7) Is addicted to or habitually abuses any narcotic or controlled dangerous substance as defined in § 5–101 of the Criminal Law Article;
- (8) Provides professional services while:
 - (i) Under the influence of alcohol; or
 - (ii) Using any narcotic or controlled dangerous substance as defined in § 5–101 of the Criminal Law Article or any other drug that is in excess of therapeutic amounts or without valid medical indication;
- (9) Promotes the sale of services, drugs, devices, appliances, or goods to a patient so as to exploit the patient for financial gain;
- (10) Willfully makes or files a false report or record in the practice of respiratory care;
- (11) Willfully fails to file or record any report as required under law, willfully impedes or obstructs the filing or recording of a report, or induces another to fail to file or record a report;

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(12) Breaches patient confidentiality;

(13) Pays or agrees to pay any sum or provide any form of remuneration or material benefit to any person for bringing or referring a patient or accepts or agrees to accept any sum or any form of remuneration or material benefit from an individual for bringing or referring a patient;

(14) Knowingly makes a misrepresentation while practicing respiratory care;

(15) Knowingly practices respiratory care with an unauthorized individual or aids an unauthorized individual in the practice of respiratory care;

(16) Offers, undertakes, or agrees to cure or treat disease by a secret method, treatment, or medicine;

(17) Is disciplined by a licensing or disciplinary authority or is convicted or disciplined by a court of any state or country or is disciplined by any branch of the United States uniformed services or the Veterans' Administration for an act that would be grounds for disciplinary action under the Board's disciplinary statutes;

(18) Fails to meet appropriate standards for the delivery of respiratory care performed in any inpatient or outpatient facility, office, hospital or related institution, domiciliary care facility, patient's home, or any other location in this State;

(19) Knowingly submits false statements to collect fees for which services are not provided;

(20) (i) Has been subject to investigation or disciplinary action by a licensing or disciplinary authority or by a court of any state or country for an act that would be grounds for disciplinary action under the Board's disciplinary statutes; and

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(ii) Has:

1. Surrendered the license issued by the state or country;
or

2. Allowed the license issued by the state or country to
expire or lapse;

(21) Knowingly fails to report suspected child abuse in violation of § 5–
704 of the Family Law Article;

(22) Sells, prescribes, gives away, or administers drugs for illegal or
illegitimate medical purposes;

(23) Practices or attempts to practice beyond the authorized scope of
practice;

(24) Refuses, withholds from, denies, or discriminates against an
individual with regard to the provision of professional services for which the licensee is
licensed and qualified to render because the individual is HIV positive;

(25) Practices or attempts to practice a respiratory care procedure or uses
or attempts to use respiratory care equipment if the applicant or licensee has not
received education and training in the performance of the procedure or the use of the
equipment;

(26) Fails to cooperate with a lawful investigation conducted by the
Board or a disciplinary panel;

(27) Fails to practice under the supervision of a physician or violates a
supervisory order of a supervising physician; or

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(28) Fails to submit to a criminal history records check under § 14–308.1 of this title.

14–5A–23.

(b) Any person who violates a provision of this subtitle is subject to a civil fine of not more than \$5,000 to be levied by [the Board] A DISCIPLINARY PANEL.”.

On page 13, after line 2, insert:

“14–5B–14.

(a) Subject to the hearing provisions of § 14–405 of this title, [the Board] A DISCIPLINARY PANEL, on the affirmative vote of a majority of the quorum of the [Board] DISCIPLINARY PANEL, may deny a license to any applicant, [or a disciplinary panel, on the affirmative vote of a majority of the quorum of the disciplinary panel, may] reprimand any licensee, place any licensee on probation, or suspend or revoke a license, if the applicant or licensee:

(1) Fraudulently or deceptively obtains or attempts to obtain a license for the applicant, licensed individual, or for another;

(2) Fraudulently or deceptively uses a license;

(3) Is guilty of unprofessional or immoral conduct in the practice of radiation therapy, radiography, nuclear medicine technology, or radiology assistance;

(4) Is professionally, physically, or mentally incompetent;

(5) Abandons a patient;

(6) Is habitually intoxicated;

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(7) Is addicted to or habitually abuses any narcotic or controlled dangerous substance as defined in § 5–101 of the Criminal Law Article;

(8) Provides professional services while:

