

# SENATE BILL 549

J2

EMERGENCY BILL  
**ENROLLED BILL**

(71r0859)

— *Education, Health, and Environmental Affairs/Health and Government  
Operations* —

Introduced by **Chair, Education, Health, and Environmental Affairs Committee**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
President.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **State Board of Physicians and Allied Health Advisory Committees – Sunset**  
3 **Extension and Program Evaluation**

4 FOR the purpose of continuing the State Board of Physicians and the related allied health  
5 advisory committees in accordance with the provisions of the Maryland Program  
6 Evaluation Act (Sunset Law) by extending to a certain date the termination  
7 provisions relating to statutory and regulatory authority of the State Board of  
8 Physicians and the committees; altering the content of a certain statistical report  
9 regarding complaints of sexual misconduct; authorizing certain health occupations  
10 boards to enter into a certain agreement regarding prescriber–pharmacist  
11 agreements with the State Board of Pharmacy; altering the definition of “allied  
12 health professional” to include naturopathic doctors; authorizing a disciplinary  
13 panel, rather than the State Board of Physicians and subject to the Administrative  
14 Procedure Act and certain hearing provisions, to deny a license to an applicant or

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**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.

*Italics indicate opposite chamber/conference committee amendments.*



1 under certain circumstances to refuse to renew or reinstate an applicant's license for  
2 certain reasons; requiring the State Board of Physicians to submit an annual report  
3 on or before a certain date each year to the Governor, the Secretary of Health and  
4 Mental Hygiene, and the General Assembly that includes certain data ~~related to~~  
5 ~~criminal history records checks~~ on a fiscal year basis; ~~codifying the requirement that~~  
6 requiring the State Board of Physicians to provide certain training on a certain basis  
7 rather than at least ~~annually~~ at certain intervals to the Office of Administrative  
8 Hearings; ~~authorizing the State Board of Physicians to discipline individuals exempt~~  
9 ~~from licensure under a certain provision of this Act in a certain manner and for~~  
10 ~~certain grounds; altering the circumstances under which certain individuals may~~  
11 practice medicine without a license; authorizing a disciplinary panel, instead of the  
12 State Board of Physicians, to issue a cease and desist order or obtain injunctive relief  
13 against an individual for practicing medicine without a license or taking a certain  
14 action for which a disciplinary panel, instead of the State Board of Physicians,  
15 determines there is certain evidence and that poses a serious risk; requiring the  
16 State Board of Physicians to consider certain factors in determining whether to take  
17 disciplinary action based on criminal history record information against certain  
18 physicians or allied health professionals, rather than in determining whether to  
19 renew or reinstate the license; altering the circumstances under which the State  
20 Board of Physicians may renew or reinstate a license to practice medicine; altering  
21 the circumstances under which a disciplinary panel is required to refer an allegation  
22 to peer review; clarifying the application of the requirement that the State Board of  
23 Physicians or a disciplinary panel give certain individuals an opportunity for a  
24 certain hearing before taking certain action; *requiring a disciplinary panel to give an*  
25 *individual against whom certain action is contemplated an opportunity for a hearing*  
26 *before a hearing officer*; repealing certain provisions of law rendered obsolete by  
27 certain provisions of this Act; repealing the requirement that hospitals, related  
28 institutions, and alternative health systems report certain information to the State  
29 Board of Physicians at certain intervals; authorizing a disciplinary panel, instead of  
30 the State Board of Physicians, on a certain vote of a disciplinary panel, instead of the  
31 State Board of Physicians, to deny a license to an applicant; authorizing a  
32 disciplinary panel, instead of the State Board of Physicians, to levy certain fines;  
33 requiring certain licensees to notify the State Board of Physicians in writing of a  
34 change in name or address within a certain time period; establishing a certain  
35 penalty; altering a certain penalty provision; requiring the State Board of Physicians  
36 to pay certain penalties into the Board of Physicians Fund; altering the  
37 circumstances under which certain provisions of law related to penalties for the  
38 unlicensed practice of medicine do not apply to certain licensees; making conforming  
39 and technical changes ~~requiring the State Board of Physicians, under certain~~  
40 ~~circumstances, to submit a certain proposal to certain committees of the General~~  
41 ~~Assembly regarding moving certain cases from the jurisdiction of the full State Board~~  
42 ~~of Physicians to the jurisdiction of the disciplinary panels; requiring that the State~~  
43 Board of Physicians include certain information in certain reports; limiting the scope  
44 of a certain full evaluation to certain matters; making this Act an emergency  
45 measure; and generally relating to the State Board of Physicians and the related  
46 allied health advisory committees.

1 BY repealing and reenacting, with amendments,  
 2 Article – Health Occupations  
 3 Section 1–212(e), 12–6A–03(b), 14–101(a–1), 14–205(b), 14–206(e), 14–302(a),  
 4 14–302.1, 14–316(g), 14–401.1(a)(5)(i), (c)(2), (k), and (l), 14–405(a),  
 5 14–411.1(b)(6)(iv), 14–413(a)(1) and (2), 14–414(a)(1) and (2), 14–5A–13(g),  
 6 14–5A–17(a), 14–5A–23(b), 14–5A–25, 14–5B–12(g), 14–5B–14(a), 14–5B–21,  
 7 14–5C–14(g), 14–5C–17(a), 14–5C–25, 14–5D–12(h), 14–5D–14(a),  
 8 14–5D–18(b), 14–5D–20, 14–5E–13(g), 14–5E–16(a), 14–5E–23(b), 14–5E–25,  
 9 14–5F–15(d), 14–5F–18(a), 14–5F–25, 14–5F–29, 14–5F–32,  
 10 ~~14–602(e), 14–606(a)(5)~~ 14–606(a)(4) and (5), 14–702, 15–307(g),  
 11 15–311, 15–313, 15–315(a)(1), and 15–502  
 12 Annotated Code of Maryland  
 13 (2014 Replacement Volume and 2016 Supplement)

14 BY adding to  
 15 Article – Health Occupations  
 16 Section 14–205.1, 14–205.2, ~~and 14–302.2~~ 14–5C–14.1, and 14–5F–15.1  
 17 Annotated Code of Maryland  
 18 (2014 Replacement Volume and 2016 Supplement)

19 BY repealing and reenacting, without amendments,  
 20 Article – Health Occupations  
 21 Section 14–401.1(c)(1) ~~and 14–606(a)(4)~~  
 22 Annotated Code of Maryland  
 23 (2014 Replacement Volume and 2016 Supplement)

24 BY repealing  
 25 Article – Health Occupations  
 26 Section 14–401.1(j)  
 27 Annotated Code of Maryland  
 28 (2014 Replacement Volume and 2016 Supplement)

