

HOUSE BILL 1096

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EMERGENCY BILL

3lr0944
CF SB 672

By: **Delegate Hammen (Chair, Health and Government Operations Committee)**

Introduced and read first time: February 8, 2013

Assigned to: Health and Government Operations

A BILL ENTITLED

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 certain allied health
5 advisory committees in accordance with the provisions of the Maryland
6 Program Evaluation Act (Sunset Law) by extending to a certain date the
7 termination provisions relating to the statutory and regulatory authority of the
8 Board and the committees; requiring that an evaluation of the Board and the
9 related allied health advisory committees and the statutes and regulations of
10 the Board and the related allied health advisory committees be performed on or
11 before a certain date; altering to a certain date the termination provision
12 related to the Perfusion Advisory Committee; stating the policy of the State
13 regarding the regulation and control of health occupations in the State; stating
14 that the health occupation boards are created to function in a certain way with
15 a certain intent; altering the membership of the Board; altering the powers and
16 duties of the Board; repealing a certain provision of law regarding entry onto
17 private premises for a certain purpose; authorizing the Board's executive
18 director to apply for a certain search warrant under certain circumstances;
19 requiring the application for the warrant to meet certain requirements;
20 authorizing a judge who receives a certain search warrant application to issue a
21 warrant under certain circumstances; requiring a certain search warrant to
22 include certain information and be executed and returned to a certain
23 individual within a certain period of time; clarifying that certain fees charged by
24 the Board, which must be set so as to approximate the cost of maintaining the
25 Board, include the cost of providing a certain rehabilitation program;
26 establishing certain disciplinary panels through which certain allegations must
27 be resolved; requiring the chair of the Board to assign each member of the
28 Board to one of the disciplinary panels; providing for the composition and chairs
29 of the disciplinary panels; authorizing the chair of the Board to serve as an
30 ex-officio member of a certain disciplinary panel; specifying the quorum of a

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 disciplinary panel; authorizing a disciplinary panel to conduct a certain
2 investigation; requiring a disciplinary panel to determine the final disposition of
3 a complaint against a physician or an allied health professional, except under
4 certain circumstances; providing that each disciplinary panel has the
5 independent authority to make a final determination regarding a certain
6 matter; prohibiting the Board from voting to approve or disapprove an action of
7 a disciplinary panel; requiring a disciplinary panel to consult with the chair of a
8 certain allied health advisory committee, or the chair's designee, under certain
9 circumstances; requiring a complaint to be assigned to a disciplinary panel after
10 the completion of a certain investigation by the Board; authorizing a
11 disciplinary panel to enter into a consent order with a physician or an allied
12 health professional after conducting a certain meeting; requiring the chair of a
13 certain disciplinary panel to refer a complaint to the other disciplinary panel
14 under certain circumstances; prohibiting a certain disciplinary panel, or its
15 members, from continuing to handle or participating in disciplinary proceedings
16 regarding a complaint under certain circumstances; authorizing a disciplinary
17 panel, instead of the Board, to take certain action regarding a complaint or
18 come to a certain agreement with a licensee; requiring a disciplinary panel,
19 instead of the Board, to refer certain allegations to a certain entity for peer
20 review; requiring a disciplinary panel, instead of the Board, to obtain a certain
21 number of peer review reports for certain allegations; requiring a disciplinary
22 panel, instead of the Board, to offer certain complainants and licensees an
23 opportunity to mediate certain disputes; authorizing a disciplinary panel,
24 instead of the Board, to determine, for certain allegations, that an agreement
25 for corrective action is warranted; requiring a disciplinary panel, instead of the
26 Board, to notify certain licensees of identified deficiencies and enter into a
27 certain corrective action; prohibiting a disciplinary panel, instead of the Board,
28 from entering into an agreement for corrective action under certain
29 circumstances; requiring a disciplinary panel, instead of the Board, to evaluate
30 licensees with whom the disciplinary panel has entered into an agreement for
31 corrective action and to take certain action under certain circumstances;
32 requiring a disciplinary panel to provide certain individuals an opportunity to
33 appear before the disciplinary panel under certain circumstances; authorizing a
34 disciplinary panel, instead of the Board, to take certain disciplinary action
35 against a physician or allied health professional under certain circumstances;
36 clarifying that an affirmative vote of the majority of the quorum of the Board or
37 of the quorum of a disciplinary panel is required before the Board or the
38 disciplinary panel takes certain action; requiring a disciplinary panel, instead of
39 the Board, to take certain disciplinary action against a certain physician or
40 allied health professional under certain circumstances; prohibiting a
41 disciplinary panel, instead of the Board, from taking disciplinary action against
42 a certain physician under certain circumstances; requiring a disciplinary panel,
43 instead of the Board, to give a certain individual an opportunity for a certain
44 hearing; requiring a disciplinary panel, instead of the Board, to pass an order
45 under certain circumstances; authorizing a disciplinary panel, instead of the
46 Board, to reinstate certain licenses under certain circumstances; requiring a
47 disciplinary panel to notify the Board of certain license reinstatements;

1 providing that proceedings, records, and files of a disciplinary panel are not
2 discoverable or admissible in certain actions except under certain
3 circumstances; prohibiting a disciplinary panel from disclosing information in a
4 record except under certain circumstances; requiring the Board to disclose the
5 filing of charges and initial denials of licensure on the Board's Web site;
6 requiring a disciplinary panel to disclose certain information in a record under
7 certain circumstances; requiring certain licensee profiles to include a summary
8 of charges filed against the licensee, including a copy of the charging document,
9 under certain circumstances; requiring that licensee profiles include a certain
10 disclaimer; requiring the Board to include certain information on a licensee's
11 profile within a certain time period; requiring that a certain report that certain
12 entities are required to file with the Board include a certain statement under
13 certain circumstances; authorizing the Board to impose a certain civil penalty
14 on an alternative health system that fails to file a certain report; requiring the
15 Board to remit a certain penalty to the General Fund of the State; repealing the
16 requirement that a circuit court of the State impose a civil penalty on an
17 alternative health system that fails to file a certain report; requiring a certain
18 court reporting requirement to be enforced by the imposition of a certain civil
19 penalty; authorizing a disciplinary panel, instead of the Board, to take certain
20 action against a physician who performs acupuncture under certain
21 circumstances; requiring the chairs of certain committees, or the chairs'
22 designees, to serve in an advisory capacity to the Board; requiring certain
23 committees to submit an annual report to the Board; requiring the Board to
24 consider all recommendations of certain committees and annually provide a
25 certain report to the committees; requiring the Board to create and maintain a
26 certain profile on certain licensees; requiring the profiles to contain certain
27 information; requiring the Board to forward a written copy of certain profiles to
28 a person under certain circumstances; requiring the Board to maintain certain
29 profiles on the Board's Web site; requiring the Board to provide a mechanism for
30 correcting factual inaccuracies in certain profiles; requiring the
31 Polysomnography Professional Standards Committee to elect a chair every
32 certain number of years; repealing the requirement that the Board provide a
33 certain explanation to the Physician Assistant Advisory Committee; repealing
34 the requirement that the Board assess a certain fee under certain
35 circumstances; requiring the Board to submit a certain report to certain
36 committees of the General Assembly and the Department of Legislative Services
37 on or before a certain date and annually thereafter for a certain period of time;
38 exempting the Board and the related allied health advisory committees from
39 certain provisions of law requiring a certain preliminary evaluation; making
40 this Act an emergency measure; defining certain terms; making certain
41 conforming, stylistic, and technical changes; and generally relating to the State
42 Board of Physicians and the related allied health advisory committees.

43 BY adding to

44 Article – Health Occupations

1 Section 1-102, 14-101(a-1) and (c-1), 14-206.1, 14-401, 14-416, 14-5A-18.1,
 2 14-5B-15.1, 14-5C-06(d), 14-5C-18.1, 14-5D-16.1, 14-5E-18.1,
 3 15-101(i-1), and 15-316.1

4 Annotated Code of Maryland
 5 (2009 Replacement Volume and 2012 Supplement)

6 BY repealing and reenacting, without amendments,
 7 Article – Health Occupations
 8 Section 14-101(a) and 15-101(a)
 9 Annotated Code of Maryland
 10 (2009 Replacement Volume and 2012 Supplement)

11 BY repealing and reenacting, with amendments,
 12 Article – Health Occupations
 13 Section 14-101(m), 14-202(a), 14-205, 14-206(d)(1), 14-207(b), 14-401, 14-403
 14 through 14-405.1, 14-406, 14-407(a), 14-408, 14-409(a), 14-410,
 15 14-411(a), (b), (d)(1)(ii), (i), (j)(2)(i), (l)(2), (m), (r), and (s), 14-411.1(b),
 16 (c)(2), and (f), 14-413, 14-414, 14-504(g), 14-506(b)(2), 14-5A-04(a),
 17 14-5A-06(d), 14-5A-07, 14-5A-16, 14-5A-17, 14-5A-17.1, 14-5A-18(f),
 18 14-5A-19, 14-5A-25, 14-5B-04(a), 14-5B-05(c), 14-5B-06, 14-5B-13,
 19 14-5B-14, 14-5B-14.1, 14-5B-15(f), 14-5B-16, 14-5B-21, 14-5C-04(a),
 20 14-5C-07, 14-5C-16, 14-5C-17, 14-5C-18(f), 14-5C-19, 14-5C-25,
 21 14-5D-03(a), 14-5D-05(e), 14-5D-06, 14-5D-14, 14-5D-15, 14-5D-16,
 22 14-5D-20, 14-5E-04(a), 14-5E-06(d), 14-5E-07, 14-5E-15, 14-5E-16,
 23 14-5E-18(f), 14-5E-19, 14-5E-25, 14-603, 14-702, 15-103(h), 15-202(d)
 24 and (e), 15-205, 15-206(a), 15-302(g), 15-312, 15-314 through 15-316,
 25 and 15-502
 26 Annotated Code of Maryland
 27 (2009 Replacement Volume and 2012 Supplement)

28 BY repealing
 29 Article – Health Occupations
 30 Section 15-310(e)
 31 Annotated Code of Maryland
 32 (2009 Replacement Volume and 2012 Supplement)

33 BY repealing and reenacting, with amendments,
 34 Article – State Government
 35 Section 8-403(b)(6), (45), (48), (49), (53), (59), and (63)
 36 Annotated Code of Maryland
 37 (2009 Replacement Volume and 2012 Supplement)

38 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 39 MARYLAND, That the Laws of Maryland read as follows:

40 **Article – Health Occupations**

1 **1-102.**

2 (A) IT IS THE POLICY OF THE STATE THAT HEALTH OCCUPATIONS
3 SHOULD BE REGULATED AND CONTROLLED AS PROVIDED IN THIS ARTICLE TO
4 PROTECT THE HEALTH, SAFETY, AND WELFARE OF THE PUBLIC.