(i) Under the influence of alcohol; or

(ii) Using any narcotic or controlled dangerous substance as defined in § 5–101 of the Criminal Law Article or any other drug that is in excess of therapeutic amounts or without valid medical indication;

(9) Promotes the sale of services, drugs, devices, appliances, or goods to a patient so as to exploit the patient for financial gain;

(10) Willfully makes or files a false report or record in the practice of radiation therapy, radiography, nuclear medicine technology, or radiology assistance;

(11) Willfully fails to file or record any report as required under law, willfully impedes or obstructs the filing or recording of a report, or induces another to fail to file or record a report;

(12) Breaches patient confidentiality;

(13) Pays or agrees to pay any sum or provide any form of remuneration or material benefit to any person for bringing or referring a patient or accepts or agrees to accept any sum or any form of remuneration or material benefit from an individual for bringing or referring a patient;

(14) Knowingly makes a misrepresentation while practicing radiation therapy, radiography, nuclear medicine technology, or radiology assistance;

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(15) Knowingly practices radiation therapy, radiography, nuclear medicine technology, or radiology assistance with an unauthorized individual or aids an unauthorized individual in the practice of radiation therapy, radiography, nuclear medicine technology, or radiology assistance;

(16) Offers, undertakes, or agrees to cure or treat disease by a secret method, treatment, or medicine;

(17) Is disciplined by a licensing or disciplinary authority or is convicted or disciplined by a court of any state or country or is disciplined by any branch of the United States uniformed services or the Veterans' Administration for an act that would be grounds for disciplinary action under the Board's disciplinary statutes;

(18) Fails to meet appropriate standards for the delivery of quality radiation therapy, radiography, nuclear medicine technology, or radiology assistance care performed in any outpatient surgical facility, office, hospital or related institution, or any other location in this State;

(19) Knowingly submits false statements to collect fees for which services are not provided;

(20) (i) Has been subject to investigation or disciplinary action by a licensing or disciplinary authority or by a court of any state or country for an act that would be grounds for disciplinary action under the Board's disciplinary statutes; and

(ii) Has:

1. Surrendered the license issued by the state or country;

or

2. Allowed the license issued by the state or country to expire or lapse;

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(21) Knowingly fails to report suspected child abuse in violation of § 5–704 of the Family Law Article;

(22) Sells, prescribes, gives away, or administers drugs for illegal or illegitimate medical purposes;

(23) Practices or attempts to practice beyond the authorized scope of practice;

(24) Refuses, withholds from, denies, or discriminates against an individual with regard to the provision of professional services for which the licensee is licensed and qualified to render because the individual is HIV positive;

(25) Practices or attempts to practice a radiation therapy, radiography, nuclear medicine technology, or radiology assistance procedure or uses radiation therapy, radiography, nuclear medicine technology, or radiology assistance equipment if the applicant or licensee has not received education, internship, training, or experience in the performance of the procedure or the use of the equipment;

(26) Fails to cooperate with a lawful investigation conducted by the Board or a disciplinary panel;

(27) Fails to practice under the supervision of a physician or violates a supervisory order of a supervising physician; or

(28) Fails to submit to a criminal history records check under § 14–308.1 of this title.”;

and before line 30, insert:

“14–5C–17.

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(a) Subject to the hearing provisions of § 14–405 of this title, [the Board] A DISCIPLINARY PANEL, on the affirmative vote of a majority of a quorum of the [Board] DISCIPLINARY PANEL, may deny a license to any applicant, [or a disciplinary panel, on the affirmative vote of a majority of a quorum of the disciplinary panel, may] reprimand any licensee, place any licensee on probation, or suspend or revoke a license, if the applicant or licensee:

(1) Fraudulently or deceptively obtains or attempts to obtain a license for the applicant, licensee, or for another;

(2) Fraudulently or deceptively uses a license;

(3) Is guilty of unprofessional or immoral conduct in the practice of polysomnography;

(4) Is professionally, physically, or mentally incompetent;

(5) Abandons a patient;

(6) Is habitually intoxicated;

(7) Is addicted to or habitually abuses any narcotic or controlled dangerous substance as defined in § 5–101 of the Criminal Law Article;

(8) Provides professional services while:

(i) Under the influence of alcohol; or

(ii) Using any narcotic or controlled dangerous substance as defined in § 5–101 of the Criminal Law Article or any other drug that is in excess of therapeutic amounts or without valid medical indication;