~~29 BY repealing and reenacting, without amendments,  
 30 Article – Insurance  
 31 Section 24–201(a)  
 32 Annotated Code of Maryland  
 33 (2011 Replacement Volume and 2016 Supplement)~~

~~34 BY repealing and reenacting, with amendments,  
 35 Article – Insurance  
 36 Section 24–201(d)  
 37 Annotated Code of Maryland  
 38 (2011 Replacement Volume and 2016 Supplement)~~

39 BY repealing and reenacting, without amendments,  
 40 Article – State Government  
 41 Section 8–405(a)

1 Annotated Code of Maryland  
2 (2014 Replacement Volume and 2016 Supplement)

3 BY repealing and reenacting, with amendments,  
4 Article – State Government  
5 Section 8–405(b)(5)  
6 Annotated Code of Maryland  
7 (2014 Replacement Volume and 2016 Supplement)

8 BY repealing  
9 Chapter 539 of the Acts of the General Assembly of 2007  
10 Section 4 and 5

11 BY repealing  
12 Chapter 109 of the Acts of the General Assembly of 1988, as amended by Chapter  
13 271 of the Acts of the General Assembly of 1992 and Chapter 662 of the Acts  
14 of the General Assembly of 1994  
15 Section 5

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 1–212.

20 (e) (1) (i) Each year, each health occupations board shall submit a  
21 statistical report to the Secretary, indicating [the]:

22 1. THE number of complaints of sexual misconduct received  
23 [and the resolution of each complaint];

24 2. THE NUMBER OF LICENSEES, CERTIFICATE HOLDERS,  
25 AND COMPLAINANTS INVOLVED IN THE COMPLAINTS OF SEXUAL MISCONDUCT  
26 LISTED SEPARATELY BY CATEGORY;

27 3. THE NUMBER OF COMPLAINTS OF SEXUAL  
28 MISCONDUCT STILL UNDER INVESTIGATION;

29 4. THE NUMBER OF COMPLAINTS OF SEXUAL  
30 MISCONDUCT THAT WERE CLOSED WITH NO DISCIPLINARY ACTION;

31 5. THE NUMBER OF COMPLAINTS OF SEXUAL  
32 MISCONDUCT THAT RESULTED IN INFORMAL OR NONPUBLIC ACTION;

1                   **6. THE NUMBER OF COMPLAINTS OF SEXUAL**  
2 **MISCONDUCT THAT WERE REFERRED TO THE OFFICE OF THE ATTORNEY GENERAL**  
3 **FOR PROSECUTORIAL ACTION;**

4                   **7. THE NUMBER OF COMPLAINTS OF SEXUAL**  
5 **MISCONDUCT THAT RESULTED IN EACH OF THE FOLLOWING:**

6                   **A. LICENSE REVOCATION;**

7                   **B. SUSPENSION;**

8                   **C. PROBATION;**

9                   **D. REPRIMAND; AND**

10                  **E. DENIAL OF LICENSURE;**

11                  **8. THE NUMBER OF COMPLAINTS OF SEXUAL**  
12 **MISCONDUCT THAT WERE FORWARDED TO LAW ENFORCEMENT FOR POSSIBLE**  
13 **CRIMINAL PROSECUTION; AND**

14                  **9. FOR ANY OTHER ACTIONS TAKEN REGARDING**  
15 **COMPLAINTS OF SEXUAL MISCONDUCT, A DETAILED BREAKDOWN OF THE TYPES OF**  
16 **ACTIONS TAKEN.**

17                   (ii) The report shall cover the period beginning October 1 and ending  
18 the following September 30 and shall be submitted by the board not later than the  
19 November 15 following the reporting period.

20                   (2) The Secretary shall compile the information received from the health  
21 occupations boards and submit an annual report to the General Assembly, in accordance  
22 with § 2-1246 of the State Government Article, not later than December 31 of each year.

23 12-6A-03.

24                   (b) (1) **(I) [An] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**  
25 **PARAGRAPH, AN** authorized prescriber who has entered into a prescriber-pharmacist  
26 agreement shall submit to the health occupations board that regulates the authorized  
27 prescriber a copy of the prescriber-pharmacist agreement and any subsequent  
28 modifications made to the prescriber-pharmacist agreement or the protocols specified in  
29 the prescriber-pharmacist agreement.

30                   **(II) A HEALTH OCCUPATIONS BOARD MAY ENTER INTO AN**  
31 **AGREEMENT WITH THE BOARD OF PHARMACY THAT REQUIRES AUTHORIZED**  
32 **PRESCRIBERS REGULATED BY THE HEALTH OCCUPATIONS BOARD TO SUBMIT TO**

1 THE BOARD OF PHARMACY DOCUMENTATION THAT OTHERWISE WOULD BE  
 2 REQUIRED TO BE SUBMITTED TO THE HEALTH OCCUPATIONS BOARD UNDER  
 3 SUBPARAGRAPH (I) OF THIS PARAGRAPH.

4 (2) A licensed pharmacist who has entered into a prescriber–pharmacist  
 5 agreement shall submit to the Board of Pharmacy a copy of the prescriber–pharmacist  
 6 agreement and any subsequent modifications made to the prescriber–pharmacist  
 7 agreement or the protocols specified in the prescriber–pharmacist agreement.

8 14–101.

9 (a–1) “Allied health professional” means an individual licensed by the Board under  
 10 Subtitle 5A, 5B, 5C, 5D, [or] 5E, OR 5F of this title or Title 15 of this article.

11 14–205.

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

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

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

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

21 1. Any of the reasons that are grounds for action under §  
 22 14–404 of this title; or

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

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

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

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

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

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

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

12 14-205.1.

13           ON OR BEFORE ~~DECEMBER~~ OCTOBER 1 EACH YEAR, THE BOARD SHALL  
14 SUBMIT TO THE GOVERNOR, THE SECRETARY, AND, IN ACCORDANCE WITH § 2-1246  
15 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY AN ANNUAL  
16 REPORT THAT INCLUDES THE FOLLOWING DATA ~~FOR BOTH PHYSICIANS AND ALLIED~~  
17 ~~HEALTH PROFESSIONALS~~ CALCULATED ON A FISCAL YEAR BASIS:

18           (1) RELEVANT DISCIPLINARY INDICATORS, INCLUDING:

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

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

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

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

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

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

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

3           **(4) FOR BOTH PHYSICIANS AND ALLIED HEALTH PROFESSIONALS:**

4           ~~(1)~~ **(I) THE NUMBER OF INITIAL AND RENEWAL LICENSES ISSUED;**

5           ~~(2)~~ **(II) THE NUMBER OF POSITIVE AND NEGATIVE CRIMINAL**  
 6 **HISTORY RECORDS CHECKS RESULTS RECEIVED;**

