

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 506
Finance

(Senator West)

State Board of Physicians - Discipline - Administrative Expungement

This bill requires the Maryland Board of Physicians (MBP), by December 1, 2024, to adopt regulations that (1) authorize a licensed physician to file an application with MBP for an “administrative expungement” of a disciplinary record, as specified; and (2) establish a process for the granting or denial of an administrative expungement. **The bill takes effect July 1, 2024.**

Fiscal Summary

State Effect: MBP can implement the bill within existing budgeted resources. Revenues are not affected.

Local Effect: None. The bill primarily affects State government operations.

Small Business Effect: Potential minimal.

Analysis

Bill Summary: “Administrative expungement” means the classification of a record by MBP as confidential, not for public release, and removed from a licensed physician’s public individual profile.

Regulations may only authorize administrative expungement for (1) failure to complete continue medical education requirements; (2) failure to renew a license on time; (3) failure to notify MBP in writing of a change in name or address within the required time period; or (4) an offense for which probation was imposed on the licensed physician and was

satisfactorily completed. Regulations may not authorize MBP to grant an administrative expungement if the physician's license was suspended or revoked.

The regulations must require that at least three years have elapsed since the date the administrative action was imposed before a licensed physician may file an application.

If an administrative expungement is granted, regulations may not prevent MBP from using an expunged record for any regulatory purpose or releasing an expunged record to law enforcement or other government body as authorized by law.

Current Law: In general, an individual must be licensed by MBP in order to practice medicine as a physician. 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 regulation.

A disciplinary panel of MBP, on the affirmative vote of a majority of the quorum of the panel, may reprimand any licensed physician, place any licensed physician on probation, or suspend or revoke a license if a licensed physician violates any 1 of 46 statutory disciplinary grounds, including failing to meet the qualifications for licensure and violating any rule or regulation adopted by MBP, or any State or federal law pertaining to the practice of medicine.

Additional Comments: MBP advises that it has already drafted regulations regarding an administrative expungement process.

Additional Information

Recent 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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km/jc

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