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(9) Promotes the sale of services, drugs, devices, appliances, or goods to a patient so as to exploit the patient for financial gain;

(10) Willfully makes or files a false report or record in the practice of polysomnography;

(11) Willfully fails to file or record any report as required under law, willfully impedes or obstructs the filing or recording of a report, or induces another to fail to file or record a report;

(12) Breaches patient confidentiality;

(13) Pays or agrees to pay any sum or provide any form of remuneration or material benefit to any person for bringing or referring a patient or accepts or agrees to accept any sum or any form of remuneration or material benefit from an individual for bringing or referring a patient;

(14) Knowingly makes a misrepresentation while practicing polysomnography;

(15) Knowingly practices polysomnography with an unauthorized individual or aids an unauthorized individual in the practice of polysomnography;

(16) Knowingly delegates a polysomnographic duty to an unlicensed individual;

(17) Offers, undertakes, or agrees to cure or treat disease by a secret method, treatment, or medicine;

(18) Is disciplined by a licensing or disciplinary authority or is convicted or disciplined by a court of any state or country or is disciplined by any branch of the

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United States uniformed services or the U.S. Department of Veterans Affairs for an act that would be grounds for disciplinary action under the Board's disciplinary statutes;

(19) Fails to meet appropriate standards for the delivery of polysomnographic services performed in a hospital sleep laboratory or a stand-alone sleep center;

(20) Knowingly submits false statements to collect fees for which services are not provided;

(21) (i) Has been subject to investigation or disciplinary action by a licensing or disciplinary authority or by a court of any state or country for an act that would be grounds for disciplinary action under the Board's disciplinary statutes; and

(ii) Has:

1. Surrendered the license, if any, issued by the state or country; or

2. Allowed the license, if any, issued by the state or country to expire or lapse;

(22) Knowingly fails to report suspected child abuse in violation of § 5-704 of the Family Law Article;

(23) Sells, prescribes, gives away, or administers drugs for illegal or illegitimate medical purposes;

(24) Practices or attempts to practice beyond the authorized scope of practice;

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(25) Is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside;

(26) Refuses, withholds from, denies, or discriminates against an individual with regard to the provision of professional services for which the licensee is licensed and qualified to render because the individual is HIV positive;

(27) Practices or attempts to practice a polysomnography procedure or uses or attempts to use polysomnography equipment if the applicant or licensee has not received education and training in the performance of the procedure or the use of the equipment;

(28) Fails to cooperate with a lawful investigation conducted by the Board; or

(29) Fails to submit to a criminal history records check under § 14-308.1 of this title.”.

On page 14, after line 26, insert:

“14-5D-14.

(a) Subject to the hearing provisions of § 14-405 of this title, [the Board] A DISCIPLINARY PANEL, on the affirmative vote of a majority of a quorum of the [Board] DISCIPLINARY PANEL, may deny a license to any applicant, [or a disciplinary panel, on the affirmative vote of a majority of a quorum of the disciplinary panel, may] reprimand any licensee, place any licensee on probation, or suspend or revoke a license, if the applicant or licensee:

(1) Fraudulently or deceptively obtains or attempts to obtain a license for the applicant, licensee, or for another;

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- (2) Fraudulently or deceptively uses a license;
- (3) Is guilty of unprofessional or immoral conduct in the practice of athletic training;
- (4) Is professionally, physically, or mentally incompetent;
- (5) Abandons a patient;
- (6) Habitually is intoxicated;
- (7) Is addicted to, or habitually abuses, any narcotic or controlled dangerous substance as defined in § 5–101 of the Criminal Law Article;
- (8) Provides professional services while:
 - (i) Under the influence of alcohol; or
 - (ii) Using any narcotic or controlled dangerous substance as defined in § 5–101 of the Criminal Law Article, or any other drug that is in excess of therapeutic amounts or without valid medical indication;
- (9) Promotes the sale of services, drugs, devices, appliances, or goods to a patient so as to exploit the patient for financial gain;
- (10) Willfully makes or files a false report or record in the practice of athletic training;
- (11) Willfully fails to file or record any report as required under law, willfully impedes or obstructs the filing or recording of the report, or induces another to fail to file or record the report;

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(12) Breaches patient confidentiality;