5 (B) THE HEALTH OCCUPATIONS BOARDS ESTABLISHED BY THIS
6 ARTICLE, THE MAJORITY OF WHOSE MEMBERS ARE LICENSED OR CERTIFIED
7 UNDER THIS ARTICLE, ARE CREATED TO FUNCTION AS INDEPENDENT BOARDS,
8 WITH THE INTENT THAT A PEER GROUP IS BEST QUALIFIED TO REGULATE,
9 CONTROL, AND OTHERWISE DISCIPLINE THE LICENSEES OR CERTIFICATE
10 HOLDERS WHO PRACTICE IN THE STATE.

11 14-101.

12 (a) In this title the following words have the meanings indicated.

13 (A-1) "ALLIED HEALTH PROFESSIONAL" MEANS AN INDIVIDUAL
14 LICENSED BY THE BOARD UNDER SUBTITLE 5A, 5B, 5C, 5D, OR 5E OF THIS
15 TITLE OR TITLE 15 OF THIS ARTICLE.

16 (C-1) "DISCIPLINARY PANEL" MEANS A DISCIPLINARY PANEL OF THE
17 BOARD ESTABLISHED UNDER § 14-401 OF THIS TITLE.

18 (m) "Physician Rehabilitation Program" means the program of the Board or
19 the nonprofit entity with which the Board contracts under [§ 14-401(g)] §
20 14-401.1(G) of this title that evaluates and provides assistance to impaired
21 physicians and other health professionals regulated by the Board who are directed by
22 the Board to receive treatment and rehabilitation for alcoholism, chemical
23 dependency, or other physical, emotional, or mental conditions.

24 14-202.

25 (a) (1) The Board shall consist of [21] 22 members appointed by the
26 Governor with the advice of the Secretary and the advice and consent of the Senate.

27 (2) Of the [21] 22 members:

28 (i) 11 shall be practicing licensed physicians, at least one of
29 whom shall be a doctor of osteopathy, appointed as provided in subsections (d) and (e)
30 of this section;

31 (ii) 1 shall be a practicing licensed physician appointed at the
32 Governor's discretion;

1 (iii) 1 shall be a representative of the Department nominated by
2 the Secretary;

3 (iv) 1 shall be a [certified] **LICENSED** physician assistant
4 appointed at the Governor's discretion as provided in subsections (f) and (g) of this
5 section;

6 (v) [1] **2** shall be [a] practicing licensed [physician]
7 **PHYSICIANS** with [a] full-time faculty [appointment] **APPOINTMENTS** appointed to
8 serve as [a representative] **REPRESENTATIVES** of [an] academic medical [institution]
9 **INSTITUTIONS** in [this] **THE** State [appointed from a list containing] **AND OF WHOM:**

10 1. **1 SHALL BE APPOINTED FROM A LIST CONTAINING**
11 3 names submitted by the Johns Hopkins University School of Medicine; and

12 2. **1 SHALL BE APPOINTED FROM A LIST CONTAINING**
13 3 names submitted by the University of Maryland School of Medicine;

14 (vi) 5 shall be consumer members; and

15 (vii) 1 shall be a public member knowledgeable in risk
16 management or quality assurance matters appointed from a list submitted by the
17 Maryland Hospital Association.

18 14–205.

19 (a) **IN ADDITION TO THE POWERS AND DUTIES SET FORTH IN THIS**
20 **TITLE AND IN TITLE 15 OF THIS ARTICLE, THE BOARD SHALL:**

21 **(1) ENFORCE THIS TITLE AND TITLE 15 OF THIS ARTICLE;**

22 **(2) ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF**
23 **THIS TITLE AND TITLE 15 OF THIS ARTICLE;**

24 **(3) ESTABLISH POLICIES FOR BOARD OPERATIONS;**

25 **(4) MAINTAIN THE RULES, REGULATIONS, AND POLICIES OF THE**
26 **BOARD SO THAT THE RULES, REGULATIONS, AND POLICIES REFLECT THE**
27 **CURRENT PRACTICES OF THE BOARD;**

28 **(5) OVERSEE:**

29 **(1) THE LICENSING REQUIREMENTS FOR PHYSICIANS AND**
30 **THE ALLIED HEALTH PROFESSIONALS; AND**

- 1 **(II) THE ISSUANCE AND RENEWAL OF LICENSES;**
- 2 **(6) MAINTAIN SECURE AND COMPLETE RECORDS;**
- 3 **(7) REVIEW AND PRELIMINARILY INVESTIGATE COMPLAINTS,**
4 **INCLUDING ACKNOWLEDGING RECEIPT OF COMPLAINTS AND INFORMING**
5 **COMPLAINANTS OF THE FINAL DISPOSITION OF COMPLAINTS;**
- 6 **(8) ESTABLISH MECHANISMS FOR IDENTIFYING AND**
7 **MONITORING THE TREATMENT OF LICENSEES WHO ARE DEPENDENT ON**
8 **ALCOHOL OR OTHER ADDICTIVE SUBSTANCES AND FOR THE VOLUNTARY**
9 **SELF-REPORTING OF SUBSTANCE ABUSE ISSUES BY LICENSEES;**
- 10 **(9) DEVELOP AND IMPLEMENT METHODS TO:**
 - 11 **(i) IDENTIFY INCOMPETENT LICENSEES WHO FAIL TO MEET**
12 **ACCEPTABLE STANDARDS OF CARE;**
 - 13 **(ii) ASSESS AND IMPROVE LICENSEE PRACTICES; AND**
 - 14 **(iii) ENSURE THE ONGOING COMPETENCE OF LICENSEES;**
- 15 **(10) ENSURE THAT AN OPPORTUNITY FOR A HEARING IS**
16 **PROVIDED TO AN INDIVIDUAL, IN ACCORDANCE WITH LAW, BEFORE ANY ACTION**
17 **IS TAKEN AGAINST THE INDIVIDUAL;**
- 18 **(11) ADJUDICATE NONDISCIPLINARY MATTERS WITHIN THE**
19 **BOARD'S JURISDICTION;**
- 20 **(12) REPORT ON ALL DISCIPLINARY ACTIONS, LICENSE DENIALS,**
21 **AND LICENSE SURRENDERS;**
- 22 **(13) ESTABLISH APPROPRIATE FEES THAT ARE ADEQUATE TO**
23 **FUND THE EFFECTIVE REGULATION OF PHYSICIANS AND ALLIED HEALTH**
24 **PROFESSIONALS;**
- 25 **(14) MAKE RECOMMENDATIONS THAT BENEFIT THE HEALTH,**
26 **SAFETY, AND WELFARE OF THE PUBLIC;**
- 27 **(15) PROVIDE ONGOING EDUCATION AND TRAINING FOR BOARD**
28 **MEMBERS TO ENSURE THAT THE BOARD MEMBERS CAN COMPETENTLY**
29 **DISCHARGE THEIR DUTIES;**

1 **(16) DIRECT EDUCATIONAL OUTREACH TO AND COMMUNICATE**
2 **WITH LICENSEES AND THE PUBLIC;**

3 **(17) DEVELOP AND ADOPT A BUDGET THAT REFLECTS REVENUES**
4 **AND SUPPORTS THE COSTS ASSOCIATED WITH EACH ALLIED HEALTH**
5 **PROFESSION REGULATED BY THE BOARD;**

6 **(18) DEVELOP AND APPROVE AN ANNUAL REPORT AND OTHER**
7 **REQUIRED REPORTS FOR SUBMISSION TO THE SECRETARY, THE GOVERNOR,**
8 **THE GENERAL ASSEMBLY, AND THE PUBLIC;**

9 **(19) APPROVE CONTRACTS AS NEEDED AND WITHIN BUDGETARY**
10 **LIMITS;**

11 **(20) APPOINT STANDING AND AD HOC COMMITTEES FROM AMONG**
12 **BOARD MEMBERS AS NECESSARY;**

13 **(21) DELEGATE TO THE EXECUTIVE DIRECTOR OF THE BOARD THE**
14 **AUTHORITY TO DISCHARGE BOARD DUTIES, AS DEEMED APPROPRIATE AND**
15 **NECESSARY BY THE BOARD, AND HOLD THE EXECUTIVE DIRECTOR**
16 **ACCOUNTABLE TO THE BOARD; AND**

17 **(22) APPOINT MEMBERS OF THE DISCIPLINARY PANELS.**

18 **(B)** (1) In addition to the powers set forth elsewhere in this title, the
19 Board may:

20 (i) Adopt [rules and] regulations to[:

21 1. Carry out the provisions of this title; or

22 2. Regulate] **REGULATE** the performance of
23 acupuncture, but only to the extent authorized by § 14–504 of this title;

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

27 (iii) Subject to the Administrative Procedure Act, deny a license
28 to an applicant or, **IF AN APPLICANT HAS FAILED TO RENEW THE APPLICANT'S**
29 **LICENSE**, refuse to renew or reinstate an applicant's license for any of the reasons
30 that are grounds for action under § 14–404 of this title;

31 (iv) On receipt of a written and signed complaint, including a
32 referral from the Commissioner of Labor and Industry, conduct an unannounced

1 inspection of the office of a physician or acupuncturist, other than an office of a
2 physician or acupuncturist in a hospital, related institution, freestanding medical
3 facility, or a freestanding birthing center, to determine compliance at that office with
4 the Centers for Disease Control and Prevention's guidelines on universal precautions;
5 and

6 (v) Contract with others for the purchase of administrative and
7 examination services to carry out the provisions of this title.

8 (2) The Board **OR A DISCIPLINARY PANEL** may investigate an
9 alleged violation of this title.

10 **[(b)] (C)** (1) In addition to the duties set forth elsewhere in this title, the
11 Board shall:

12 (i) Submit an annual report to the Faculty and to the Secretary;

13 (ii) Issue, for use in other jurisdictions, a certificate of
14 professional standing to any licensed physician; and

15 (iii) Keep a list of all license applicants.

16 (2) (i) The Board shall keep a list of all physicians who are
17 currently licensed.

18 (ii) The list shall include each physician's designated public
19 address.

20 (iii) A physician's designated public address may be a post office
21 box only if the physician provides to the Board a nonpublic address, under paragraph
22 (3) of this subsection, that is not a post office box.

23 (iv) Each list prepared under this paragraph shall be kept as a
24 permanent record of the Board.

25 (v) The list of currently licensed physicians is a public record.

26 (3) (i) The Board shall maintain on file a physician's designated
27 nonpublic address, if provided by the physician, to facilitate communication between
28 the physician and the Board.

29 (ii) The Board shall offer a physician the opportunity to
30 designate a nonpublic address, in addition to the physician's public address, at the
31 time of initial licensure and license renewal.

32 (iii) A physician shall designate an address where the Board
33 may send the physician mail.

1 (iv) A physician's designated nonpublic address is not a public
2 record and may not be released by the Board.

3 14-206.

4 (d) (1) If the entry is necessary to carry out a duty under this title, the
5 Board's executive director or other duly authorized agent or investigator of the Board
6 may enter at any reasonable hour:

7 (i) A place of business of a licensed physician; **OR**

8 (ii) [Private premises where the Board suspects that a person
9 who is not licensed by the Board is practicing, attempting to practice, or offering to
10 practice medicine, based on a formal complaint; or

11 (iii)] Public premises.