7           ~~(3)~~ **(III) THE NUMBER OF INDIVIDUALS DENIED INITIAL OR**  
 8 **RENEWAL LICENSURE DUE TO POSITIVE CRIMINAL HISTORY RECORDS CHECKS**  
 9 **RESULTS; AND**

10           ~~(4)~~ **(IV) THE NUMBER OF INDIVIDUALS DENIED INITIAL OR**  
 11 **RENEWAL LICENSURE DUE TO REASONS OTHER THAN A POSITIVE CRIMINAL**  
 12 **HISTORY RECORDS CHECK; AND**

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

15 **14-205.2.**

16           ~~(A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE~~ **THE BOARD SHALL**  
 17 **PROVIDE TRAINING AT LEAST ANNUALLY ON AN AS-NEEDED BASIS TO THE**  
 18 **PERSONNEL OF THE OFFICE OF ADMINISTRATIVE HEARINGS IN ORDER TO IMPROVE**  
 19 **THE QUALITY AND EFFICIENCY OF THE HEARINGS IN PHYSICIAN DISCIPLINE CASES.**

20           ~~(B) THE TRAINING PROVIDED UNDER SUBSECTION (A) OF THIS SECTION~~  
 21 ~~**SHALL INCLUDE MEDICAL TERMINOLOGY, MEDICAL ETHICS, AND, TO THE EXTENT**~~  
 22 ~~**POSSIBLE, DESCRIPTIONS OF BASIC MEDICAL AND SURGICAL PROCEDURES**~~  
 23 ~~**CURRENTLY IN USE.**~~

24 **14-206.**

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

27           (1) **Practicing medicine without a license; or**

28           (2) **Taking any action:**

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



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

3 14–302.

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

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

10 ~~¶(2)¶(4)~~ A physician licensed by and residing in another jurisdiction, if  
 11 the physician:

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

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

15 ~~¶(3)¶(2)~~ A physician employed in the service of the federal government  
 16 while performing the duties incident to that employment;

17 ~~¶(4)¶(3)~~ A physician who resides in and is authorized to practice medicine  
 18 by any state adjoining this State and whose practice extends into this State, if:

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

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

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

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

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

- 1 (ii) 1. Has a baccalaureate degree from an accredited college or  
2 university; and
- 3 2. Has 4,000 hours of supervised clinical experience that is  
4 approved by the Board.

5 14-302.1.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 ~~14-302.2.~~

23 ~~(A) SUBJECT TO THE RULES, REGULATIONS, AND ORDERS OF THE BOARD,~~  
 24 ~~A MEDICAL STUDENT OR AN INDIVIDUAL IN A POSTGRADUATE MEDICAL TRAINING~~  
 25 ~~PROGRAM THAT IS APPROVED BY THE BOARD, WHILE DOING ASSIGNED DUTIES AT~~  
 26 ~~ANY OFFICE OF A LICENSED PHYSICIAN, HOSPITAL, CLINIC, OR SIMILAR FACILITY,~~  
 27 ~~MAY PRACTICE MEDICINE WITHOUT A LICENSE IF THE INDIVIDUAL SUBMITS TO A~~  
 28 ~~CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 14-308.1 OF THIS~~  
 29 ~~SUBTITLE.~~

30 ~~(B) THE BOARD MAY DISCIPLINE AN INDIVIDUAL WHO IS EXEMPT FROM~~  
 31 ~~LICENSURE UNDER SUBSECTION (A) OF THIS SECTION IN THE SAME MANNER AND~~  
 32 ~~BASED ON THE SAME GROUNDS AS IF THE INDIVIDUAL WERE A LICENSED PHYSICIAN.~~

1 (g) (1) Beginning October 1, 2016, the Board shall require a criminal history  
2 records check in accordance with § 14–308.1 of this subtitle for:

3 (i) Annual renewal applicants as determined by regulations  
4 adopted by the Board; and

5 (ii) Each former licensee who files for reinstatement under § 14–317  
6 of this subtitle ~~after failing to renew the license for a period of 1 year or more.~~

7 (2) On receipt of the criminal history record information of a licensee  
8 forwarded to the Board in accordance with § 14–308.1 of this subtitle, in determining  
9 whether [to renew or reinstate a license] **DISCIPLINARY ACTION SHOULD BE TAKEN,**  
10 **BASED ON THE CRIMINAL RECORD INFORMATION, AGAINST A LICENSEE WHO**  
11 **RENEWED OR REINSTATED A LICENSE,** the Board shall consider:

12 (i) The age at which the crime was committed;

13 (ii) The nature of the crime;

14 (iii) The circumstances surrounding the crime;

15 (iv) The length of time that has passed since the crime;

16 (v) Subsequent work history;

17 (vi) Employment and character references; and

18 (vii) Other evidence that demonstrates whether the licensee poses a  
19 threat to the public health or safety.

20 (3) The Board may ~~not~~ renew or reinstate a license **ONLY** if the **LICENSEE**  
21 **OR APPLICANT ATTESTS THAT THE LICENSEE OR APPLICANT HAS SUBMITTED TO A**  
22 **criminal history ~~record~~ RECORDS CHECK information required** under § 14–308.1 of this  
23 subtitle ~~has not been received.~~

24 14–401.1.

25 (a) (5) (i) If a complaint proceeds to a hearing under § 14–405 of this  
26 subtitle, § 14–5A–17, § 14–5B–14, § 14–5C–17, § 14–5D–15, [or] § 14–5E–16, **OR §**  
27 **14–5F–21** of this title, or § 15–315 of this article, the chair of the disciplinary panel that  
28 was assigned the complaint under paragraph (2)(i) of this subsection shall refer the  
29 complaint to the other disciplinary panel.

30 (c) (1) Except as otherwise provided in this subsection, after being assigned a  
31 complaint under subsection (a) of this section, the disciplinary panel may:

1 (i) Refer an allegation for further investigation to the entity that  
2 has contracted with the Board under subsection (e) of this section;

3 (ii) Take any appropriate and immediate action as necessary; or

4 (iii) Come to an agreement for corrective action with a licensee  
5 pursuant to paragraph (4) of this subsection.

6 (2) (i) [After] **IF, AFTER** being assigned a complaint **AND**  
7 **COMPLETING THE PRELIMINARY INVESTIGATION**, the disciplinary panel **FINDS THAT**  
8 **THE LICENSEE MAY HAVE VIOLATED § 14-404(A)(22) OF THIS SUBTITLE, THE**  
9 **DISCIPLINARY PANEL** shall refer [any] **THE** allegation [in the complaint based on §  
10 14-404(a)(22) of this subtitle] to the entity or entities that have contracted with the Board  
11 under subsection (e) of this section for further investigation and physician peer review  
12 within the involved medical specialty or specialties.