(13) Pays or agrees to pay any sum or provide any form of remuneration or material benefit to any individual for bringing or referring a patient or accepts or agrees to accept any sum or any form of remuneration or material benefit from an individual for bringing or referring a patient;

(14) Knowingly makes a misrepresentation while practicing athletic training;

(15) Knowingly practices athletic training with an unauthorized individual or aids an unauthorized individual in the practice of athletic trainer services;

(16) Offers, undertakes, or agrees to cure or treat disease by a secret method, treatment, or medicine;

(17) Is disciplined by a licensing, certifying, or disciplinary authority or is convicted or disciplined by a court of any state or country or is disciplined by any branch of the United States uniformed services or the Veterans Administration for an act that would be grounds for disciplinary action under this section;

(18) Fails to meet appropriate standards for the delivery of athletic training services;

(19) Knowingly submits false statements to collect fees for which services have not been provided;

(20) (i) Has been subject to investigation or disciplinary action by a licensing or disciplinary authority or by a court of any state or country for an act that would be grounds for disciplinary action under the Board's disciplinary statutes; and

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(ii) Has:

1. Surrendered the license issued by the state or country;
or
2. Allowed the license issued by the state or country to
expire or lapse;

(21) Knowingly fails to report suspected child abuse in violation of § 5–704 of the Family Law Article;

(22) Sells, prescribes, gives away, or administers drugs for illegal or illegitimate medical purposes;

(23) Practices or attempts to practice beyond the authorized scope of practice;

(24) Refuses, withholds from, denies, or discriminates against an individual with regard to the provision of professional services for which the licensee is licensed and qualified to render because the individual is HIV positive;

(25) Practices or attempts to practice an athletic training procedure or uses or attempts to use athletic training equipment if the applicant or licensee has not received education and training in the performance of the procedure or the use of the equipment;

(26) Fails to cooperate with a lawful investigation conducted by the Board or a disciplinary panel;

(27) Fails to practice under the supervision of a physician or violates the approved evaluation and treatment protocol;

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(28) Violates an order of the Board or a disciplinary panel, including any condition of probation; or

(29) Fails to submit to a criminal history records check under § 14–308.1 of this title.

14–5D–18.

(b) Any person who violates any provision of this subtitle is subject to a civil fine of not more than \$5,000 to be levied by [the Board] A DISCIPLINARY PANEL.”.

On page 15, after line 22, insert:

“14–5E–16.

(a) Subject to the hearing provisions of § 14–405 of this title, [the Board] A DISCIPLINARY PANEL, on the affirmative vote of a majority of the quorum of the [Board] DISCIPLINARY PANEL, may deny a license to any applicant, [or a disciplinary panel, on the affirmative vote of a majority of the quorum of the disciplinary panel, may] reprimand any licensee, place any licensee on probation, or suspend or revoke a license, if the applicant or licensee:

(1) Fraudulently or deceptively obtains or attempts to obtain a license for the applicant or licensee or for another;

(2) Fraudulently or deceptively uses a license;

(3) Is guilty of unprofessional or immoral conduct in the practice of perfusion;

(4) Is professionally, physically, or mentally incompetent;

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- (5) Abandons a patient;
- (6) Is habitually intoxicated;
- (7) Is addicted to or habitually abuses any narcotic or controlled dangerous substance as defined in § 5–101 of the Criminal Law Article;
- (8) Provides professional services while:
 - (i) Under the influence of alcohol; or
 - (ii) Using any narcotic or controlled dangerous substance as defined in § 5–101 of the Criminal Law Article or any other drug that is in excess of therapeutic amounts or without valid medical indication;
- (9) Promotes the sale of services, drugs, devices, appliances, or goods to a patient so as to exploit the patient for financial gain;
- (10) Willfully makes or files a false report or record in the practice of perfusion;
- (11) Willfully fails to file or record any report as required under law, willfully impedes or obstructs the filing or recording of a report, or induces another to fail to file or record a report;
- (12) Breaches patient confidentiality;
- (13) Pays or agrees to pay any sum or provide any form of remuneration or material benefit to any person for bringing or referring a patient or accepts or agrees to accept any sum or any form of remuneration or material benefit from an individual for bringing or referring a patient;

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(14) Knowingly makes a misrepresentation while practicing perfusion;

(15) Knowingly practices perfusion with an unauthorized individual or aids an unauthorized individual in the practice of perfusion;