12 **14-206.1.**

13 **(A) BASED ON A COMPLAINT RECEIVED BY THE BOARD, THE EXECUTIVE**
14 **DIRECTOR OF THE BOARD MAY APPLY TO A JUDGE OF THE DISTRICT COURT OR**
15 **A CIRCUIT COURT FOR A SEARCH WARRANT TO ENTER PRIVATE PREMISES**
16 **WHERE THE BOARD OR A DISCIPLINARY PANEL SUSPECTS THAT A PERSON WHO**
17 **IS NOT LICENSED BY THE BOARD IS PRACTICING, ATTEMPTING TO PRACTICE,**
18 **OR OFFERING TO PRACTICE MEDICINE.**

19 **(B) AN APPLICATION FOR A SEARCH WARRANT SHALL:**

20 **(1) BE IN WRITING;**

21 **(2) BE VERIFIED BY THE APPLICANT; AND**

22 **(3) DESCRIBE THE PREMISES TO BE SEARCHED AND THE**
23 **NATURE, SCOPE, AND PURPOSE OF THE SEARCH.**

24 **(C) A JUDGE WHO RECEIVES AN APPLICATION FOR A SEARCH WARRANT**
25 **MAY ISSUE A WARRANT ON A FINDING THAT:**

26 **(1) THE SCOPE OF THE PROPOSED SEARCH IS REASONABLE;**

27 **(2) THE REQUEST FOR A SEARCH WARRANT IS BASED ON A**
28 **COMPLAINT RECEIVED BY THE BOARD; AND**

1 **(3) OBTAINING CONSENT TO ENTER THE PREMISES MAY**
2 **JEOPARDIZE THE ATTEMPT TO DETERMINE WHETHER A PERSON WHO IS NOT**
3 **LICENSED BY THE BOARD IS PRACTICING, ATTEMPTING TO PRACTICE, OR**
4 **OFFERING TO PRACTICE MEDICINE.**

5 **(D) (1) A SEARCH WARRANT ISSUED UNDER THIS SECTION SHALL**
6 **SPECIFY THE LOCATION OF THE PREMISES TO BE SEARCHED.**

7 **(2) A SEARCH CONDUCTED IN ACCORDANCE WITH A SEARCH**
8 **WARRANT ISSUED UNDER THIS SECTION MAY NOT EXCEED THE LIMITS**
9 **SPECIFIED IN THE WARRANT.**

10 **(E) A SEARCH WARRANT ISSUED UNDER THIS SECTION SHALL BE**
11 **EXECUTED AND RETURNED TO THE ISSUING JUDGE:**

12 **(1) WITHIN THE PERIOD SPECIFIED IN THE WARRANT, WHICH**
13 **MAY NOT EXCEED 30 DAYS AFTER THE DATE OF ISSUANCE; OR**

14 **(2) WITHIN 15 DAYS AFTER THE DATE OF ISSUANCE, IF NO**
15 **PERIOD IS SPECIFIED IN THE WARRANT.**

16 14-207.

17 (b) (1) The Board may set reasonable fees for the issuance and renewal of
18 licenses and its other services.

19 (2) The fees charged shall be set so as to approximate the cost of
20 maintaining the Board, **INCLUDING THE COST OF PROVIDING A REHABILITATION**
21 **PROGRAM FOR PHYSICIANS UNDER § 14-401.1(G) OF THIS TITLE.**

22 (3) Funds to cover the compensation and expenses of the Board
23 members shall be generated by fees set under this section.

24 14-401.

25 **(A) THERE ARE TWO DISCIPLINARY PANELS THROUGH WHICH**
26 **ALLEGATIONS OF GROUNDS FOR DISCIPLINARY ACTION AGAINST A LICENSED**
27 **PHYSICIAN OR AN ALLIED HEALTH PROFESSIONAL SHALL BE RESOLVED.**

28 **(B) (1) THE CHAIR OF THE BOARD SHALL ASSIGN EACH MEMBER OF**
29 **THE BOARD TO ONE OF THE DISCIPLINARY PANELS ESTABLISHED UNDER**
30 **SUBSECTION (A) OF THIS SECTION.**

1 **(2) EACH DISCIPLINARY PANEL SHALL CONSIST OF 11 BOARD**
2 **MEMBERS.**

3 **(3) OF THE 11 MEMBERS ON A DISCIPLINARY PANEL:**

4 **(I) 6 SHALL BE PRACTICING LICENSED PHYSICIANS;**

5 **(II) 1 SHALL BE A PRACTICING LICENSED PHYSICIAN WITH A**
6 **FULL-TIME FACULTY APPOINTMENT;**

7 **(III) 1 SHALL BE A REPRESENTATIVE OF THE DEPARTMENT**
8 **OR A LICENSED PHYSICIAN ASSISTANT; AND**

9 **(IV) 3 SHALL BE MEMBERS OF THE PUBLIC.**

10 **(4) THE CHAIR OF THE BOARD MAY SERVE AS AN EX-OFFICIO**
11 **MEMBER OF THE DISCIPLINARY PANEL TO WHICH THE CHAIR WAS NOT**
12 **ASSIGNED AS A MEMBER UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

13 **(5) THE CHAIR OF THE BOARD SHALL SELECT A MEMBER OF**
14 **EACH DISCIPLINARY PANEL TO BE THE CHAIR OF THE DISCIPLINARY PANEL.**

15 **(6) A QUORUM OF A DISCIPLINARY PANEL CONSISTS OF 6**
16 **MEMBERS.**

17 **[14-401.] 14-401.1.**

18 **(a) (1) The Board shall perform any necessary preliminary investigation**
19 **REGARDING AN ALLEGATION OF GROUNDS FOR DISCIPLINARY OR OTHER**
20 **ACTION BROUGHT TO THE BOARD'S ATTENTION before [the Board refers] THE**
21 **ALLEGATION IS ASSIGNED to [an investigatory body an allegation of grounds for**
22 **disciplinary or other action brought to its attention] A DISCIPLINARY PANEL.**

23 **(2) (I) AFTER THE COMPLETION OF ANY NECESSARY**
24 **PRELIMINARY INVESTIGATION UNDER PARAGRAPH (1) OF THIS SUBSECTION, A**
25 **COMPLAINT SHALL BE ASSIGNED TO A DISCIPLINARY PANEL.**

26 **(II) SUBJECT TO THE PROVISIONS OF THIS SECTION, A**
27 **DISCIPLINARY PANEL:**

28 **1. SHALL DETERMINE THE FINAL DISPOSITION OF A**
29 **COMPLAINT AGAINST A PHYSICIAN OR AN ALLIED HEALTH PROFESSIONAL; AND**

1 **2. HAS THE INDEPENDENT AUTHORITY TO MAKE A**
2 **DETERMINATION REGARDING THE FINAL DISPOSITION OF A COMPLAINT.**

3 **(III) THE BOARD MAY NOT VOTE TO APPROVE OR**
4 **DISAPPROVE ANY ACTION TAKEN BY A DISCIPLINARY PANEL, INCLUDING THE**
5 **FINAL DISPOSITION OF A COMPLAINT.**

6 **(3) A DISCIPLINARY PANEL THAT IS ASSIGNED A COMPLAINT**
7 **UNDER PARAGRAPH (2)(I) OF THIS SUBSECTION MAY:**

8 **(I) CONDUCT ANY ADDITIONAL INVESTIGATION INTO A**
9 **COMPLAINT THAT IS DEEMED NECESSARY TO DETERMINE WHETHER A**
10 **VIOLATION OF THIS TITLE OR TITLE 15 OF THIS ARTICLE HAS OCCURRED; AND**

11 **(II) ENTER INTO A CONSENT ORDER WITH A PHYSICIAN OR**
12 **AN ALLIED HEALTH PROFESSIONAL AFTER CONDUCTING A MEETING BETWEEN**
13 **THE DISCIPLINARY PANEL AND THE PHYSICIAN OR ALLIED HEALTH**
14 **PROFESSIONAL TO DISCUSS ANY PROPOSED DISPOSITION OF THE COMPLAINT.**

15 **(4) A DISCIPLINARY PANEL THAT IS ASSIGNED A COMPLAINT**
16 **AGAINST AN ALLIED HEALTH PROFESSIONAL UNDER PARAGRAPH (2)(I) OF THIS**
17 **SUBSECTION SHALL CONSULT WITH THE CHAIR OF THE APPROPRIATE ALLIED**
18 **HEALTH ADVISORY COMMITTEE, OR THE CHAIR'S DESIGNEE, BEFORE TAKING**
19 **DISCIPLINARY ACTION AGAINST THE ALLIED HEALTH PROFESSIONAL.**

20 **(5) (I) IF A COMPLAINT PROCEEDS TO A HEARING UNDER §**
21 **14-405, § 14-5A-17, § 14-5B-14, § 14-5C-17, § 14-5D-15, OR § 14-5E-16 OF**
22 **THIS TITLE OR § 15-315 OF THIS ARTICLE, THE CHAIR OF THE DISCIPLINARY**
23 **PANEL THAT WAS ASSIGNED THE COMPLAINT UNDER PARAGRAPH (2)(I) OF THIS**
24 **SUBSECTION SHALL REFER THE COMPLAINT TO THE OTHER DISCIPLINARY**
25 **PANEL.**

26 **(II) IF THE COMPLAINT PROCEEDS TO A HEARING AND IS**
27 **REFERRED TO THE OTHER DISCIPLINARY PANEL UNDER SUBPARAGRAPH (I) OF**
28 **THIS PARAGRAPH, THE DISCIPLINARY PANEL THAT WAS ASSIGNED THE**
29 **COMPLAINT UNDER PARAGRAPH (2)(I) OF THIS SUBSECTION, OR ANY OF ITS**
30 **MEMBERS, MAY NOT:**

31 **1. CONTINUE TO HANDLE THE COMPLAINT;**

32 **2. PARTICIPATE IN ANY DISCIPLINARY**
33 **PROCEEDINGS REGARDING THE COMPLAINT; OR**

1 1. May determine that an agreement for corrective
2 action is warranted; and

3 2. Shall notify the licensee of the identified deficiencies
4 and enter into an agreement for corrective action with the licensee as provided in this
5 paragraph.

6 (ii) [The Board] **A DISCIPLINARY PANEL** may not enter into an
7 agreement for corrective action with a licensee if patient safety is an issue.

8 (iii) The [Board] **DISCIPLINARY PANEL** shall subsequently
9 evaluate the licensee and shall:

10 1. Terminate the corrective action if the [Board]
11 **DISCIPLINARY PANEL** is satisfied that the licensee is in compliance with the
12 agreement for corrective action and has corrected the deficiencies; or

13 2. Pursue disciplinary action under § 14–404 of this
14 subtitle if the deficiencies persist or the licensee has failed to comply with the
15 agreement for corrective action.

16 (iv) An agreement for corrective action under this paragraph
17 may not be made public or considered a disciplinary action under this title.

18 (v) The Board shall provide a summary of [the] **EACH**
19 **DISCIPLINARY PANEL’S** corrective action agreements in the executive director’s
20 report of Board activities.

21 (d) County medical societies shall refer to the Board all complaints that set
22 forth allegations of grounds for disciplinary action under § 14–404 of this subtitle.

