

HOUSE BILL 581

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EMERGENCY BILL

7lr2367
CF SB 633

By: **Delegates Hill and Lam**

Introduced and read first time: January 30, 2017

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 22, 2017

CHAPTER _____

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~~ certain individuals must submit to a
7 criminal history records check in accordance with a certain provision of law; ~~making~~
8 ~~a stylistic change; making a conforming change;~~ making this Act an emergency
9 measure; and generally relating to individuals exempt from licensure under the
10 Maryland Medical Practice Act.

11 BY repealing and reenacting, with amendments,
12 Article – Health Occupations
13 Section 14–302
14 Annotated Code of Maryland
15 (2014 Replacement Volume and 2016 Supplement)

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

18 **Article – Health Occupations**

19 14–302.

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) Subject to the rules, regulations, and orders of the Board, the following
 2 individuals may practice medicine without a license ~~if the individuals submit to a criminal~~
 3 ~~history records check in accordance with § 14-308.1 of this subtitle:~~

4 ~~¶(1)~~ A medical student or an individual in a postgraduate medical training
 5 program that is approved by the Board, while doing the assigned duties at any office of a
 6 licensed physician, hospital, clinic, or similar facility;¶

7 ~~¶(2) ¶(1)~~ A physician licensed by and residing in another jurisdiction, if
 8 the physician:

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

11 (ii) Meets the requirements of § 14-302.1 of this subtitle;

12 ~~¶(3) ¶(2)~~ A physician employed in the service of the federal government
 13 while performing the duties incident to that employment;

14 ~~¶(4) ¶(3)~~ A physician who resides in and is authorized to practice medicine
 15 by any state adjoining this State and whose practice extends into this State, if:

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

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

20 ~~¶(5) ¶(4)~~ An individual while under the supervision of a licensed physician
 21 who has specialty training in psychiatry, and whose specialty training in psychiatry has
 22 been approved by the Board, if the individual submits an application to the Board on or
 23 before October 1, 1993, and either:

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

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

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

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

1 (b) ~~THE FOLLOWING INDIVIDUALS MAY PRACTICE MEDICINE WITHOUT A~~
 2 ~~LICENSE AND WITHOUT SUBMITTING TO A CRIMINAL HISTORY RECORDS CHECK:~~

3 ~~(1) SUBJECT TO THE RULES, REGULATIONS, AND ORDERS OF THE~~
 4 ~~BOARD, A MEDICAL STUDENT OR AN INDIVIDUAL IN A POSTGRADUATE MEDICAL~~
 5 ~~TRAINING PROGRAM THAT IS APPROVED BY THE BOARD, WHILE PERFORMING THE~~
 6 ~~ASSIGNED DUTIES AT ANY OFFICE OF A LICENSED PHYSICIAN, HOSPITAL, CLINIC, OR~~
 7 ~~SIMILAR FACILITY; AND~~

8 ~~(2)~~ A physician licensed by and residing in another jurisdiction ~~may~~
 9 practice medicine without a license ~~and without submitting to a criminal history records~~
 10 ~~check~~ if the physician:

11 ~~{(1)}~~ ~~(I)~~ Has an active, unrestricted license to practice medicine in the
 12 jurisdiction where the physician regularly engages in the practice of medicine;

13 ~~{(2)}~~ ~~(II)~~ Is employed by or has a written agreement with an athletic team
 14 or a sports team based outside the State;

15 ~~{(3)}~~ ~~(III)~~ Is designated as the team physician by the athletic or sports team
 16 to provide medical care to the team's members, band members, cheerleading squad, mascot,
 17 coaches, and other staff who travel to a specified sporting event taking place in the State;

18 ~~{(4)}~~ ~~(IV)~~ While in the State, provides medical care only to individuals
 19 listed in item ~~{(3)}~~ ~~(III)~~ of this ~~{subsection}~~ ~~ITEM~~;

20 ~~{(5)}~~ ~~(V)~~ Does not provide medical care in the State for more than 45 days
 21 in a calendar year; and

22 ~~{(6)}~~ ~~(VI)~~ Does not engage in the practice of medicine at a hospital, related
 23 institution, or other health care facility, including an acute care facility, located within the
 24 State.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act ~~shall take effect~~
 26 ~~October 1, 2017~~ is an emergency measure, is necessary for the immediate preservation of
 27 the public health or safety, has been passed by a ye and nay vote supported by three-fifths
 28 of all the members elected to each of the two Houses of the General Assembly, and shall
 29 take effect from the date it is enacted.