(16) Knowingly delegates a perfusion duty to an unlicensed individual;

(17) Offers, undertakes, or agrees to cure or treat disease by a secret method, treatment, or medicine;

(18) Is disciplined by a licensing or disciplinary authority or is convicted or disciplined by a court of any state or country or is disciplined by any branch of the United States uniformed services or the U.S. Department of Veterans Affairs for an act that would be grounds for disciplinary action under the Board's disciplinary statutes;

(19) Fails to meet appropriate standards for the delivery of perfusion services;

(20) Knowingly submits false statements to collect fees for which services are not provided;

(21) (i) Has been subject to investigation or disciplinary action by a licensing or disciplinary authority or by a court of any state or country for an act that would be grounds for disciplinary action under the Board's disciplinary statutes; and

(ii) Has:

1. Surrendered the license, if any, issued by the state or country; or

2. Allowed the license, if any, issued by the state or country to expire or lapse;

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(22) Knowingly fails to report suspected child abuse in violation of § 5–704 of the Family Law Article;

(23) Sells, prescribes, gives away, or administers drugs for illegal or illegitimate medical purposes;

(24) Practices or attempts to practice beyond the authorized scope of practice;

(25) Is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside;

(26) Refuses, withholds from, denies, or discriminates against an individual with regard to the provision of professional services for which the licensee is licensed and qualified to render because the individual is HIV positive;

(27) Practices or attempts to practice a perfusion procedure or uses or attempts to use perfusion equipment if the applicant or licensee has not received education and training in the performance of the procedure or the use of the equipment;

(28) Fails to cooperate with a lawful investigation of the Board or a disciplinary panel; or

(29) Fails to submit to a criminal history records check under § 14–308.1 of this title.

14–5E–23.

(b) A person who violates any provision of this subtitle is subject to a civil fine of not more than \$5,000 to be levied by [the Board] A DISCIPLINARY PANEL.”.

(Over)

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On page 16, before line 20, insert:

“14-5F-18.

(a) Subject to the hearing provisions of § 14-405 of this title, [the Board] A DISCIPLINARY PANEL, on the affirmative vote of a majority of a quorum of the [Board] DISCIPLINARY PANEL, may deny a license to any applicant, [or a disciplinary panel, on the affirmative vote of a majority of a quorum of the disciplinary panel, may] reprimand any licensee, place any licensee on probation, or suspend or revoke a license of any licensee if the applicant or licensee:

(1) Is habitually intoxicated, or is addicted to or habitually abuses any narcotic or controlled dangerous substance, as defined in § 5-101 of the Criminal Law Article, or any drug without a valid prescription or indication, or provides professional services while under the influence of alcohol or using any narcotic or controlled dangerous substance, as defined in § 5-101 of the Criminal Law Article;

(2) Has been found to be mentally incompetent by a physician if the mental incompetence impairs the ability of the applicant or licensee to undertake the practice of naturopathic medicine in a manner consistent with the safety of the public;

(3) Has entered into a consent agreement with or has been assessed an administrative penalty by a licensing authority in another state;

(4) Fraudulently or deceptively obtains, attempts to obtain, or uses a license for the applicant, the licensee, or another;

(5) Has a license revoked or suspended, or was otherwise acted against, including the denial of licensure, by the licensing authority of another state;

(6) Uses false, deceptive, or misleading advertising;

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(7) Advertises, practices, or attempts to practice under a name other than the applicant's or licensee's own name;

(8) Aids, assists, employs, or advises any unlicensed individual to practice naturopathic medicine in violation of this subtitle;

(9) Willfully makes or files a false report or record in the practice of naturopathic medicine;

(10) Willfully or negligently fails to file a report or record as required by law, willfully impedes or obstructs the filing or recording of a report, or induces another to fail to file or record a report;

(11) Pays or receives any commission, bonus, kickback, or rebate, or engages in any split-fee arrangement in any form with a licensed physician, organization, agency, or other person, either directly or indirectly, for patients referred to health care providers;

(12) Exercises influence within a patient-doctor relationship for purposes of engaging a patient in sexual activity;

(13) Engages in sexual misconduct with a patient;

(14) Fails to keep written medical records justifying the course of treatment of a patient;

(15) Engages in an act or omission that does not meet generally accepted standards of practice of naturopathic medicine or of safe care of patients, whether or not actual injury to a patient is established;