23 (e) (1) [(i)] In accordance with subsection (f) of this section, the Board
24 shall enter into a written contract with an entity or individual for confidential
25 physician peer review of allegations based on § 14–404(a)(22) of this subtitle.

26 [(ii) The Board shall obtain two peer review reports for each
27 allegation it refers for peer review.]

28 (2) A peer reviewer shall:

29 (i) Be Board certified;

30 (ii) Have special qualifications to judge the matter at hand;

31 (iii) Have received a specified amount of medical experience and
32 training;

1 (iv) Have no formal actions against the peer reviewer's own
2 license;

3 (v) Receive training in peer review;

4 (vi) Have a standard format for peer review reports; and

5 (vii) To the extent practicable, be licensed and engaged in the
6 practice of medicine in the State.

7 (3) The Board may consult with the appropriate specialty health care
8 provider societies in the State to obtain a list of physicians qualified to provide peer
9 review services.

10 (4) For purposes of peer review, the Board may use sole source
11 procurement under § 13-107 of the State Finance and Procurement Article.

12 (5) The hearing of charges may not be stayed or challenged because of
13 the selection of peer reviewers under this subsection before the filing of charges.

14 (f) (1) The entity or individual peer reviewer with which the Board
15 contracts under subsection (e) of this section shall have 90 days for completion of peer
16 review.

17 (2) The entity or individual peer reviewer may apply to the Board for
18 an extension of up to 30 days to the time limit imposed under paragraph (1) of this
19 subsection.

20 (3) If an extension is not granted, and 90 days have elapsed, the Board
21 may contract with any other entity or individual who meets the requirements of
22 subsection (e)(2) of this section for the services of peer review.

23 (4) If an extension has been granted, and 120 days have elapsed, the
24 Board may contract with any other entity or individual who meets the requirements
25 of subsection (e)(2) of this section for the services of peer review.

26 (g) (1) Except as provided in paragraph (2) of this subsection, on or before
27 January 1, 2008, the Board shall issue a request for proposals and enter into a written
28 contract with a nonprofit entity to provide rehabilitation services for physicians or
29 other allied health professionals directed by the Board to receive rehabilitation
30 services.

31 (2) If the Board does not receive a responsive proposal under
32 paragraph (1) of this subsection or is not able to contract with a nonprofit entity, the
33 Board shall provide directly rehabilitation services for physicians.

1 (h) (1) To facilitate the investigation and prosecution of disciplinary
2 matters and the mediation of fee disputes coming before it, the Board may contract
3 with an entity or entities for the purchase of investigatory, mediation, and related
4 services.

5 (2) Services that may be contracted for under this subsection include
6 the services of:

7 (i) Investigators;

8 (ii) Attorneys;

9 (iii) Accountants;

10 (iv) Expert witnesses;

11 (v) Consultants; and

12 (vi) Mediators.

13 (i) The Board **OR A DISCIPLINARY PANEL** may issue subpoenas and
14 administer oaths in connection with any investigation under this section and any
15 hearing or proceeding before it.

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
18 of this subtitle.

19 (k) (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
21 action filed with the Board shall be completed as expeditiously as possible and, in any
22 event, within 18 months after the complaint was received by the Board.

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

26 **(L) A DISCIPLINARY PANEL, IN CONDUCTING A MEETING WITH A**
27 **PHYSICIAN OR ALLIED HEALTH PROFESSIONAL TO DISCUSS THE PROPOSED**
28 **DISPOSITION OF A COMPLAINT, SHALL PROVIDE AN OPPORTUNITY TO APPEAR**
29 **BEFORE THE DISCIPLINARY PANEL TO BOTH THE LICENSEE WHO HAS BEEN**
30 **CHARGED AND THE INDIVIDUAL WHO HAS FILED THE COMPLAINT AGAINST THE**
31 **LICENSEE GIVING RISE TO THE CHARGE.**

32 14-403.

1 (a) Unless [the Board] **A DISCIPLINARY PANEL** agrees to accept the
2 surrender of a license, certification, or registration of an individual the Board
3 regulates, the individual may not surrender the license, certification, or registration
4 nor may the license, certification, or registration lapse by operation of law while the
5 individual is under investigation or while charges are pending.

6 (b) [The Board] **A DISCIPLINARY PANEL** may set conditions on its
7 agreement to accept surrender of a license, certification, or registration.

8 14–404.

9 (a) Subject to the hearing provisions of § 14–405 of this subtitle, [the Board]
10 **A DISCIPLINARY PANEL**, on the affirmative vote of a majority of the quorum **OF THE**
11 **DISCIPLINARY PANEL**, may reprimand any licensee, place any licensee on probation,
12 or suspend or revoke a license if the licensee:

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

15 (2) Fraudulently or deceptively uses a license;

16 (3) Is guilty of:

17 (i) Immoral conduct in the practice of medicine; or

18 (ii) Unprofessional conduct in the practice of medicine;

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

20 (5) Solicits or advertises in violation of § 14–503 of this title;

21 (6) Abandons a patient;

22 (7) Habitually is intoxicated;

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

25 (9) Provides professional services:

26 (i) While under the influence of alcohol; or

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

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

3 (11) Willfully makes or files a false report or record in the practice of
4 medicine;

5 (12) Willfully fails to file or record any medical report as required under
6 law, willfully impedes or obstructs the filing or recording of the report, or induces
7 another to fail to file or record the report;

8 (13) On proper request, and in accordance with the provisions of Title 4,
9 Subtitle 3 of the Health – General Article, fails to provide details of a patient’s medical
10 record to the patient, another physician, or hospital;

11 (14) Solicits professional patronage through an agent or other person or
12 profits from the acts of a person who is represented as an agent of the physician;

13 (15) Pays or agrees to pay any sum to any person for bringing or
14 referring a patient or accepts or agrees to accept any sum from any person for bringing
15 or referring a patient;

16 (16) Agrees with a clinical or bioanalytical laboratory to make
17 payments to the laboratory for a test or test series for a patient, unless the licensed
18 physician discloses on the bill to the patient or third-party payor:

19 (i) The name of the laboratory;

20 (ii) The amount paid to the laboratory for the test or test series;
21 and

22 (iii) The amount of procurement or processing charge of the
23 licensed physician, if any, for each specimen taken;

24 (17) Makes a willful misrepresentation in treatment;

25 (18) Practices medicine with an unauthorized person or aids an
26 unauthorized person in the practice of medicine;

27 (19) Grossly overutilizes health care services;

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

30 (21) Is disciplined by a licensing or disciplinary authority or convicted
31 or disciplined by a court of any state or country or disciplined by any branch of the
32 United States uniformed services or the Veterans’ Administration for an act that
33 would be grounds for disciplinary action under this section;

- 1 (22) Fails to meet appropriate standards as determined by appropriate
2 peer review for the delivery of quality medical and surgical care performed in an
3 outpatient surgical facility, office, hospital, or any other location in this State;
- 4 (23) Willfully submits false statements to collect fees for which services
5 are not provided;
- 6 (24) Was subject to investigation or disciplinary action by a licensing or
7 disciplinary authority or by a court of any state or country for an act that would be
8 grounds for disciplinary action under this section and the licensee:
- 9 (i) Surrendered the license issued by the state or country to the
10 state or country; or
- 11 (ii) Allowed the license issued by the state or country to expire
12 or lapse;
- 13 (25) Knowingly fails to report suspected child abuse in violation of §
14 5–704 of the Family Law Article;
- 15 (26) Fails to educate a patient being treated for breast cancer of
16 alternative methods of treatment as required by § 20–113 of the Health – General
17 Article;
- 18 (27) Sells, prescribes, gives away, or administers drugs for illegal or
19 illegitimate medical purposes;
- 20 (28) Fails to comply with the provisions of § 12–102 of this article;
- 21 (29) Refuses, withholds from, denies, or discriminates against an
22 individual with regard to the provision of professional services for which the licensee is
23 licensed and qualified to render because the individual is HIV positive;
- 24 (30) Except as to an association that has remained in continuous
25 existence since July 1, 1963:
- 26 (i) Associates with a pharmacist as a partner or co-owner of a
27 pharmacy for the purpose of operating a pharmacy;
- 28 (ii) Employs a pharmacist for the purpose of operating a
29 pharmacy; or
- 30 (iii) Contracts with a pharmacist for the purpose of operating a
31 pharmacy;

1 (31) Except in an emergency life-threatening situation where it is not
2 feasible or practicable, fails to comply with the Centers for Disease Control and
3 Prevention's guidelines on universal precautions;

4 (32) Fails to display the notice required under § 14-415 of this subtitle;

5 (33) Fails to cooperate with a lawful investigation conducted by the
6 Board **OR A DISCIPLINARY PANEL**;

7 (34) Is convicted of insurance fraud as defined in § 27-801 of the
8 Insurance Article;

9 (35) Is in breach of a service obligation resulting from the applicant's or
10 licensee's receipt of State or federal funding for the licensee's medical education;

11 (36) Willfully makes a false representation when seeking or making
12 application for licensure or any other application related to the practice of medicine;

13 (37) By corrupt means, threats, or force, intimidates or influences, or
14 attempts to intimidate or influence, for the purpose of causing any person to withhold
15 or change testimony in hearings or proceedings before the Board **OR A DISCIPLINARY**
16 **PANEL** or those otherwise delegated to the Office of Administrative Hearings;

17 (38) By corrupt means, threats, or force, hinders, prevents, or otherwise
18 delays any person from making information available to the Board **OR A**
19 **DISCIPLINARY PANEL** in furtherance of any investigation of the Board **OR A**
20 **DISCIPLINARY PANEL**;

21 (39) Intentionally misrepresents credentials for the purpose of
22 testifying or rendering an expert opinion in hearings or proceedings before the Board
23 **OR A DISCIPLINARY PANEL** or those otherwise delegated to the Office of
24 Administrative Hearings;

25 (40) Fails to keep adequate medical records as determined by
26 appropriate peer review; or

27 (41) Performs a cosmetic surgical procedure in an office or a facility
28 that is not:

29 (i) Accredited by:

30 1. The American Association for Accreditation of
31 Ambulatory Surgical Facilities;

32 2. The Accreditation Association for Ambulatory Health
33 Care; or

1 (e) After performing any necessary hearing under this section, the hearing
2 officer shall refer proposed factual findings to the Board **OR A DISCIPLINARY PANEL**
3 for the Board's **OR DISCIPLINARY PANEL'S** disposition.

4 (f) The Board may adopt regulations to govern the taking of depositions and
5 discovery in the hearing of charges.

6 (g) The hearing of charges may not be stayed or challenged by any
7 procedural defects alleged to have occurred prior to the filing of charges.

8 14-405.1.

9 (a) If after a hearing under § 14-405 of this subtitle [the Board] **A**
10 **DISCIPLINARY PANEL** finds that there are grounds under § 14-404 of this subtitle to
11 suspend or revoke a license to practice medicine or osteopathy, or to reprimand a
12 licensed physician or osteopath, the [Board] **DISCIPLINARY PANEL** may impose a fine
13 subject to the Board's regulations:

14 (1) Instead of suspending the license; or

15 (2) In addition to suspending or revoking the license or reprimanding
16 the licensee.