13 (ii) A disciplinary panel shall obtain two peer review reports from  
14 the entity or individual with whom the Board contracted under subsection (e) of this section  
15 for each allegation the disciplinary panel refers for peer review.

16 [(j)] Those individuals not licensed under this title but covered under §  
17 14-413(a)(1)(ii)3 and 4 of this subtitle are subject to the hearing provisions of § 14-405 of  
18 this subtitle.]

19 [(k)] **(J)** (1) It is the intent of this section that the disposition of every  
20 complaint against a licensee that sets forth allegations of grounds for disciplinary action  
21 filed with the Board shall be completed as expeditiously as possible and, in any event,  
22 within 18 months after the complaint was received by the Board.

23 (2) If a disciplinary panel is unable to complete the disposition of a  
24 complaint within 1 year, the Board shall include in the record of that complaint a detailed  
25 explanation of the reason for the delay.

26 [(l)] **(K)** A disciplinary panel, in conducting a meeting with a physician or allied  
27 health professional to discuss the proposed disposition of a complaint, shall provide an  
28 opportunity to appear before the disciplinary panel to both the licensee who has been  
29 charged and the individual who has filed the complaint against the licensee giving rise to  
30 the charge.

31 14-405.

32 (a) Except as otherwise provided in the Administrative Procedure Act, before the  
33 Board or a disciplinary panel takes any action under § 14-404(a) of this subtitle or §  
34 14-205(B)(3), § 14-5A-17(a), § 14-5B-14(A), § 14-5C-17(A), § 14-5D-14(A), §  
35 14-5E-16(A), OR § 14-5F-18 of this title, it shall give the individual against whom the  
36 action is contemplated an opportunity for a hearing before a hearing officer.

1 14-411.1.

2 (b) The Board shall create and maintain a public individual profile on each  
3 licensee that includes the following information:

4 (6) Medical education and practice information about the licensee  
5 including:

6 (iv) The name of any hospital where the licensee has medical  
7 privileges [as reported], **IF KNOWN** to the Board [under § 14-413 of this subtitle];

8 14-413.

9 (a) (1) [Every 6 months, each] **EACH** hospital and related institution shall  
10 [file with] **SUBMIT TO** the Board a report [that:

11 (i) Contains the name of each licensed physician who, during the 6  
12 months preceding the report:

- 13 1. Is employed by the hospital or related institution;  
14 2. Has privileges with the hospital or related institution; and  
15 3. Has applied for privileges with the hospital or related  
16 institution; and

17 (ii) States whether, as to each licensed physician, during the 6  
18 months preceding the report] **WITHIN 10 DAYS AFTER:**

19 [1.] **(I)** The hospital or related institution denied the  
20 application of a physician for staff privileges or limited, reduced, otherwise changed, or  
21 terminated the staff privileges of a physician, or the physician resigned whether or not  
22 under formal accusation, if the denial, limitation, reduction, change, termination, or  
23 resignation is for reasons that might be grounds for disciplinary action under § 14-404 of  
24 this subtitle;

25 [2.] **(II)** The hospital or related institution took any  
26 disciplinary action against a salaried, licensed physician without staff privileges, including  
27 termination of employment, suspension, or probation, for reasons that might be grounds  
28 for disciplinary action under § 14-404 of this subtitle;

29 ~~[3.] **(III)** The hospital or related institution took any~~  
30 ~~disciplinary action against an individual in a postgraduate medical training program,~~  
31 ~~including removal from the training program, suspension, or probation for reasons that~~  
32 ~~might be grounds for disciplinary action under § 14-404 of this subtitle;~~

1                                   [4.] ~~(IV)~~ **(III)**       A licensed physician ~~or an individual in a~~  
 2 ~~postgraduate training program~~ voluntarily resigned from the staff, employ, or training  
 3 program of the hospital or related institution for reasons that might be grounds for  
 4 disciplinary action under § 14-404 of this subtitle; or

5                                   [5.] ~~(V)~~ **(IV)**       The hospital or related institution placed any  
 6 other restrictions or conditions on any of the licensed physicians ~~OR INDIVIDUALS IN A~~  
 7 ~~POSTGRADUATE TRAINING PROGRAM~~ as listed in items [1 through 4 of this item] **(I)**  
 8 **THROUGH ~~(IV)~~ (III) OF THIS PARAGRAPH** for any reasons that might be grounds for  
 9 disciplinary action under § 14-404 of this subtitle.

10                   (2)     The hospital or related institution shall[:

11                           (i)     Submit the report within 10 days of any action described in  
 12 paragraph (1)(ii) of this subsection; and

13                           (ii)    State] **STATE** in the report the reasons for its action or the nature  
 14 of the formal accusation pending when the physician resigned.

15 14-414.

16           (a)   (1)   [Every 6 months, each] **EACH** alternative health system as defined in  
 17 § 1-401 of this article shall [file with] **SUBMIT TO** the Board a report [that:

18                           (i)     Contains the name of each licensed physician who, during the 6  
 19 months preceding the report:

20                                   1.     Is employed by the alternative health system;

21                                   2.     Is under contract with the alternative health system; and

22                                   3.     Has completed a formal application process to become  
 23 under contract with the alternative health system; and

24                           (ii)    States whether, as to each licensed physician, during the 6  
 25 months preceding the report] **WITHIN 10 DAYS AFTER:**

26                           [1.] **(I)**       The alternative health system denied the formal  
 27 application of a physician to contract with the alternative health system or limited,  
 28 reduced, otherwise changed, or terminated the contract of a physician, or the physician  
 29 resigned whether or not under formal accusation, if the denial, limitation, reduction,  
 30 change, termination, or resignation is for reasons that might be grounds for disciplinary  
 31 action under § 14-404 of this subtitle; or

1                   [2.] (II)       The alternative health system placed any other  
2 restrictions or conditions on any licensed physician for any reasons that might be grounds  
3 for disciplinary action under § 14-404 of this subtitle.

4                   (2)       The alternative health system shall[:

5                   (i)       Submit the report within 10 days of any action described in  
6 paragraph (1)(ii) of this subsection; and

7                   (ii)       State] STATE in the report the reasons for its action or the nature  
8 of the formal accusation pending when the physician resigned.

9 14-5A-13.

