

# HOUSE BILL 581

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By: **Delegates Hill and Lam**

Introduced and read first time: January 30, 2017

Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Medical Practice Act – Individuals Exempt From Licensure – Repeal**  
3 **of Criminal History Records Check Requirement**

4 FOR the purpose of repealing the requirement that, in order to practice medicine without  
5 a license while performing certain duties, a medical student or an individual in a  
6 certain postgraduate medical training program must submit to a criminal history  
7 records check in accordance with a certain provision of law; making a stylistic  
8 change; making a conforming change; and generally relating to individuals exempt  
9 from licensure under the Maryland Medical Practice Act.

10 BY repealing and reenacting, with amendments,  
11 Article – Health Occupations  
12 Section 14–302  
13 Annotated Code of Maryland  
14 (2014 Replacement Volume and 2016 Supplement)

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

17 **Article – Health Occupations**

18 14–302.

19 (a) Subject to the rules, regulations, and orders of the Board, the following  
20 individuals may practice medicine without a license if the individuals submit to a criminal  
21 history records check in accordance with § 14–308.1 of this subtitle:

22 [(1) A medical student or an individual in a postgraduate medical training  
23 program that is approved by the Board, while doing the assigned duties at any office of a  
24 licensed physician, hospital, clinic, or similar facility;]

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1                    **[(2)] (1)**      A physician licensed by and residing in another jurisdiction, if  
2 the physician:

3                    (i)      Is engaged in consultation with a physician licensed in the State  
4 about a particular patient and does not direct patient care; or

5                    (ii)     Meets the requirements of § 14–302.1 of this subtitle;

6                    **[(3)] (2)**      A physician employed in the service of the federal government  
7 while performing the duties incident to that employment;

8                    **[(4)] (3)**      A physician who resides in and is authorized to practice medicine  
9 by any state adjoining this State and whose practice extends into this State, if:

10                    (i)      The physician does not have an office or other regularly  
11 appointed place in this State to meet patients; and

12                    (ii)     The same privileges are extended to licensed physicians of this  
13 State by the adjoining state; and

14                    **[(5)] (4)**      An individual while under the supervision of a licensed physician  
15 who has specialty training in psychiatry, and whose specialty training in psychiatry has  
16 been approved by the Board, if the individual submits an application to the Board on or  
17 before October 1, 1993, and either:

18                    (i)      1.      Has a master's degree from an accredited college or  
19 university; and

20                    2.      Has completed a graduate program accepted by the Board  
21 in a behavioral science that includes 1,000 hours of supervised clinical psychotherapy  
22 experience; or

23                    (ii)     1.      Has a baccalaureate degree from an accredited college or  
24 university; and

25                    2.      Has 4,000 hours of supervised clinical experience that is  
26 approved by the Board.

27                    (b)      **THE FOLLOWING INDIVIDUALS MAY PRACTICE MEDICINE WITHOUT A  
28 LICENSE AND WITHOUT SUBMITTING TO A CRIMINAL HISTORY RECORDS CHECK:**

29                    **(1)      SUBJECT TO THE RULES, REGULATIONS, AND ORDERS OF THE  
30 BOARD, A MEDICAL STUDENT OR AN INDIVIDUAL IN A POSTGRADUATE MEDICAL  
31 TRAINING PROGRAM THAT IS APPROVED BY THE BOARD, WHILE PERFORMING THE**

1 **ASSIGNED DUTIES AT ANY OFFICE OF A LICENSED PHYSICIAN, HOSPITAL, CLINIC, OR**  
2 **SIMILAR FACILITY; AND**

3 **(2)** A physician licensed by and residing in another jurisdiction [may  
4 practice medicine without a license and without submitting to a criminal history records  
5 check] if the physician:

6 **[(1)] (I)** Has an active, unrestricted license to practice medicine in the  
7 jurisdiction where the physician regularly engages in the practice of medicine;

8 **[(2)] (II)** Is employed by or has a written agreement with an athletic team  
9 or a sports team based outside the State;

10 **[(3)] (III)** Is designated as the team physician by the athletic or sports team  
11 to provide medical care to the team's members, band members, cheerleading squad, mascot,  
12 coaches, and other staff who travel to a specified sporting event taking place in the State;

13 **[(4)] (IV)** While in the State, provides medical care only to individuals  
14 listed in item **[(3)] (III)** of this [subsection] ITEM;

15 **[(5)] (V)** Does not provide medical care in the State for more than 45 days  
16 in a calendar year; and

17 **[(6)] (VI)** Does not engage in the practice of medicine at a hospital, related  
18 institution, or other health care facility, including an acute care facility, located within the  
19 State.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
21 October 1, 2017.