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(16) Delegates professional responsibilities to an individual when the licensee delegating the responsibilities knows or has reason to know that the individual is not qualified by training, experience, or licensure to perform the responsibilities;

(17) Promotes the sale of services, drugs, devices, appliances, or goods to a patient so as to exploit the patient for financial gain;

(18) Breaches patient confidentiality;

(19) Is guilty of unprofessional or immoral conduct in the practice of naturopathic medicine;

(20) Offers, undertakes, or agrees to cure or treat a disease by a secret method, treatment, or medicine;

(21) Knowingly fails to report suspected child abuse in violation of § 5–704 of the Family Law Article;

(22) Sells, prescribes, gives away, or administers drugs for illegal or illegitimate purposes;

(23) Denies or discriminates against an individual with regard to the provision of professional services for which the licensee is licensed and qualified to render because the individual is HIV positive;

(24) Fails to cooperate with a lawful investigation of the Board;

(25) Abandons a patient;

(26) Violates any provision of this title or any regulation adopted by the Board; or

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(27) Fails to submit to a criminal history records check under § 14-308.1 of this title.

14-5F-25.

[The Board] A DISCIPLINARY PANEL may issue a cease and desist order for:

(1) Practicing naturopathic medicine without a license or with an unauthorized person; or

(2) Supervising or aiding an unauthorized person in the practice of naturopathic medicine.

14-5F-29.

(a) Except as otherwise provided in this subtitle, an individual may not practice, attempt to practice, or offer to practice naturopathic medicine in this State without a license.

(b) An individual who violates [this section] ANY PROVISION OF THIS SUBTITLE is guilty of a felony and on conviction is subject to[:

(1) A] A fine not exceeding \$10,000 or imprisonment not exceeding 5 years or both[; and

(2) A civil fine of no more than \$50,000 to be levied by the Board].

(C) ANY INDIVIDUAL WHO VIOLATES A PROVISION OF THIS SUBTITLE IS SUBJECT TO A CIVIL FINE OF NOT MORE THAN \$50,000 TO BE LEVIED BY A DISCIPLINARY PANEL.

(Over)

(D) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER THIS SECTION INTO THE BOARD OF PHYSICIANS FUND.

On page 17, in lines 3 and 4, strike “the Board” and substitute “**A DISCIPLINARY PANEL**”.

On page 18, after line 6, insert:

“15–311.

Subject to the hearing provisions of § 15–313 of this subtitle, [the Board] A DISCIPLINARY PANEL, on the affirmative vote of a majority of a quorum, may deny a license to any applicant for:

(1) Any of the reasons that are grounds for disciplinary action under § 15–314 of this subtitle; and

(2) Failure to submit to a criminal history records check in accordance with § 14–308.1 of this article.

15–313.

(a) (1) Except as otherwise provided under § 10–226 of the State Government Article, before the Board takes any action [to deny a license or] to reject or modify a delegation agreement or advanced duty **OR A DISCIPLINARY PANEL TAKES ANY ACTION TO DENY A LICENSE**, the Board **OR THE DISCIPLINARY PANEL** shall give the applicant or licensee the opportunity for a hearing before the Board **OR THE DISCIPLINARY PANEL**.

(2) The Board **OR DISCIPLINARY PANEL** shall give notice and hold the hearing under Title 10, Subtitle 2 of the State Government Article.

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(3) The Board OR DISCIPLINARY PANEL may administer oaths in connection with any proceeding under this section.

(4) At least 14 days before the hearing, the hearing notice shall be sent to the last known address of the applicant or licensee.

(b) Any applicant aggrieved under this subtitle by a final decision of the Board [denying a license or] rejecting or modifying a delegation agreement or advanced duty OR A DISCIPLINARY PANEL DENYING A LICENSE may petition for judicial review as allowed by the Administrative Procedure Act.”.

On pages 20 and 21, strike in their entirety the lines beginning with line 30 on page 20 through line 2 on page 21, inclusive.

On page 21, in line 3, strike “6.” and substitute “5.”; in line 10, after “system;” insert “and”; and strike beginning with “if” in line 11 down through “(4)” in line 14.

AMENDMENT NO. 12

On page 21, strike in their entirety lines 16 and 17; and after line 17, insert:

“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.”.