10                  (g)       (1)       Beginning October 1, 2016, the Board shall require a criminal history  
11 records check in accordance with § 14-308.1 of this title for:

12                   (i)       Annual renewal applicants as determined by regulations  
13 adopted by the Board; and

14                   (ii)       Each former licensee who files for reinstatement under  
15 subsection (f) of this section ~~after failing to renew the license for a period of 1 year or more.~~

16                  (2)       On receipt of the criminal history record information of a licensee  
17 forwarded to the Board in accordance with § 14-308.1 of this title, in determining whether  
18 [to renew or reinstate a license] **DISCIPLINARY ACTION SHOULD BE TAKEN, BASED ON**  
19 **THE CRIMINAL HISTORY RECORD INFORMATION, AGAINST A LICENSEE WHO**  
20 **RENEWED OR REINSTATED A LICENSE**, the Board shall consider:

21                   (i)       The age at which the crime was committed;

22                   (ii)       The nature of the crime;

23                   (iii)       The circumstances surrounding the crime;

24                   (iv)       The length of time that has passed since the crime;

25                   (v)       Subsequent work history;

26                   (vi)       Employment and character references; and

27                   (vii)       Other evidence that demonstrates whether the licensee poses a  
28 threat to the public health or safety.

29                  (3)       The Board may ~~not~~ renew or reinstate a license **ONLY** if the **LICENSEE**  
30 **OR APPLICANT ATTESTS THAT THE LICENSEE OR APPLICANT HAS SUBMITTED TO A**



1 criminal history ~~record~~ RECORDS CHECK ~~information required~~ under § 14-308.1 of this  
2 title ~~has not been received~~.

3 14-5A-17.

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

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

12 (2) Fraudulently or deceptively uses a license;

13 (3) Is guilty of unprofessional or immoral conduct in the practice of  
14 respiratory care;

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

16 (5) Abandons a patient;

17 (6) Is habitually intoxicated;

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

20 (8) Provides professional services while:

21 (i) Under the influence of alcohol; or

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

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

27 (10) Willfully makes or files a false report or record in the practice of  
28 respiratory care;

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

1           (12) Breaches patient confidentiality;

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

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

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

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

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

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

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

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

24                   (ii) Has:

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

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

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

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

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

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

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

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

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

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

15 14-5A-23.

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

18 14-5A-25.

19           Subject to the evaluation and reestablishment provisions of the Maryland Program  
20 Evaluation Act and subject to the termination of this title under § 14-702 of this title, this  
21 subtitle and all rules and regulations adopted under this subtitle shall terminate and be of  
22 no effect after July 1, [2018] **2023**.

23 14-5B-12.

24           (g) (1) Beginning October 1, 2016, the Board shall require a criminal history  
25 records check in accordance with § 14-308.1 of this title for:

26                   (i) Annual renewal applicants as determined by regulations  
27 adopted by the Board; and

28                   (ii) Each former licensee who files for reinstatement under  
29 subsection (f) of this section ~~after failing to renew the license for a period of 1 year or more.~~

30           (2) On receipt of the criminal history record information of a licensee  
31 forwarded to the Board in accordance with § 14-308.1 of this title, in determining whether  
32 [to renew or reinstate a license] **DISCIPLINARY ACTION SHOULD BE TAKEN, BASED ON**

1 **THE CRIMINAL HISTORY RECORD INFORMATION, AGAINST A LICENSEE WHO**  
 2 **RENEWED OR REINSTATED A LICENSE**, the Board shall consider:

- 3 (i) The age at which the crime was committed;
- 4 (ii) The nature of the crime;
- 5 (iii) The circumstances surrounding the crime;
- 6 (iv) The length of time that has passed since the crime;
- 7 (v) Subsequent work history;
- 8 (vi) Employment and character references; and
- 9 (vii) Other evidence that demonstrates whether the licensee poses a  
 10 threat to the public health or safety.

11 (3) The Board may ~~not~~ renew or reinstate a license **ONLY** if the **LICENSEE**  
 12 **OR APPLICANT ATTESTS THAT THE LICENSEE OR APPLICANT HAS SUBMITTED TO A**  
 13 **criminal history record RECORDS CHECK information required** under § 14-308.1 of this  
 14 title ~~has not been received~~.

15 14-5B-14.

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

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

24 (2) Fraudulently or deceptively uses a license;

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

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

28 (5) Abandons a patient;

29 (6) Is habitually intoxicated;

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

3           (8) Provides professional services while:

4                   (i) Under the influence of alcohol; or

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

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

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

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

15           (12) Breaches patient confidentiality;

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

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

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

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

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

32           (18) Fails to meet appropriate standards for the delivery of quality radiation  
33 therapy, radiography, nuclear medicine technology, or radiology assistance care performed

1 in any outpatient surgical facility, office, hospital or related institution, or any other  
2 location in this State;

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

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

8 (ii) Has:

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

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

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

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

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

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

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

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

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

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

32 14-5B-21.

1 Subject to the evaluation and reestablishment provisions of the Maryland Program  
2 Evaluation Act, and subject to the termination of this title under § 14-702 of this title, this  
3 subtitle and all rules and regulations adopted under this subtitle shall terminate and be of  
4 no effect after July 1, [2018] **2023**.

5 14-5C-14.

6 (g) (1) Beginning October 1, 2016, the Board shall require a criminal history  
7 records check in accordance with § 14-308.1 of this title for:

8 (i) Annual renewal applicants as determined by regulations  
9 adopted by the Board; and

10 (ii) Each former licensee who files for reinstatement under  
11 subsection (f) of this section ~~after failing to renew the license for a period of 1 year or more.~~

12 (2) On receipt of the criminal history record information of a licensee  
13 forwarded to the Board in accordance with § 14-308.1 of this title, in determining whether  
14 [to renew or reinstate a license] **DISCIPLINARY ACTION SHOULD BE TAKEN, BASED ON**  
15 **THE CRIMINAL HISTORY RECORD INFORMATION, AGAINST A LICENSEE WHO**  
16 **RENEWED OR REINSTATED A LICENSE**, the Board shall consider:

17 (i) The age at which the crime was committed;

18 (ii) The nature of the crime;

19 (iii) The circumstances surrounding the crime;

20 (iv) The length of time that has passed since the crime;

21 (v) Subsequent work history;

22 (vi) Employment and character references; and

23 (vii) Other evidence that demonstrates whether the licensee poses a  
24 threat to the public health or safety.

25 (3) The Board may ~~not~~ renew or reinstate a license **ONLY** if the **LICENSEE**  
26 **OR APPLICANT ATTESTS THAT THE LICENSEE OR APPLICANT HAS SUBMITTED TO A**  
27 **criminal history record RECORDS CHECK** ~~information required~~ under § 14-308.1 of this  
28 title ~~has not been received~~.

29 **14-5C-14.1.**

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

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

3 14-5C-17.