17 (b) The Board shall pay any fines collected under this section into the
18 General Fund.

19 14-406.

20 (a) Following the filing of charges, if a majority of the quorum of [the Board]
21 **A DISCIPLINARY PANEL** finds that there are grounds for action under § 14-404 of
22 this subtitle, the [Board] **DISCIPLINARY PANEL** shall pass an order in accordance
23 with the Administrative Procedure Act.

24 (b) After the charges are filed, if [the Board] **A DISCIPLINARY PANEL** finds,
25 on an affirmative vote of a majority of its quorum, that there are no grounds for action
26 under § 14-404 of this subtitle, the [Board] **DISCIPLINARY PANEL**:

27 (1) Immediately shall dismiss the charges and exonerate the licensee;

28 (2) (i) Except as provided in item (ii) of this [paragraph] **ITEM**,
29 shall expunge all records of the charges 3 years after the charges are dismissed; or

30 (ii) If the physician executes a document releasing the Board
31 from any liability related to the charges, shall immediately expunge all records of the
32 charges; and

1 (3) May not take any further action on the charges.

2 14-407.

3 (a) An order of suspension or revocation is effective, in accordance with its
4 terms and conditions, as soon as [the Board] **A DISCIPLINARY PANEL** files it under
5 this title.

6 14-408.

7 (a) Except as provided in this section for an action under § 14-404 of this
8 subtitle or § 14-5A-17 of this title, any person aggrieved by a final decision of the
9 Board **OR A DISCIPLINARY PANEL** in a contested case, as defined in the
10 Administrative Procedure Act, may:

11 (1) Appeal that decision to the Board of Review; and

12 (2) Then take any further appeal allowed by the Administrative
13 Procedure Act.

14 (b) (1) Any person aggrieved by a final decision of the Board **OR A**
15 **DISCIPLINARY PANEL** under § 14-404 of this subtitle or § 14-5A-17 of this title may
16 not appeal to the Secretary or Board of Review but may take a direct judicial appeal.

17 (2) The appeal shall be made as provided for judicial review of final
18 decisions in the Administrative Procedure Act.

19 (c) An order of the Board **OR A DISCIPLINARY PANEL** may not be stayed
20 pending review.

21 (d) The Board may appeal from any decision that reverses or modifies [its]
22 **AN order OF THE BOARD OR A DISCIPLINARY PANEL.**

23 14-409.

24 (a) **(1)** Except as provided in subsection (b) of this section, [the Board] **A**
25 **DISCIPLINARY PANEL** may reinstate the license of an individual whose license has
26 been suspended or revoked under this title only in accordance with:

27 **[(1) (I)]** The terms and conditions of the order of suspension or
28 revocation;

29 **[(2) (II)]** An order of reinstatement issued by the [Board]
30 **DISCIPLINARY PANEL;** or

1 ~~[(3)] (III)~~ A final judgment in any proceeding for review.

2 **(2) IF A DISCIPLINARY PANEL REINSTATES A LICENSE UNDER**
3 **PARAGRAPH (1) OF THIS SUBSECTION, THE DISCIPLINARY PANEL SHALL NOTIFY**
4 **THE BOARD OF THE REINSTATEMENT.**

5 14–410.

6 (a) Except by the express stipulation and consent of all parties to a
7 proceeding before the Board, **A DISCIPLINARY PANEL**, or any of its **OTHER**
8 investigatory bodies, in a civil or criminal action:

9 (1) The proceedings, records, or files of the Board, **A DISCIPLINARY**
10 **PANEL**, or any of its **OTHER** investigatory bodies are not discoverable and are not
11 admissible in evidence; and

12 (2) Any order passed by the Board **OR DISCIPLINARY PANEL** is not
13 admissible in evidence.

14 (b) This section does not apply to a civil action brought by a party to a
15 proceeding before the Board **OR A DISCIPLINARY PANEL** who claims to be aggrieved
16 by the decision of the Board **OR THE DISCIPLINARY PANEL**.

17 (c) If any medical or hospital record or any other exhibit is subpoenaed and
18 otherwise is admissible in evidence, the use of that record or exhibit in a proceeding
19 before the Board, **A DISCIPLINARY PANEL**, or any of its **OTHER** investigatory bodies
20 does not prevent its production in any other proceeding.

21 14–411.

22 (a) In this section, “record” means the proceedings, records, or files of the
23 Board **OR A DISCIPLINARY PANEL**.

24 (b) Except as otherwise expressly provided in this section and § 14–411.1 of
25 this subtitle, the Board, **A DISCIPLINARY PANEL**, or any of its **OTHER** investigatory
26 bodies may not disclose any information contained in a record.

27 (d) The Board shall disclose any information contained in a record to:

28 (1) A committee of a hospital, health maintenance organization, or
29 related institution if:

30 (ii) **[The Board] A DISCIPLINARY PANEL** has issued an order
31 as to a licensed physician on whom the information is requested; and

1 (i) Following the filing of charges or notice of initial denial of license
2 application, the Board shall disclose the filing to the public **ON THE BOARD'S WEB**
3 **SITE**.

4 (j) The Board may disclose any information contained in a record to a
5 licensing or disciplinary authority of another state if:

6 (2) The disclosure of any information is limited to the pendency of an
7 allegation of a ground for disciplinary or other action by **[the Board] A DISCIPLINARY**
8 **PANEL** until:

9 (i) The **[Board] DISCIPLINARY PANEL** has passed an order
10 under § 14-406 of this subtitle; or

11 (l) The Board may disclose any information contained in a record to the
12 State Medical Assistance Compliance Administration, the Secretary of the U.S.
13 Department of Health and Human Services or the Secretary's designee, or any health
14 occupational regulatory board if:

15 (2) (i) **[The Board] A DISCIPLINARY PANEL** has issued an order
16 under § 14-406 of this subtitle; or

17 (ii) An allegation is pending before the Board **OR A**
18 **DISCIPLINARY PANEL**; and

19 (m) If the Board **OR A DISCIPLINARY PANEL** determines that the
20 information contained in a record concerns possible criminal activity, the Board **OR**
21 **THE DISCIPLINARY PANEL** shall disclose the information to a law enforcement or
22 prosecutorial official.

23 (r) This section does not apply to:

24 (1) Any disclosure of a record by the Board to **A DISCIPLINARY**
25 **PANEL OR** any of its **OTHER** investigatory bodies; or

26 (2) A licensee, certificate holder, or registration holder who has been
27 charged under this title or a party to a proceeding before the Board **OR A**
28 **DISCIPLINARY PANEL** who claims to be aggrieved by the decision of the Board **OR**
29 **THE DISCIPLINARY PANEL**.

30 (s) If any information contained in any medical or hospital document or any
31 other exhibit is otherwise open for disclosure under law, the use of that document or
32 exhibit in any record of the Board, **A DISCIPLINARY PANEL**, or any of its **OTHER**
33 investigatory bodies does not prevent its disclosure in any other proceeding.

34 14-411.1.

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

3 (1) **A SUMMARY OF CHARGES FILED AGAINST THE LICENSEE,**
4 **INCLUDING A COPY OF THE CHARGING DOCUMENT, UNTIL A DISCIPLINARY**
5 **PANEL HAS TAKEN ACTION UNDER § 14-404 OF THIS SUBTITLE BASED ON THE**
6 **CHARGES OR HAS RESCINDED THE CHARGES.**

7 (2) A description of any disciplinary action taken by the Board **OR A**
8 **DISCIPLINARY PANEL** against the licensee within the most recent 10-year period
9 that includes a copy of the public order;

10 [(2)] (3) A description in summary form of any final disciplinary
11 action taken by a licensing board in any other state or jurisdiction against the licensee
12 within the most recent 10-year period;

13 [(3)] (4) The number of medical malpractice final court judgments
14 and arbitration awards against the licensee within the most recent 10-year period for
15 which all appeals have been exhausted as reported to the Board;

16 [(4)] (5) A description of a conviction or entry of a plea of guilty or
17 nolo contendere by the licensee for a crime involving moral turpitude reported to the
18 Board under [§ 14-413(b)] **§ 14-416** of this subtitle; and

19 [(5)] (6) Medical education and practice information about the
20 licensee including:

21 (i) The name of any medical school that the licensee attended
22 and the date on which the licensee graduated from the school;

23 (ii) A description of any internship and residency training;

24 (iii) A description of any specialty board certification by a
25 recognized board of the American Board of Medical Specialties or the American
26 Osteopathic Association;

27 (iv) The name of any hospital where the licensee has medical
28 privileges as reported to the Board under § 14-413 of this subtitle;

29 (v) The location of the licensee's primary practice setting; and

30 (vi) Whether the licensee participates in the Maryland Medical
31 Assistance Program.

1 (c) In addition to the requirements of subsection (b) of this section, the Board
2 shall:

3 (2) Include a statement on each licensee's profile of information to be
4 taken into consideration by a consumer when viewing a licensee's profile, including
5 factors to consider when evaluating a licensee's malpractice data, **AND A DISCLAIMER**
6 **STATING THAT A CHARGING DOCUMENT DOES NOT INDICATE A FINAL FINDING**
7 **OF GUILT BY A DISCIPLINARY PANEL;** and

8 (f) The Board shall include information relating to **[a] CHARGES FILED**
9 **AGAINST A LICENSEE BY A DISCIPLINARY PANEL AND ANY** final disciplinary action
10 taken by **[the Board] A DISCIPLINARY PANEL** against a licensee in the licensee's
11 profile within 10 days after **THE CHARGES ARE FILED OR** the action becomes final.

12 14–413.

13 (a) (1) Every 6 months, each hospital and related institution shall file
14 with the Board a report that:

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

- 17 1. Is employed by the hospital or related institution;
- 18 2. Has privileges with the hospital or related institution;
- 19 and
- 20 3. Has applied for privileges with the hospital or related
21 institution; **[and]**

22 (ii) States whether, as to each licensed physician, during the 6
23 months preceding the report:

24 1. The hospital or related institution denied the
25 application of a physician for staff privileges or limited, reduced, otherwise changed, or
26 terminated the staff privileges of a physician, or the physician resigned whether or not
27 under formal accusation, if the denial, limitation, reduction, change, termination, or
28 resignation is for reasons that might be grounds for disciplinary action under § 14–404
29 of this subtitle;

30 2. The hospital or related institution took any
31 disciplinary action against a salaried, licensed physician without staff privileges,
32 including termination of employment, suspension, or probation, for reasons that might
33 be grounds for disciplinary action under § 14–404 of this subtitle;

1 3. The hospital or related institution took any
2 disciplinary action against an individual in a postgraduate medical training program,
3 including removal from the training program, suspension, or probation for reasons
4 that might be grounds for disciplinary action under § 14–404 of this subtitle;

5 4. A licensed physician or an individual in a
6 postgraduate training program voluntarily resigned from the staff, employ, or training
7 program of the hospital or related institution for reasons that might be grounds for
8 disciplinary action under § 14–404 of this subtitle; or

9 5. The hospital or related institution placed any other
10 restrictions or conditions on any of the licensed physicians as listed in items 1 through
11 4 of this subparagraph for any reasons that might be grounds for disciplinary action
12 under § 14–404 of this subtitle; **AND**

13 **(III) STATES THAT NO ACTION WAS TAKEN AGAINST THE**
14 **LICENSED PHYSICIAN IF THE HOSPITAL OR RELATED INSTITUTION DID NOT**
15 **TAKE ACTION AGAINST THE LICENSED PHYSICIAN DURING THE PERIOD**
16 **COVERED BY THE REPORT.**

17 (2) The hospital or related institution shall:

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

20 (ii) State in the report the reasons for its action or the nature of
21 the formal accusation pending when the physician resigned.

