

MARYLAND REGISTER

Proposed Action on Regulations

Date Filed with AELR Committee

August 29, 2023

Date Filed with Division of State Documents**Document Number**

23-211-P

Date of Publication in MD Register

1. Desired date of publication in Maryland Register: October 6, 2023

2. COMAR Codification

Title	Subtitle	Chapter	Regulation
10	32	01	05
10	32	01	11
10	32	01	12

3. Promulgating Authority

Maryland Department of Health

4. Name of Regulations Coordinator

Jourdan Green

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5. Name of Person to Call About this Document

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6. Check applicable items:

☐	New Regulations
☒	Amendments to Existing Regulations
☐	Repeal of Existing Regulations
☐	Recodification
☐	Incorporation by Reference of Documents Requiring DSD Approval

7. Is there Emergency text that is identical to this Proposal:

☐ Yes ☒ No

8. Incorporation by Reference

☐ Incorporation by Reference (IBR) approval form(s) attached and 16 copies of documents proposed for incorporation submitted to DSD. (Submit 16 paper copies of IBR document to DSD and one copy to AELR.)

9. Public Body - Open Meeting

- ☐ OPTIONAL - If promulgating authority is a public body, check to include a sentence in the Notice of Proposed Action that proposed action was considered at an open meeting held pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland
- ☐ OPTIONAL - If promulgating authority is a public body, check to include a paragraph that final action will be considered at an open meeting

10. Children's Environmental Health and Protection

☐

Check if the system should send a copy of the proposal to the Children's Environmental Health and Protection Advisory Council

11. Certificate of Authorized Officer

I certify that the attached document is in compliance with the Administrative Procedure Act. I also certify that the attached text has been approved for legality by David Finkler, Assistant Attorney General, telephone #410-767-5578, on July 19, 2023. A written copy of the approval is on file at this agency.

Name of Authorized Officer

Laura Herrera Scott

Title

Secretary of Health

Telephone No.

410-767-6500

Date

August 24, 2023

Title 10

MARYLAND DEPARTMENT OF HEALTH

Subtitle 32 BOARD OF PHYSICIANS

10.32.01 General Licensure Regulations

Authority: Health Occupations Article, §14-207, 14-317, and 14-320, Annotated Code of Maryland

Notice of Proposed Action

[23-211-P]

The Secretary of Health proposes to:

amend Regulations .05, .11, and .12 under COMAR 10.32.01 General Licensure Regulations.

Statement of Purpose

The purpose of this action is to establish regulations for the policy and procedures regarding initial application, renewal, reinstatement, and fees for emeritus license status, an honorary license status for physicians, and to update/restructure outdated fees.

Estimate of Economic Impact

I. Summary of Economic Impact. The Board anticipates an annual revenue increase of approximately \$100,000 by increasing current application fees and creating a new fee-based application.

II. Types of Economic Impact.

Impacted Entity	Revenue (R+/R-) Expenditure (E+/E-)	Magnitude
A. On issuing agency:		
(1) Maryland Board of Physicians	(R+)	\$100,000
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	NONE	
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

III. Assumptions. (Identified by Impact Letter and Number from Section II.)

- A(1). The approximately \$100,000 increase to the Board's annual application fee revenue is based on the following assumptions:
- (1) The inactive licensure status application revenue will phase out as physicians opt to apply for the newly created emeritus status;
 - (2) Approximately 35 physicians will apply for emeritus status each year (\$4,200);
 - (3) The approximate number of physicians applying for inactive status will drop from 40 to 5 each year (\$1,100);
 - (4) Approximately 30 percent of the existing physicians with inactive licenses will apply to renew their status or reinstate their license (\$74,200); and
 - (5) Reinstatement of medical licensure application revenue will increase as approximately 150 physicians a year are subject to the application fee increase (\$15,000).

The Board's most significant application fee changes affect the small population of physicians who are no longer practicing in Maryland but want to retain an honorary title.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Jourdan Green, Director, Office of Regulation and Policy Coordination, Maryland Department of Health, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to mdh.regs@maryland.gov. Comments will be accepted through November 6, 2023. A public hearing has not been scheduled.

LAURA HERRERA SCOTT
Secretary of Health

Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: **FY 2024**

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

No

C. If 'yes', state whether general, special (exact name), or federal funds will be used:

undefined

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

E. If these regulations have no economic impact under Part A, indicate reason briefly:

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

These regulations do not require any significant actions or responses from small businesses that would result in an impact.

G. Small Business Worksheet:

N/A

Title 10

MARYLAND DEPARTMENT OF HEALTH

Subtitle 32 BOARD OF PHYSICIANS

10.32.01 General Licensure Regulations

Authority: Health Occupations Article, §14-207, 14-317, and 14-320, Annotated Code of Maryland

.05 Inactive and Emeritus Licensure.

A. Inactive Status.

[A.] (1) A licensee in good standing who [wishes to maintain the licensee's medical license but who does not wish to] *will not* practice medicine in this State may apply for inactive status.

[B.] (2) (text unchanged)

[C.] (3) A licensee may apply for inactive status if the licensee has an unrestricted active license to practice medicine in this State [and may also apply] *or is* within 60 days of the expiration of the licensee's [medical] *unrestricted active* license.

(4) Renewal.

(a) An inactive status shall be renewed every two years.

(b) At the end of two years, a licensee with inactive status shall complete the renewal application, and pay the renewal fee, and any charges set by the Board.