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

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

12           (2) Fraudulently or deceptively uses a license;

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

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

16           (5) Abandons a patient;

17           (6) Is habitually intoxicated;

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

20           (8) Provides professional services while:

21           (i) Under the influence of alcohol; or

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

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

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



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

4           (12) Breaches patient confidentiality;

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

9           (14) Knowingly makes a misrepresentation while practicing  
10 polysomnography;

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

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

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

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

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

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

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

29           (ii) Has:

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

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

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

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

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

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

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

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

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

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

20 14–5C–25.

21           Subject to the evaluation and reestablishment provisions of the Maryland Program  
22 Evaluation Act and subject to the termination of this title under § 14–702 of this title, this  
23 subtitle and all regulations adopted under this subtitle shall terminate and be of no effect  
24 after July 1, [2018] **2023**.

25 14–5D–12.

26           (h) (1) Beginning October 1, 2016, the Board shall require a criminal history  
27 records check in accordance with § 14–308.1 of this title for:

28                   (i) Annual renewal applicants as determined by regulations  
29 adopted by the Board; and

30                   (ii) Each former licensee who files for reinstatement under  
31 subsection (f) of this section ~~after failing to renew the license for a period of 1 year or more.~~

32           (2) On receipt of the criminal history record information of a licensee  
33 forwarded to the Board in accordance with § 14–308.1 of this title, in determining whether

1 [to renew or reinstate a license] **DISCIPLINARY ACTION SHOULD BE TAKEN, BASED ON**  
2 **THE CRIMINAL HISTORY RECORD INFORMATION, AGAINST A LICENSEE WHO**  
3 **RENEWED OR REINSTATED A LICENSE,** the Board shall consider:

4 (i) The age at which the crime was committed;

5 (ii) The nature of the crime;

6 (iii) The circumstances surrounding the crime;

7 (iv) The length of time that has passed since the crime;

8 (v) Subsequent work history;

9 (vi) Employment and character references; and

10 (vii) Other evidence that demonstrates whether the licensee poses a  
11 threat to the public health or safety.

12 (3) The Board may ~~not~~ renew or reinstate a license **ONLY** if the **LICENSEE**  
13 **OR APPLICANT ATTESTS THAT THE LICENSEE OR APPLICANT HAS SUBMITTED TO A**  
14 **criminal history record RECORDS CHECK information required** under § 14-308.1 of this  
15 title ~~has not been received~~.

16 14-5D-14.

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

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

25 (2) Fraudulently or deceptively uses a license;

26 (3) Is guilty of unprofessional or immoral conduct in the practice of athletic  
27 training;

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

29 (5) Abandons a patient;

30 (6) Habitually is intoxicated;

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

3           (8) Provides professional services while:

4               (i) Under the influence of alcohol; or

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

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

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

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

15          (12) Breaches patient confidentiality;

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

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

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

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

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

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

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

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

6           (ii) Has:

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

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

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

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

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

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

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

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

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

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

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

30 14–5D–18.

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

1 14-5D-20.

2 Subject to the evaluation and reestablishment provisions of the Maryland Program  
3 Evaluation Act and subject to the termination of this title under § 14-702 of this title, this  
4 subtitle and all rules and regulations adopted under this subtitle shall terminate and be of  
5 no effect after July 1, [2018] **2023**.

6 14-5E-13.

7 (g) (1) Beginning October 1, 2016, the Board shall require a criminal history  
8 records check in accordance with § 14-308.1 of this title for:

9 (i) Annual renewal applicants as determined by regulations  
10 adopted by the Board; and

11 (ii) Each former licensee who files for reinstatement under  
12 subsection (f) of this section ~~after failing to renew the license for a period of 1 year or more.~~

13 (2) On receipt of the criminal history record information of a licensee  
14 forwarded to the Board in accordance with § 14-308.1 of this title, in determining whether  
15 [to renew or reinstate a license] **DISCIPLINARY ACTION SHOULD BE TAKEN, BASED ON**  
16 **THE CRIMINAL HISTORY RECORD INFORMATION, AGAINST A LICENSEE WHO**  
17 **RENEWED OR REINSTATED A LICENSE**, the Board shall consider:

18 (i) The age at which the crime was committed;

19 (ii) The nature of the crime;

20 (iii) The circumstances surrounding the crime;

21 (iv) The length of time that has passed since the crime;

22 (v) Subsequent work history;

23 (vi) Employment and character references; and

24 (vii) Other evidence that demonstrates whether the licensee poses a  
25 threat to the public health or safety.

26 (3) The Board may ~~not~~ renew or reinstate a license **ONLY** if the **LICENSEE**  
27 **OR APPLICANT ATTESTS THAT THE LICENSEE OR APPLICANT HAS SUBMITTED TO A**  
28 criminal history ~~record~~ **RECORDS CHECK** ~~information required~~ under § 14-308.1 of this  
29 title ~~has not been received~~.

30 14-5E-16.

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

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

9           (2) Fraudulently or deceptively uses a license;

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

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

13          (5) Abandons a patient;

14          (6) Is habitually intoxicated;

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

17          (8) Provides professional services while:

18               (i) Under the influence of alcohol; or

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

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

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

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

29          (12) Breaches patient confidentiality;

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

5           (14) Knowingly makes a misrepresentation while practicing perfusion;

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

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

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

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

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

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

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

22           (ii) Has:

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

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

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

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

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



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

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

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

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

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

14 14–5E–23.

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

17 14–5E–25.

18           Subject to the evaluation and reestablishment provisions of the Maryland Program  
19 Evaluation Act and subject to the termination of this title under § 14–702 of this title, this  
20 subtitle and all regulations adopted under this subtitle shall terminate and be of no effect  
21 after July 1, [2018] **2023**.

22 14–5F–15.

23           (d) (1) Beginning October 1, 2016, the Board shall require a criminal history  
24 records check in accordance with § 14–308.1 of this title for:

25                   (i) Annual renewal applicants as determined by regulations  
26 adopted by the Board; and

27                   (ii) Each former licensee who files for reinstatement under §  
28 14–5F–16(b) of this subtitle ~~after failing to renew the license for a period of 1 year or more.~~

29           (2) On receipt of the criminal history record information of a licensee  
30 forwarded to the Board in accordance with § 14–308.1 of this title, in determining whether  
31 [to renew or reinstate a license] **DISCIPLINARY ACTION SHOULD BE TAKEN, BASED ON**  
32 **THE CRIMINAL HISTORY RECORD INFORMATION, AGAINST A LICENSEE WHO**  
33 **RENEWED OR REINSTATED A LICENSE**, the Board shall consider:

- 1 (i) The age at which the crime was committed;
- 2 (ii) The nature of the crime;
- 3 (iii) The circumstances surrounding the crime;
- 4 (iv) The length of time that has passed since the crime;
- 5 (v) Subsequent work history;
- 6 (vi) Employment and character references; and
- 7 (vii) Other evidence that demonstrates whether the licensee poses a  
8 threat to the public health or safety.

