



Board of Physicians

Wes Moore, Governor · Aruna Miller, Lt. Governor · Damean W.E. Freas, D.O., Chair

2023 SESSION POSITION PAPER

BILL NO.: HB0507
TITLE: State Board of Physicians – Graduate Registered Physicians – Licensure
COMMITTEE: Health and Governmental Operations Committee
POSITION: Letter of Support with Amendments

TITLE: State Board of Physicians – Graduate Registered Physicians – Licensure

BILL ANALYSIS:

House Bill HB0507 proposes that the Maryland Board of Physicians (the Board) establish a new licensure and regulatory system for graduate registered physicians, with licenses valid for a term of up to three years. Additionally, the legislation would require the Board to establish a graduate registered physician advisory committee within the Board.

POSITION AND RATIONALE:

The Board is submitting this Letter of Support with Amendments for House Bill HB0507 State Board of Physicians – Graduate Registered Physicians – Licensure. The Board supports initiatives that aim to integrate qualified individuals into the struggling healthcare workforce in a scope that befits their education and training. However, the Board does not believe a full license is necessary to meet these needs.

House Bill 507 has similar aims to current regulation (HO 14-306 and COMAR 10.32.12), where licensed physicians are permitted to delegate specific medical acts to unlicensed individuals. These unlicensed individuals include Assistants and Registered Cardiovascular Invasive Specialists (RCIS), who are currently able to perform technical acts that align with national medical standards and site-specific policies and procedures in specific categories. The Board suggests implementing similar regulations for Graduate Physicians to align with this practice.

Legislation similar to House Bill 507 has been passed in other states, but the number of individuals practicing under these laws has been minimal. For example, in Arizona, only 12 permittees were practicing under the supervision of a physician, according to data from the Arizona Medical Board. The Board has been unable to determine the population of potential Graduate Registered Physician applicants seeking licensure or employment in Maryland. However, data exist that nationally, there were a total of 36,277 Residency positions available in 2022, with 6% (2,202) of those positions remaining unfilled. In Maryland, there were a total of 711 residency positions available, with 2.1% (15) of those positions remaining unfilled. Given the low population and the fact that many of these individuals are already covered by existing regulations (HO 14-306/COMAR 10.32.12), the Board does not believe that creating an entire license category and advisory committee is necessary. The costs associated with such an initiative would be high and, unlike other license categories, the

number of licensed individuals is unlikely to increase over time as graduate physicians phase out and become fully licensed physicians.

As an alternative, the Board recommends the implementation of a licensure exemption similar to that of HO 14-306 and COMAR 10.32.12. Such an exemption could allow these qualified individuals to temporarily practice under the same standards proposed in House Bill 507, allowing us to effectively address the current workforce needs without necessitating the implementation of an extensive and costly licensure system. Therefore, the Board recommends the adoption of the following amendment:

Amendment 1

The Board recommends striking the language found on page 2, line 1 through page 24, line 24 and adding the following language to Health Occupations Article § 14-306, Maryland Annotated Code:

(G) (1) IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE BOARD, A LICENSED PHYSICIAN MAY DELEGATE DUTIES TO A MEDICAL SCHOOL GRADUATE ASSISTING IN THE PHYSICIAN'S PERFORMANCE OF MEDICAL ACTS IF:

(i) THE PHYSICIAN IS PHYSICALLY PRESENT AND PERSONALLY DIRECTS EACH ACT PERFORMED BY THE MEDICAL SCHOOL GRADUATE;

(ii) THE MEDICAL SCHOOL GRADUATE MEETS THE REQUIREMENTS FOR LICENSURE FOUND IN § 14-307(A) THROUGH (H), EXCLUDING (D)(1)(II) AND (D)(2)(II), AND HAS COMPLETED THE TRAINING, EDUCATION, AND EXPERIENCE REQUIREMENTS AS ESTABLISHED IN REGULATIONS ADOPTED BY THE BOARD; AND

(iii) THE FACILITY OR EMPLOYER OF THE MEDICAL SCHOOL GRADUATE HAS VERIFIED AND DOCUMENTED THAT THE MEDICAL SCHOOL GRADUATE HAS COMPLETED THE TRAINING, EDUCATION, AND EXPERIENCE REQUIREMENTS AS ESTABLISHED IN REGULATIONS ADOPTED BY THE BOARD.

(2) THE FACILITY OR EMPLOYER IN WHICH THE PHYSICIAN IS DELEGATING DUTIES TO A MEDICAL SCHOOL GRADUATE UNDER THIS SUBSECTION IS RESPONSIBLE FOR ENSURING THAT ALL REQUIREMENTS OF THIS SUBSECTION ARE MET.

(3) A DISCIPLINARY PANEL MAY IMPOSE A CIVIL PENALTY OF UP TO \$5,000 FOR EACH INSTANCE OF A FACILITY OR EMPLOYER'S FAILURE TO COMPLY WITH THE REQUIREMENTS OF THIS SUBSECTION.

Thank you for your consideration. For more information, please contact:

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Sincerely,

A handwritten signature in blue ink, appearing to read "Damean W. E. Freas". The signature is fluid and cursive, with the first name being the most prominent.

Damean W. E. Freas, D.O.
Chair, Maryland Board of Physicians

The opinions of the Board expressed in this document does not necessarily reflect that of the Maryland Department of Health or the Administration.