(c) If the licensee fails to renew their inactive license for any reason, the license will expire.

[D.] (5) (text unchanged)

[E.] (6) A licensee on inactive status shall have the duty to inform the Board by [electronic] *email* or first-class mail of any of the circumstances listed in Regulation .03H(1) and (2) of this chapter within 30 days of the occurrence of or notification about these circumstances.

[F.] (7) (text unchanged)

[G.] (8) [A physician whose license is on inactive status and who wishes to practice medicine in Maryland shall apply for reinstatement on a form supplied by the Board and meet requirements for reinstatement in Regulation .11 of this chapter, including the continuing medical education requirements. The physician is not licensed to practice medicine until the license is reinstated.] *To reinstate a license to active status, a licensee on inactive status shall apply for reinstatement on a form supplied by the Board and meet the requirements for reinstatement in Regulation .11 of this chapter, including the continuing medical education requirements. The physician shall not practice medicine until the license is reinstated to active status.*

B. Emeritus Status.

(1) A licensee who meets the requirements under §B(3) of this regulation, who will not practice medicine in this State, and who is retired from practicing medicine in this State may apply for emeritus status.

(2) A licensee applying for emeritus status shall complete the emeritus application and pay the application fee as set by the Board.

- (3) A licensee may apply for emeritus status if the licensee:
- (a) Has practiced medicine in Maryland for at least 10 years;
 - (b) Has an active, unrestricted license to practice medicine in Maryland or is within 60 days of the expiration of an active, unrestricted license;
 - (c) Has never been the subject of disciplinary action that has resulted in revocation or suspension of a medical license in any jurisdiction in which they have been licensed to practice medicine; and
 - (d) Is not under investigation by the Board; and
 - (e) Is in good standing.
- (4) A licensee with emeritus status may not:
- (a) Practice, offer to practice, or attempt to practice medicine within Maryland;
 - (b) Delegate medical acts within Maryland;
 - (c) Prescribe medication within Maryland; or
 - (d) Conduct peer review of physicians within Maryland;
- (6) A licensee with emeritus status shall complete the renewal application, and pay the emeritus renewal fee, and any charges set by the Board, every third renewal cycle.
- (7) A licensee on emeritus status shall have the duty to inform the Board by email or first-class mail of any of the circumstances listed in Regulation .03H(1) and (2) of this chapter, including a change of address, within 30 days of the occurrence of or notification about these circumstances.
- (8) The emeritus status of a licensee does not deprive the Board of authority to institute or continue a disciplinary proceeding against a licensee.
- (9) To reinstate a license to active status, a physician whose license is on emeritus status shall apply for reinstatement on a form supplied by the Board and meet the requirements for reinstatement in Regulation .11 of this chapter, including the continuing medical education requirements. The physician shall not practice medicine until the license is reinstated to active status.

.11 Reinstatement of Expired, Emeritus, or Inactive Licenses.

A. A physician [whose license has been placed on inactive status or] who has failed to renew a license by the license expiration date, [who wishes to practice medicine in Maryland] *whose license has been placed on inactive status or whose license has been placed on emeritus status*, shall apply for reinstatement on a form supplied by the Board *in order to resume the practice of medicine in this State*.

B.—E. (text unchanged)

[F. A physician applying for reinstatement shall also provide a full, written explanation to the Board detailing the reasons why the license was allowed to expire and why reinstatement is now sought.]

[G.] F.—[H.] G. (text unchanged)

.12 Fees.

The fees are as follows:

[A. Examination fee for the United States Medical Licensing Examination, Step 3 ... \$555;]

[B.] A. Application fees.

(1) Original physician or osteopath licensure application, American *and foreign school* graduate ... [\$260;] \$310;

[(2)] (2) Original physician or osteopath licensure application, foreign school graduate ... \$260;

(3) Foreign credentials evaluation ... \$100;]

[(4)] (2) Conceded eminence application ... [\$300;] \$1,090;

[(5)] (3) (text unchanged)

[(6)] Physician rehabilitation program ... \$50]

[(7)] (4) Physician inactive license ... [\$50;] \$218;

[(8)] (5) (text unchanged)

(6) *Physician emeritus license* ... \$120;

[C.] B. Renewal fees:

(1) Physician biennial license renewal ... [\$436;] \$486;

[(2)] Physician rehabilitation program fee ... \$50;

(3) Late renewal fee ... \$100;]

(3) *Inactive biennial renewal fee* ... \$218;

(4) *Physician emeritus renewal fee* ... \$120;

[D.] C. [Reinstatement fees:] *Physician reinstatement fee* ... \$700;

[(1)] Physician reinstatement for applicants who were eligible for renewal in the previous year ... \$650;

(2) Physician reinstatement for applicants who were not eligible for renewal in the previous year... \$550;

(3) Physician rehabilitation program ... \$50;]

[E.] D. Other fees:

[(1)] Replacement of wall license ... \$75;]

[(2)] (1) Replacement of [registration card] *license for a name change* ... \$25;

[(3)] Registration of professional corporation ... \$50;]

[(4)] (2)— [5] (3) (text unchanged)

[(6)] Yearly subscription to Facility Page ... \$1,000;

(7) CD-ROM of Board order ... \$700;]

[(8)] (4) [Tapes, diskettes, and mailing labels] *Electronic records* ... \$45 plus \$0.05 per record.

LAURA HERRERA SCOTT
Secretary of Health