9 (3) The Board may ~~not~~ renew or reinstate a license ONLY if the LICENSEE  
10 OR APPLICANT ATTESTS THAT THE LICENSEE OR APPLICANT HAS SUBMITTED TO A  
11 criminal history record RECORDS CHECK information required under § 14-308.1 of this  
12 title ~~has not been received~~.

13 **14-5F-15.1.**

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

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

18 **14-5F-18.**

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

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

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

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

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

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

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

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

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

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

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

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

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

25          (13) Engages in sexual misconduct with a patient;

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

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

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

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

3           (18) Breaches patient confidentiality;

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

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

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

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

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

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

16           (25) Abandons a patient;

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

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

21 14–5F–25.

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

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

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

27 14–5F–29.

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

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

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

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

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

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

11 14-5F-32.

12 Subject to the evaluation and reestablishment provisions of the Program Evaluation  
 13 Act, this subtitle and all rules and regulations adopted under this subtitle shall terminate  
 14 and be of no effect after July 1, [2018] **2023**.

15 ~~14-602.~~

16 ~~(e) An unlicensed individual who acts under § 14-302, § 14-302.2, or § 14-306~~  
 17 ~~of this title may use the word “physician” together with another word to describe the~~  
 18 ~~occupation of the individual as in phrases such as “physician’s assistant” or “physician’s~~  
 19 ~~aide”.~~

20 14-606.

21 (a) (4) Except as provided in paragraph (5) of this subsection, a person who  
 22 violates § 14-601 or § 14-602 of this subtitle is:

23 (i) Guilty of a felony and on conviction is subject to a fine not  
 24 exceeding \$10,000 or imprisonment not exceeding 5 years or both; and

25 (ii) Subject to a civil fine of not more than \$50,000 to be levied by ~~the~~  
 26 ~~Board~~ A DISCIPLINARY PANEL.

27 (5) The provisions of paragraph (4) of this subsection do not apply to a  
 28 **FORMER** licensee who has failed to renew a license under § 14-316 of this title if:

29 (i) Less than 60 days have elapsed since the expiration of the  
 30 license; and

1 (ii) The **FORMER** licensee has applied for license [renewal]  
2 **REINSTATEMENT**, including payment of the [renewal] **REINSTATEMENT** fee.

3 14-702.

4 Subject to the evaluation and reestablishment provisions of the Program Evaluation  
5 Act, this title and all rules and regulations adopted under this title shall terminate and be  
6 of no effect after July 1, [2018] **2023**.

7 15-307.

8 (g) (1) Beginning October 1, 2016, the Board shall require a criminal history  
9 records check in accordance with § 14-308.1 of this article for:

10 (i) Annual renewal applicants as determined by regulations  
11 adopted by the Board; and

12 (ii) Each former licensee who files for reinstatement under this title  
13 ~~after failing to renew the license for a period of 1 year or more.~~

14 (2) On receipt of the criminal history record information of a licensee  
15 forwarded to the Board in accordance with § 14-308.1 of this article, in determining  
16 whether [to renew or reinstate a license] **DISCIPLINARY ACTION SHOULD BE TAKEN,**  
17 **BASED ON THE CRIMINAL HISTORY RECORD INFORMATION, AGAINST A LICENSEE**  
18 **WHO RENEWED OR REINSTATED A LICENSE**, the Board shall consider:

19 (i) The age at which the crime was committed;

20 (ii) The nature of the crime;

21 (iii) The circumstances surrounding the crime;

22 (iv) The length of time that has passed since the crime;

23 (v) Subsequent work history;

24 (vi) Employment and character references; and

25 (vii) Other evidence that demonstrates whether the licensee poses a  
26 threat to the public health or safety.

27 (3) The Board may ~~not~~ renew or reinstate a license **ONLY** if the **LICENSEE**  
28 **OR APPLICANT ATTESTS THAT THE LICENSEE OR APPLICANT HAS SUBMITTED TO A**  
29 **criminal history ~~record~~ RECORDS CHECK information required** under § 14-308.1 of this  
30 article ~~has not been received~~.

1 15-311.

2 Subject to the hearing provisions of ~~§ 15-313~~ ~~§ 15-315~~ § 15-315 of this subtitle, [the  
3 Board] **A DISCIPLINARY PANEL**, on the affirmative vote of a majority of a quorum, may  
4 deny a license to any applicant for:

5 (1) Any of the reasons that are grounds for disciplinary action under §  
6 15-314 of this subtitle; and

7 (2) Failure to submit to a criminal history records check in accordance with  
8 § 14-308.1 of this article.

9 15-313.

10 (a) (1) Except as otherwise provided under § 10-226 of the State Government  
11 Article, before the Board takes any action [to deny a license or] to reject or modify a  
12 delegation agreement or advanced duty ~~OR A DISCIPLINARY PANEL TAKES ANY ACTION~~  
13 ~~TO DENY A LICENSE, the Board OR THE DISCIPLINARY PANEL shall give the applicant~~  
14 ~~or licensee the opportunity for a hearing before the Board OR THE DISCIPLINARY PANEL,~~  
15 **THE BOARD SHALL GIVE THE LICENSEE THE OPPORTUNITY FOR A HEARING BEFORE**  
16 **THE BOARD.**

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

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

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

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

27 15-315.

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

32 15-502.

1 Subject to the evaluation and reestablishment provisions of the Maryland Program  
 2 Evaluation Act, this title and all regulations adopted under this title shall terminate and  
 3 be of no effect after July 1, [2018] **2023**.

4 ~~Article – Insurance~~

5 ~~24–201.~~

6 (a) ~~In this subtitle the following words have the meanings indicated.~~

7 (d) ~~“Physician” means an individual who:~~

8 (1) ~~is licensed to practice medicine in the State; or~~

9 (2) ~~lawfully practices medicine without a license under [§ 14–302(1)]~~  
 10 ~~through (4)] § 14–302(1) THROUGH (3) OR § 14–302.2 of the Health Occupations Article.~~

11 Article – State Government

12 8–405.

13 (a) The Department shall:

14 (1) conduct a full evaluation of each governmental activity or unit to be  
 15 evaluated under this section; and

16 (2) prepare a report on each full evaluation conducted.