22 (3) The Board may extend the reporting time under this subsection for
23 good cause shown.

24 (4) The minutes or notes taken in the course of determining the
25 denial, limitation, reduction, or termination of the staff privileges of any physician in a
26 hospital or related institution are not subject to review or discovery by any person.

27 **[(b) (1) Each court shall report to the Board each conviction of or entry of a**
28 **plea of guilty or nolo contendere by a physician for any crime involving moral**
29 **turpitude.**

30 (2) The court shall submit the report within 10 days of the conviction
31 or entry of the plea.]

32 **[(c) (B) The Board may enforce this section by subpoena.**

1 **[(d)] (C)** Any person shall have the immunity from liability described under
2 § 5-715(d) of the Courts and Judicial Proceedings Article for giving any of the
3 information required by this section.

4 **[(e)] (D)** A report made under this section is not subject to subpoena or
5 discovery in any civil action other than a proceeding arising out of a hearing and
6 decision of the Board **OR A DISCIPLINARY PANEL** under this title.

7 **[(f)] (E)** (1) The Board may impose a civil penalty of up to \$5,000 for
8 failure to report under this section.

9 (2) The Board shall remit any penalty collected under this subsection
10 into the General Fund of the State.

11 14-414.

12 **(a)** (1) Every 6 months, each alternative health system as defined in §
13 1-401 of this article shall file with the Board a report that:

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

16 1. Is employed by the alternative health system;

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

19 3. Has completed a formal application process to become
20 under contract with the alternative health system; **[and]**

21 (ii) States whether, as to each licensed physician, during the 6
22 months preceding the report:

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

29 2. The alternative health system placed any other
30 restrictions or conditions on any licensed physician for any reasons that might be
31 grounds for disciplinary action under § 14-404 of this subtitle; **AND**

32 **(III) STATES THAT NO ACTION WAS TAKEN AGAINST THE**
33 **LICENSED PHYSICIAN IF THE ALTERNATIVE HEALTH SYSTEM DID NOT TAKE**

1 ACTION AGAINST THE LICENSED PHYSICIAN DURING THE PERIOD COVERED BY
2 THE REPORT.

3 (2) The alternative health system shall:

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

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

8 (3) The Board may extend the reporting time under this subsection for
9 good cause shown.

10 (4) The minutes or notes taken in the course of determining the
11 denial, limitation, reduction, or termination of the employment contract of any
12 physician in an alternative health system are not subject to review or discovery by any
13 person.

14 [(b) (1) Each court shall report to the Board each conviction of or entry of a
15 plea of guilty or nolo contendere by a physician for any crime involving moral
16 turpitude.

17 (2) The court shall submit the report within 10 days of the conviction
18 or entry of the plea.]

19 [(c) (B) The Board may enforce this section by subpoena.

20 [(d) (C) Any person shall have the immunity from liability described under
21 § 5-715(d) of the Courts and Judicial Proceedings Article for giving any of the
22 information required by this section.

23 [(e) (D) A report made under this section is not subject to subpoena or
24 discovery in any civil action other than a proceeding arising out of a hearing and
25 decision of the Board OR A DISCIPLINARY PANEL under this title.

26 [(f) (E) (1) [Failure to report pursuant to the requirements of this
27 section shall result in imposition of a civil penalty of up to \$5,000 by a circuit court of
28 this State] **THE BOARD MAY IMPOSE A CIVIL PENALTY OF UP TO \$5,000 FOR
29 FAILURE TO REPORT UNDER THIS SECTION.**

30 **(2) THE BOARD SHALL REMIT ANY PENALTY COLLECTED UNDER
31 THIS SUBSECTION INTO THE GENERAL FUND OF THE STATE.**

32 14-416.

1 **(A) (1) EACH COURT SHALL REPORT TO THE BOARD EACH**
2 **CONVICTION OF OR ENTRY OF A PLEA OF GUILTY OR NOLO CONTENDERE BY A**
3 **PHYSICIAN FOR ANY CRIME INVOLVING MORAL TURPITUDE.**

4 **(2) THE COURT SHALL SUBMIT THE REPORT WITHIN 10 DAYS**
5 **AFTER THE CONVICTION OR ENTRY OF THE PLEA.**

6 **(B) FAILURE TO REPORT UNDER THIS SECTION SHALL RESULT IN**
7 **IMPOSITION OF A CIVIL PENALTY OF UP TO \$5,000 BY A CIRCUIT COURT OF THE**
8 **STATE.**

9 14-504.

10 (g) Subject to the hearing provisions of § 14-405 of this title, [the Board] A
11 **DISCIPLINARY PANEL**, on the affirmative vote of a majority of its quorum, may
12 reprimand or place a physician who performs acupuncture on probation or suspend or
13 revoke the registration of a physician for:

14 (1) Any conduct prohibited under the provisions of this section or
15 prohibited under any regulation adopted pursuant to the provisions of this section;

16 (2) Except in an emergency life-threatening situation where it is not
17 feasible or practicable, failing to comply with the Centers for Disease Control and
18 Prevention's guidelines on universal precautions; or

19 (3) Failing to display the notice required under subsection (h) of this
20 section.

21 14-506.

22 (b) The following records and other information are confidential records:

23 (2) Any record of a proceeding or transaction before the entity or
24 individual that contracts with the Board or one of its committees that relates to any
25 investigation or report under [§ 14-401] **§ 14-401.1** of this title as to an allegation of
26 grounds for disciplinary or other action.

27 14-5A-04.

28 (a) (1) The Board shall set reasonable fees for the issuance of and renewal
29 of licenses and the other services it provides to respiratory care practitioners.

30 (2) The fees charged shall be set so as to produce funds to approximate
31 the cost of maintaining the licensure program and the other services provided to
32 respiratory care practitioners, **INCLUDING THE COST OF PROVIDING A**

1 REHABILITATION PROGRAM FOR RESPIRATORY CARE PRACTITIONERS UNDER §
2 14-401.1(G) OF THIS TITLE.

3 14-5A-06.

4 (d) (1) From among its members, the Committee shall elect a chair once
5 every 2 years.

6 (2) THE CHAIR, OR THE CHAIR'S DESIGNEE, SHALL SERVE IN AN
7 ADVISORY CAPACITY TO THE BOARD AS A REPRESENTATIVE OF THE
8 COMMITTEE.

9 14-5A-07.

10 (A) In addition to the powers set forth elsewhere in this subtitle, the
11 Committee shall:

12 (1) Develop and recommend to the Board regulations to carry out the
13 provisions of this subtitle;

14 (2) Develop and recommend to the Board a code of ethics for the
15 practice of respiratory care for adoption by the Board;

16 (3) If requested, develop and recommend to the Board standards of
17 care for the practice of respiratory care;

18 (4) Develop and recommend to the Board the requirements for
19 licensure as a respiratory care practitioner;

20 (5) Evaluate the credentials of applicants as necessary and
21 recommend licensure of applicants who fulfill the requirements for a license to
22 practice respiratory care;

23 (6) Develop and recommend to the Board continuing education
24 requirements for license renewal;

25 (7) Provide the Board with recommendations concerning the practice
26 of respiratory care;

27 (8) Develop and recommend to the Board criteria related to the
28 practice of respiratory care in the home setting; [and]

29 (9) Keep a record of its proceedings; AND

30 (10) SUBMIT AN ANNUAL REPORT TO THE BOARD.

- 1 (ii) Using any narcotic or controlled dangerous substance as
2 defined in § 5–101 of the Criminal Law Article or any other drug that is in excess of
3 therapeutic amounts or without valid medical indication;
- 4 (9) Promotes the sale of services, drugs, devices, appliances, or goods
5 to a patient so as to exploit the patient for financial gain;
- 6 (10) Willfully makes or files a false report or record in the practice of
7 respiratory care;
- 8 (11) Willfully fails to file or record any report as required under law,
9 willfully impedes or obstructs the filing or recording of a report, or induces another to
10 fail to file or record a report;
- 11 (12) Breaches patient confidentiality;
- 12 (13) Pays or agrees to pay any sum or provide any form of remuneration
13 or material benefit to any person for bringing or referring a patient or accepts or
14 agrees to accept any sum or any form of remuneration or material benefit from an
15 individual for bringing or referring a patient;
- 16 (14) Knowingly makes a misrepresentation while practicing respiratory
17 care;
- 18 (15) Knowingly practices respiratory care with an unauthorized
19 individual or aids an unauthorized individual in the practice of respiratory care;
- 20 (16) Offers, undertakes, or agrees to cure or treat disease by a secret
21 method, treatment, or medicine;
- 22 (17) Is disciplined by a licensing or disciplinary authority or is
23 convicted or disciplined by a court of any state or country or is disciplined by any
24 branch of the United States uniformed services or the Veterans' Administration for an
25 act that would be grounds for disciplinary action under the Board's disciplinary
26 statutes;
- 27 (18) Fails to meet appropriate standards for the delivery of respiratory
28 care performed in any inpatient or outpatient facility, office, hospital or related
29 institution, domiciliary care facility, patient's home, or any other location in this State;
- 30 (19) Knowingly submits false statements to collect fees for which
31 services are not provided;
- 32 (20) (i) Has been subject to investigation or disciplinary action by a
33 licensing or disciplinary authority or by a court of any state or country for an act that
34 would be grounds for disciplinary action under the Board's disciplinary statutes; and

1 (ii) [The licensed individual] **HAS:**

2 1. Surrendered the license issued by the state or
3 country; or

4 2. Allowed the license issued by the state or country to
5 expire or lapse;

6 (21) Knowingly fails to report suspected child abuse in violation of §
7 5–704 of the Family Law Article;

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

10 (23) Practices or attempts to practice beyond the authorized scope of
11 practice;

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

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

19 (26) Fails to cooperate with a lawful investigation conducted by the
20 Board **OR A DISCIPLINARY PANEL**; or

21 (27) Fails to practice under the supervision of a physician or violates a
22 supervisory order of a supervising physician.

23 (b) Except as otherwise provided in the Administrative Procedure Act, before
24 the Board **OR A DISCIPLINARY PANEL** takes any action under subsection (a) of this
25 section, it shall give the individual against whom the action is contemplated an
26 opportunity for a hearing before the Board **OR THE DISCIPLINARY PANEL** in
27 accordance with the hearing requirements of § 14–405 of this title.

