

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 375

(Senator Ellis)

Finance

Health and Government Operations

State Board of Physicians – Inactive and Emeritus Status

This bill authorizes the Maryland Board of Physicians (MBP) to place a licensee on emeritus status under specified circumstances. MBP must reinstate a licensee on emeritus status, as specified. The bill repeals the current circumstances under which MBP must issue a license to an individual on inactive status and alters the requirements a licensee on inactive status must meet for reinstatement. The bill exempts a licensee on emeritus status or inactive status from the three-year limit on the term of a license and from continuing education requirements while holding a license under either status. A licensee on emeritus or inactive status may not (1) practice, attempt to practice, or offer to practice medicine in the State or (2) delegate medical acts.

Fiscal Summary

State Effect: Any additional workload on MBP can be handled with existing budgeted resources. Any net impact on MBP special fund revenues associated with emeritus or inactive status licensee fees is anticipated to be minimal.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary:

Emeritus Status License

MBP may place a licensee on emeritus status if the individual submits an application and pays a fee set by the board. MBP must place a licensee on emeritus status if the individual:

- has an active, unrestricted license to practice medicine;
- is not under investigation by MBP for a specified violation;
- has practiced medicine in the State for at least 10 years;
- has not been the subject of a disciplinary action in a jurisdiction where the individual is licensed that resulted in the revocation or suspension of the individual's license; and
- attests that the individual is retired and is no longer actively practicing medicine in this State.

The current maximum three-year term of a license does not apply to a physician who is on emeritus status. A licensee on emeritus status is also exempt from continuing education requirements while holding a license on emeritus status.

A licensee on emeritus status may use the words "Dr.," "doctor," "physician," "D.O.," or "M.D." as long as the licensee does not represent to the public that the licensee is authorized to practice medicine in the State.

MBP must reinstate the license of a physician on emeritus status if the physician meets specified renewal requirements (including continuing education requirements), pays a reinstatement fee, and submits satisfactory evidence of compliance with licensure qualifications and requirements for reinstatement.

Inactive Status

The bill repeals the requirement that MBP issue a license to an individual on inactive status if the individual submits (1) satisfactory evidence of compliance with a criminal history records check; (2) satisfactory evidence of compliance with continuing education requirements; and (3) a reinstatement fee. Instead, MBP must reinstate the license of a physician on inactive status if the physician meets specified renewal requirements (including continuing education requirements), pays a reinstatement fee, and submits satisfactory evidence of compliance with licensure qualifications and requirements for reinstatement.

The current maximum three-year term of a license does not apply to a physician on inactive status. A licensee on inactive status is also exempt from continuing education requirements while holding a license on inactive status.

Current Law:

Physician Licensure

In general, an individual must be licensed by MBP to practice medicine. To qualify for a license, an applicant must be at least age 18, of good moral character, meet specified education requirements, pass an examination, submit to a criminal history records check, and meet any other requirements MBP establishes through regulations.

Reinstatement

MBP must reinstate the license of a physician who has failed to renew the license for any reason if the physician meets specified renewal requirements (including continuing education requirements and a criminal history records check); pays a reinstatement fee; and submits satisfactory evidence of compliance with the qualifications and requirements for license reinstatements.

Renewal

The term of a license may not exceed three years. MBP must send a licensee a renewal notice at least one month before the license expires. Before a license expires, a licensee may renew it for an additional term if the licensee (1) is otherwise entitled to be licensed; (2) is of good moral character; (3) pays a renewal fee; (4) submits a renewal application; and (5) submits satisfactory evidence of compliance with any continuing education requirements. Specified renewal applicants must also submit to a criminal history records check.

Inactive Status

MBP may place a licensee on inactive status if a licensee submits an inactive status application and fee. MBP must issue a license to an individual who is on inactive status if the individual submits the following: (1) evidence of completing a criminal history records check; (2) evidence of compliance with continuing education requirements; and (3) a reinstatement fee.

Additional Information

Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Maryland Department of Health; Department of Legislative Services

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