17 (b) Each of the following governmental activities or units and the statutes and  
 18 regulations that relate to the governmental activities or units are subject to full evaluation,  
 19 in the evaluation year specified, without the need for a preliminary evaluation:

20 (5) Physicians, State Board of (§ 14–201 of the Health Occupations Article:  
 21 **[2016] 2021**), including:

22 (i) Athletic Training Advisory Committee (§ 14–5D–04 of the Health  
 23 Occupations Article: **[2016] 2021**);

24 (ii) Naturopathic Medicine Advisory Committee (§ 14–5F–04 of the  
 25 Health Occupations Article: **[2016] 2021**);

26 (iii) Perfusion Advisory Committee (§ 14–5E–05 of the Health  
 27 Occupations Article: **[2016] 2021**);

28 (iv) Physician Assistant Advisory Committee (§ 15–201 of the Health  
 29 Occupations Article: **[2016] 2021**);



1 (v) Polysomnography Professional Standards Committee (§  
2 14-5C-05 of the Health Occupations Article: [2016] 2021);

3 (vi) Radiation Therapy, Radiography, Nuclear Medicine Technology  
4 Advisory, and Radiology Assistance Committee (§ 14-5B-05 of the Health Occupations  
5 Article: [2016] 2021); and

6 (vii) Respiratory Care Professional Standards Committee (§  
7 14-5A-05 of the Health Occupations Article: [2016] 2021).

### 8 Chapter 539 of the Acts of 2007

9 [SECTION 4. AND BE IT FURTHER ENACTED, That the Chief Administrative  
10 Law Judge shall designate a pool of administrative law judges in the Office of  
11 Administrative Hearings to hear cases referred to it by the State Board of Physicians.]

12 [SECTION 5. AND BE IT FURTHER ENACTED, That the State Board of  
13 Physicians shall provide training at least annually to the personnel of the Office of  
14 Administrative Hearings in order to improve the quality and efficiency of the hearings in  
15 physician discipline cases. The training shall include medical terminology, medical ethics,  
16 and, to the extent practicable, descriptions of basic medical and surgical procedures  
17 currently in use.]

### 18 Chapter 109 of the Acts of 1988, as amended by Chapter 271 of the Acts of 1992 19 and Chapter 662 of the Acts of 1994

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

23 (1) Relevant disciplinary indicators, which may include:

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

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

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

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

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

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

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

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

9           (5)    The adequacy of current Board staffing in meeting the workload of the  
 10 Board.]

11           SECTION 2. AND BE IT FURTHER ENACTED, That, in the annual report the State  
 12 Board of Physicians is required to submit under ~~Section 2 of Chapter 401 of the Acts of the~~  
 13 ~~General Assembly of 2013~~ § 14-205.1 of the Health Occupations Article, as enacted by  
 14 Section 1 of this Act, on or before October 1, 2017, the Board shall include:

15           (1)    a description of the efforts the Board has taken to meet the goal of  
 16 issuing licenses within 10 days after the receipt of the last qualifying document, especially  
 17 for the allied health professionals; and

18           ~~(2)    the findings and recommendations of the Board and the Physician~~  
 19 ~~Assistant Advisory Committee regarding ways to expedite the process for physician~~  
 20 ~~assistants to assume the duties under a delegation agreement; and~~

21           ~~(3)~~ (2)    whether it is feasible to describe any underlying sexual  
 22 misconduct in order summaries and, if it is not feasible, a description of other steps that  
 23 the Board can take to make it easier for the public to determine whether a case involved  
 24 sexual misconduct.

25           SECTION 3. AND BE IT FURTHER ENACTED, That, in the annual report the State  
 26 Board of Physicians is required to submit under ~~Section 2 of Chapter 401 of the Acts of the~~  
 27 ~~General Assembly of 2013~~ § 14-205.1 of the Health Occupations Article, as enacted by  
 28 Section 1 of this Act, on or before October 1, ~~2018~~ 2019, the Board shall include:

29           (1)    the results of the internal fiscal analysis and reassessment of fees that  
 30 was recommended by the Department of Legislative Services in the December 2016  
 31 publication “Sunset Review: Evaluation of the State Board of Physicians and the Related  
 32 Allied Health Advisory Committees”, including any possible changes to the fee schedules  
 33 for physicians and allied health professionals;

34           (2)    comments on the Board’s fund balance in light of the additional  
 35 retained revenue that resulted from Chapter 178 of the Acts of the General Assembly of  
 36 2016; and

1 (3) steps the Board has taken to address ongoing issues with filling staff  
2 vacancies and the impact that filling vacancies will have on Board expenditures and the  
3 Board's fund balance.

4 SECTION 4. AND BE IT FURTHER ENACTED, That, in the annual report the State  
5 Board of Physicians is required to submit under § 14–205.1 of the Health Occupations  
6 Article, *as enacted by Section 1 of this Act*, on or before ~~December~~ October 1, 2019, ~~as~~  
7 ~~enacted by Section 1 of this Act~~, the Board shall report:

8 (1) whether criminal history records checks are causing delays in licensure;

9 (2) whether existing Board staff are able to manage the criminal history  
10 records checks workload; and

11 (3) any other concerns the Board has regarding the criminal history  
12 records checks requirement.

13 ~~SECTION 5. AND BE IT FURTHER ENACTED, That, if the State Board of~~  
14 ~~Physicians determines it is practicable to move certain cases that are under the jurisdiction~~  
15 ~~of the full Board to the jurisdiction of the disciplinary panels, the Board shall submit to the~~  
16 ~~Senate Education, Health, and Environmental Affairs Committee and the House Health~~  
17 ~~and Government Operations Committee, in accordance with § 2–1246 of the State~~  
18 ~~Government Article, a proposal that includes the following:~~

19 ~~(1) a list of the types of cases that should be moved;~~

20 ~~(2) the reasons that justify moving the cases; and~~

21 ~~(3) any necessary draft legislation.~~

22 SECTION ~~6~~ 5. AND BE IT FURTHER ENACTED, That, notwithstanding §  
23 8–405(e) of the State Government Article, the full evaluation required to be conducted by  
24 the Department of Legislative Services on or before December 1, 2021, shall be limited to  
25 evaluating:

26 (1) the implementation of recommendations made by the Department in  
27 the December 2016 publication “Sunset Review: Evaluation of the State Board of  
28 Physicians and the Related Allied Health Advisory Committees”;

29 (2) the efficacy of the two-panel disciplinary system; and

30 ~~(3) if a proposal is not submitted under Section 5 of this Act by April 1,~~  
31 ~~2021, whether certain cases should be moved from the jurisdiction of the full State Board~~  
32 ~~of Physicians to the jurisdiction of the disciplining panels; and~~

33 ~~(4) the impact of the criminal history records checks on the State Board of~~  
34 Physicians and its licensees.

1 ~~SECTION 7. AND BE IT FURTHER ENACTED, That this Act shall take effect June~~  
2 ~~1, 2017.~~

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

Approved:

\_\_\_\_\_  
Governor.

\_\_\_\_\_  
President of the Senate.

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Speaker of the House of Delegates.