28 (c) (1) On the filing of certified docket entries with the Board by the
29 Office of the Attorney General, [the Board] **A DISCIPLINARY PANEL** shall order the
30 suspension of a license if the licensee is convicted of or pleads guilty or nolo contendere
31 with respect to a crime involving moral turpitude, whether or not any appeal or other
32 proceeding is pending to have the conviction or plea set aside.

33 (2) After completion of the appellate process if the conviction has not
34 been reversed or the plea has not been set aside with respect to a crime involving

1 moral turpitude, [the Board] **A DISCIPLINARY PANEL** shall order the revocation of a
2 license on the certification by the Office of the Attorney General.

3 14-5A-17.1.

4 (a) (1) Any person aggrieved by a final decision of the Board **OR A**
5 **DISCIPLINARY PANEL** under this subtitle may not appeal to the Secretary or Board of
6 Review but may take a direct judicial appeal.

7 (2) The appeal shall be made as provided for judicial review of final
8 decisions in the Administrative Procedure Act.

9 (b) An order of the Board **OR A DISCIPLINARY PANEL** may not be stayed
10 pending review.

11 (c) The Board may appeal from any decision that reverses or modifies [its]
12 **AN order OF THE BOARD OR A DISCIPLINARY PANEL.**

13 14-5A-18.

14 (f) A report made under this section is not subject to subpoena or discovery
15 in any civil action other than a proceeding arising out of a hearing and decision of the
16 Board **OR A DISCIPLINARY PANEL** under this title.

17 14-5A-18.1.

18 **(A) FOLLOWING THE FILING OF CHARGES OR NOTICE OF INITIAL**
19 **DENIAL OF A LICENSE APPLICATION, THE BOARD SHALL DISCLOSE THE FILING**
20 **TO THE PUBLIC ON THE BOARD'S WEB SITE.**

21 **(B) THE BOARD SHALL CREATE AND MAINTAIN A PUBLIC INDIVIDUAL**
22 **PROFILE ON EACH LICENSEE THAT INCLUDES THE FOLLOWING INFORMATION:**

23 **(1) A SUMMARY OF CHARGES FILED AGAINST THE LICENSEE,**
24 **INCLUDING A COPY OF THE CHARGING DOCUMENT, UNTIL A DISCIPLINARY**
25 **PANEL HAS TAKEN ACTION UNDER § 14-5A-17 OF THIS SUBTITLE BASED ON**
26 **THE CHARGES OR HAS RESCINDED THE CHARGES;**

27 **(2) A DESCRIPTION OF ANY DISCIPLINARY ACTION TAKEN BY THE**
28 **BOARD OR A DISCIPLINARY PANEL AGAINST THE LICENSEE WITHIN THE MOST**
29 **RECENT 10-YEAR PERIOD THAT INCLUDES A COPY OF THE PUBLIC ORDER;**

30 **(3) A DESCRIPTION IN SUMMARY FORM OF ANY FINAL**
31 **DISCIPLINARY ACTION TAKEN BY A LICENSING BOARD IN ANY OTHER STATE OR**

1 JURISDICTION AGAINST THE LICENSEE WITHIN THE MOST RECENT 10-YEAR
2 PERIOD IF THE BOARD KNOWS ABOUT THE DISCIPLINARY ACTION;

3 (4) A DESCRIPTION OF A CONVICTION OR ENTRY OF A PLEA OF
4 GUILTY OR NOLO CONTENDERE BY THE LICENSEE FOR A CRIME INVOLVING
5 MORAL TURPITUDE THAT IS THE BASIS FOR DISCIPLINARY ACTION TAKEN
6 UNDER § 14-5A-17(C) OF THIS SUBTITLE; AND

7 (5) THE PUBLIC ADDRESS OF THE LICENSEE.

8 (C) IN ADDITION TO THE REQUIREMENTS OF SUBSECTION (B) OF THIS
9 SECTION, THE BOARD SHALL INCLUDE ON EACH LICENSEE'S PROFILE A
10 STATEMENT OF INFORMATION TO BE TAKEN INTO CONSIDERATION BY A
11 CONSUMER WHEN VIEWING A LICENSEE'S PROFILE, INCLUDING A DISCLAIMER
12 STATING THAT A CHARGING DOCUMENT DOES NOT INDICATE A FINAL FINDING
13 OF GUILT BY A DISCIPLINARY PANEL.

14 (D) THE BOARD:

15 (1) ON RECEIPT OF A WRITTEN REQUEST FOR A LICENSEE'S
16 PROFILE FROM ANY PERSON, SHALL FORWARD A WRITTEN COPY OF THE
17 PROFILE TO THE PERSON; AND

18 (2) SHALL MAINTAIN A WEB SITE THAT SERVES AS A SINGLE
19 POINT OF ENTRY WHERE ALL LICENSEE PROFILE INFORMATION IS AVAILABLE
20 TO THE PUBLIC ON THE INTERNET.

21 (E) THE BOARD SHALL PROVIDE A MECHANISM FOR THE NOTIFICATION
22 AND PROMPT CORRECTION OF ANY FACTUAL INACCURACIES IN A LICENSEE'S
23 PROFILE.

24 (F) THE BOARD SHALL INCLUDE INFORMATION RELATING TO CHARGES
25 FILED AGAINST A LICENSEE BY A DISCIPLINARY PANEL AND ANY FINAL
26 DISCIPLINARY ACTION TAKEN BY A DISCIPLINARY PANEL AGAINST A LICENSEE
27 IN THE LICENSEE'S PROFILE WITHIN 10 DAYS AFTER THE CHARGES ARE FILED
28 OR THE ACTION BECOMES FINAL.

29 14-5A-19.

30 (A) On the application of an individual whose license has been revoked, [the
31 Board] A DISCIPLINARY PANEL, on the affirmative vote of a majority of the quorum
32 OF THE DISCIPLINARY PANEL, may reinstate a revoked license.

1 **(B) IF A DISCIPLINARY PANEL REINSTATES A LICENSE UNDER**
2 **SUBSECTION (A) OF THIS SECTION, THE DISCIPLINARY PANEL SHALL NOTIFY**
3 **THE BOARD OF THE REINSTATEMENT.**

4 14-5A-25.

5 Subject to the evaluation and reestablishment provisions of the Maryland
6 Program Evaluation Act and subject to the termination of this title under § 14-702 of
7 this title, this subtitle and all rules and regulations adopted under this subtitle shall
8 terminate and be of no effect after July 1, [2013] **2018.**

9 14-5B-04.

10 (a) (1) The Board shall set reasonable fees for the issuance of and renewal
11 of licenses and other services it provides to licensees and holders of temporary
12 licenses.

13 (2) The fees charged shall be set so as to produce funds to approximate
14 the cost of maintaining the licensure program and the other services provided to
15 licensees and holders of temporary licenses, **INCLUDING THE COST OF PROVIDING A**
16 **REHABILITATION PROGRAM FOR LICENSEES AND HOLDERS OF TEMPORARY**
17 **LICENSES UNDER § 14-401.1(G) OF THIS TITLE.**

18 14-5B-05.

19 (c) (1) From among its members, the Committee shall elect a chair once
20 every 2 years.

21 **(2) THE CHAIR, OR THE CHAIR'S DESIGNEE, SHALL SERVE IN AN**
22 **ADVISORY CAPACITY TO THE BOARD AS A REPRESENTATIVE OF THE**
23 **COMMITTEE.**

24 14-5B-06.

25 **(A)** In addition to the powers set forth elsewhere in this subtitle, the
26 Committee shall:

27 (1) Make recommendations to the Board on regulations necessary to
28 carry out the provisions of this subtitle;

29 (2) Make recommendations to the Board on a code of ethics for the
30 practice of radiation therapy, the practice of radiography, the practice of nuclear
31 medicine technology, and the practice of radiology assistance for adoption by the
32 Board;

1 (3) On request, make recommendations to the Board on standards of
2 care for the practice of radiation therapy, the practice of radiography, the practice of
3 nuclear medicine technology, and the practice of radiology assistance;

4 (4) Make recommendations to the Board on the requirements for
5 licensure as a radiation therapist, radiographer, nuclear medicine technologist, or
6 radiologist assistant;

7 (5) On request, review applications for licensure as a radiation
8 therapist, radiographer, nuclear medicine technologist, or radiologist assistant and
9 make recommendations to the Board;

10 (6) Develop and recommend to the Board continuing education
11 requirements for license renewal;

12 (7) Advise the Board on matters related to the practice of radiation
13 therapy, the practice of radiography, the practice of nuclear medicine technology, and
14 the practice of radiology assistance; [and]

15 (8) Keep a record of its proceedings; **AND**

16 (9) **SUBMIT AN ANNUAL REPORT TO THE BOARD.**

17 **(B) THE BOARD SHALL:**

18 (1) **CONSIDER ALL RECOMMENDATIONS OF THE COMMITTEE;**
19 **AND**

20 (2) **PROVIDE TO THE COMMITTEE AN ANNUAL REPORT ON THE**
21 **DISCIPLINARY MATTERS INVOLVING LICENSEES.**

22 14-5B-13.

23 Unless [the Board] **A DISCIPLINARY PANEL** agrees to accept the surrender of a
24 license or temporary license, a licensee or holder of a temporary license may not
25 surrender the license or temporary license and the license or temporary license may
26 not lapse by operation of law while the licensee or holder of a temporary license is
27 under investigation or while charges are pending against the licensee or holder of a
28 temporary license.

29 14-5B-14.

30 (a) Subject to the hearing provisions of § 14-405 of this title, the Board, on
31 the affirmative vote of a majority of the quorum **OF THE BOARD**, may deny a license
32 or temporary license to any applicant, **OR A DISCIPLINARY PANEL, ON THE**
33 **AFFIRMATIVE VOTE OF A MAJORITY OF THE QUORUM OF THE DISCIPLINARY**

1 PANEL, MAY reprimand any licensee or holder of a temporary license, place any
2 licensee or holder of a temporary license on probation, or suspend or revoke a license,
3 if the applicant licensee or holder of a temporary license:

4 (1) Fraudulently or deceptively obtains or attempts to obtain a license
5 or temporary license for the applicant, licensed individual, holder of a temporary
6 license, or for another;

7 (2) Fraudulently or deceptively uses a license or temporary license;

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

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

11 (5) Abandons a patient;

12 (6) Is habitually intoxicated;

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

15 (8) Provides professional services while:

16 (i) Under the influence of alcohol; or

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

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

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

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

27 (12) Breaches patient confidentiality;

28 (13) Pays or agrees to pay any sum or provide any form of remuneration
29 or material benefit to any person for bringing or referring a patient or accepts or
30 agrees to accept any sum or any form of remuneration or material benefit from an
31 individual for bringing or referring a patient;

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

3 (15) Knowingly practices radiation therapy, radiography, nuclear
4 medicine technology, or radiology assistance with an unauthorized individual or aids
5 an unauthorized individual in the practice of radiation therapy, radiography, nuclear
6 medicine technology, or radiology assistance;

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

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

14 (18) Fails to meet appropriate standards for the delivery of quality
15 radiation therapy, radiography, nuclear medicine technology, or radiology assistance
16 care performed in any outpatient surgical facility, office, hospital or related
17 institution, or any other location in this State;

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

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

23 (ii) **[The licensed individual] HAS:**

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

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

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

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

32 (23) Practices or attempts to practice beyond the authorized scope of
33 practice;

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

5 (25) Practices or attempts to practice a radiation therapy, radiography,
6 nuclear medicine technology, or radiology assistance procedure or uses radiation
7 therapy, radiography, nuclear medicine technology, or radiology assistance equipment
8 if the applicant or licensee or holder of a temporary license has not received education,
9 internship, training, or experience in the performance of the procedure or the use of
10 the equipment;

11 (26) Fails to cooperate with a lawful investigation conducted by the
12 Board **OR A DISCIPLINARY PANEL**; or

13 (27) Fails to practice under the supervision of a physician or violates a
14 supervisory order of a supervising physician.

15 (b) Except as otherwise provided in the Administrative Procedure Act, before
16 the Board **OR A DISCIPLINARY PANEL** takes any action under subsection (a) of this
17 section, it shall give the individual against whom the action is contemplated an
18 opportunity for a hearing before the Board **OR THE DISCIPLINARY PANEL** in
19 accordance with the hearing requirements of § 14-405 of this title.

20 (c) (1) On the filing of certified docket entries with the Board by the
21 Office of the Attorney General, [the Board] **A DISCIPLINARY PANEL** shall order the
22 suspension of a licensee or holder of a temporary license if the licensee or holder of a
23 temporary license is convicted of or pleads guilty or nolo contendere with respect to a
24 crime involving moral turpitude, whether or not any appeal or other proceeding is
25 pending to have the conviction or plea set aside.

26 (2) After completion of the appellate process if the conviction has not
27 been reversed or the plea has not been set aside with respect to a crime involving
28 moral turpitude, [the Board] **A DISCIPLINARY PANEL** shall order the revocation of a
29 license or temporary license on the certification by the Office of the Attorney General.

30 14-5B-14.1.

31 (a) (1) Any person aggrieved by a final decision of the Board **OR A**
32 **DISCIPLINARY PANEL** under this subtitle may not appeal to the Secretary or Board of
33 Review but may take a direct judicial appeal.

34 (2) The appeal shall be made as provided for judicial review of final
35 decisions in the Administrative Procedure Act.

1 (b) An order of the Board **OR A DISCIPLINARY PANEL** may not be stayed
2 pending review.

3 (c) The Board may appeal from any decision that reverses or modifies [its]
4 **THE order OF THE BOARD OR A DISCIPLINARY PANEL.**

5 14-5B-15.

6 (f) A report made under this section is not subject to subpoena or discovery
7 in any civil action other than a proceeding arising out of a hearing and decision of the
8 Board **OR A DISCIPLINARY PANEL** under this title.

9 **14-5B-15.1.**

10 (A) **FOLLOWING THE FILING OF CHARGES OR NOTICE OF INITIAL**
11 **DENIAL OF LICENSE APPLICATION, THE BOARD SHALL DISCLOSE THE FILING TO**
12 **THE PUBLIC ON THE BOARD'S WEB SITE.**

13 (B) **THE BOARD SHALL CREATE AND MAINTAIN A PUBLIC INDIVIDUAL**
14 **PROFILE ON EACH LICENSEE THAT INCLUDES THE FOLLOWING INFORMATION:**

15 (1) **A SUMMARY OF CHARGES FILED AGAINST THE LICENSEE,**
16 **INCLUDING A COPY OF THE CHARGING DOCUMENT, UNTIL A DISCIPLINARY**
17 **PANEL HAS TAKEN ACTION UNDER § 14-5B-14 OF THIS SUBTITLE BASED ON**
18 **THE CHARGES OR HAS RESCINDED THE CHARGES;**

19 (2) **A DESCRIPTION OF ANY DISCIPLINARY ACTION TAKEN BY THE**
20 **BOARD OR A DISCIPLINARY PANEL AGAINST THE LICENSEE WITHIN THE MOST**
21 **RECENT 10-YEAR PERIOD THAT INCLUDES A COPY OF THE PUBLIC ORDER;**

22 (3) **A DESCRIPTION IN SUMMARY FORM OF ANY FINAL**
23 **DISCIPLINARY ACTION TAKEN BY A LICENSING BOARD IN ANY OTHER STATE OR**
24 **JURISDICTION AGAINST THE LICENSEE WITHIN THE MOST RECENT 10-YEAR**
25 **PERIOD IF THE BOARD KNOWS OF THE DISCIPLINARY ACTION;**

26 (4) **A DESCRIPTION OF A CONVICTION OR ENTRY OF A PLEA OF**
27 **GUILTY OR NOLO CONTENDERE BY THE LICENSEE FOR A CRIME INVOLVING**
28 **MORAL TURPITUDE THAT IS THE BASIS FOR DISCIPLINARY ACTION TAKEN**
29 **UNDER § 14-5B-14(C) OF THIS SUBTITLE; AND**

30 (5) **THE PUBLIC ADDRESS OF THE LICENSEE.**

31 (C) **IN ADDITION TO THE REQUIREMENTS OF SUBSECTION (B) OF THIS**
32 **SECTION, THE BOARD SHALL INCLUDE ON EACH LICENSEE'S PROFILE A**

1 STATEMENT OF INFORMATION TO BE TAKEN INTO CONSIDERATION BY A
2 CONSUMER WHEN VIEWING A LICENSEE'S PROFILE, INCLUDING A DISCLAIMER
3 STATING THAT A CHARGING DOCUMENT DOES NOT INDICATE A FINAL FINDING
4 OF GUILT BY A DISCIPLINARY PANEL.

5 (D) THE BOARD:

6 (1) ON RECEIPT OF A WRITTEN REQUEST FOR A LICENSEE'S
7 PROFILE FROM ANY PERSON, SHALL FORWARD A WRITTEN COPY OF THE
8 PROFILE TO THE PERSON; AND

9 (2) SHALL MAINTAIN A WEB SITE THAT SERVES AS A SINGLE
10 POINT OF ENTRY WHERE ALL LICENSEE PROFILE INFORMATION IS AVAILABLE
11 TO THE PUBLIC ON THE INTERNET.

12 (E) THE BOARD SHALL PROVIDE A MECHANISM FOR THE NOTIFICATION
13 AND PROMPT CORRECTION OF ANY FACTUAL INACCURACIES IN A LICENSEE'S
14 PROFILE.

15 (F) THE BOARD SHALL INCLUDE INFORMATION RELATING TO CHARGES
16 FILED AGAINST A LICENSEE BY A DISCIPLINARY PANEL AND ANY FINAL
17 DISCIPLINARY ACTION TAKEN BY A DISCIPLINARY PANEL AGAINST A LICENSEE
18 IN THE LICENSEE'S PROFILE WITHIN 10 DAYS AFTER THE CHARGES ARE FILED
19 OR THE ACTION BECOMES FINAL.

20 14-5B-16.

21 (A) On the application of an individual whose license has been revoked, [the
22 Board] A DISCIPLINARY PANEL may reinstate a revoked license.

23 (B) IF A DISCIPLINARY PANEL REINSTATES A LICENSE UNDER
24 SUBSECTION (A) OF THIS SECTION, THE DISCIPLINARY PANEL SHALL NOTIFY
25 THE BOARD OF THE REINSTATEMENT.

26 14-5B-21.

27 Subject to the evaluation and reestablishment provisions of the Maryland
28 Program Evaluation Act, and subject to the termination of this title under § 14-702 of
29 this title, this subtitle and all rules and regulations adopted under this subtitle shall
30 terminate and be of no effect after July 1, [2013] 2018.

31 14-5C-04.

1 (a) (1) The Board shall set reasonable fees for the issuance of and renewal
2 of licenses and other services it provides to polysomnographic technologists.

3 (2) The fees charged shall be set so as to produce funds to approximate
4 the cost of maintaining the licensure program and the other services provided to
5 polysomnographic technologists, **INCLUDING THE COST OF PROVIDING A**
6 **REHABILITATION PROGRAM FOR POLYSOMNOGRAPHIC TECHNOLOGISTS UNDER**
7 **§ 14-401.1(G) OF THIS TITLE.**

8 14-5C-06.

9 **(D) (1) FROM AMONG ITS MEMBERS, THE COMMITTEE SHALL ELECT**
10 **A CHAIR ONCE EVERY 2 YEARS.**

11 **(2) THE CHAIR, OR THE CHAIR'S DESIGNEE, SHALL SERVE IN AN**
12 **ADVISORY CAPACITY TO THE BOARD AS A REPRESENTATIVE OF THE**
13 **COMMITTEE.**

14 14-5C-07.

15 **(A)** In addition to the powers set forth elsewhere in this subtitle, the
16 Committee shall:

17 (1) Develop and recommend to the Board regulations to carry out the
18 provisions of this subtitle;

19 (2) Develop and recommend to the Board a code of ethics for the
20 practice of polysomnography for adoption by the Board;

21 (3) Develop and recommend to the Board standards of care for the
22 practice of polysomnography;

23 (4) Develop and recommend to the Board the requirements for
24 licensure as a polysomnographic technologist, including:

25 (i) Criteria for the educational and clinical training of licensed
26 polysomnographic technologists; and

27 (ii) Criteria for a professional competency examination and
28 testing of applicants for a license to practice polysomnography;

29 (5) Develop and recommend to the Board criteria for licensed
30 polysomnographic technologists who are licensed in other states to practice in this
31 State;

1 (6) Evaluate the accreditation status of education programs in
2 polysomnography for approval by the Board;

3 (7) Evaluate the credentials of applicants and recommend licensure of
4 applicants who fulfill the requirements for a license to practice polysomnography;

5 (8) Develop and recommend to the Board continuing education
6 requirements for license renewal;

7 (9) Provide the Board with recommendations concerning the practice
8 of polysomnography;

9 (10) Develop and recommend to the Board criteria for the direction of
10 students in clinical education programs by licensed polysomnographic technologists
11 and licensed physicians;

12 (11) Keep a record of its proceedings; and

13 (12) Submit an annual report to the Board.

14 **(B) THE BOARD SHALL:**

15 **(1) CONSIDER ALL RECOMMENDATIONS OF THE COMMITTEE;**
16 **AND**

17 **(2) PROVIDE TO THE COMMITTEE AN ANNUAL REPORT ON THE**
18 **DISCIPLINARY MATTERS INVOLVING LICENSEES.**

19 14-5C-16.

20 Unless [the Board] **A DISCIPLINARY PANEL** agrees to accept the surrender of a
21 license, a licensed polysomnographic technologist may not surrender the license nor
22 may the license lapse by operation of law while the licensee is under investigation or
23 while charges are pending against the licensee.

24 14-5C-17.

25 (a) Subject to the hearing provisions of § 14-405 of this title, the Board, **ON**
26 **THE AFFIRMATIVE VOTE OF A MAJORITY OF A QUORUM OF THE BOARD**, may
27 deny a license to any applicant, **OR A DISCIPLINARY PANEL, ON THE AFFIRMATIVE**
28 **VOTE OF A MAJORITY OF A QUORUM OF THE DISCIPLINARY PANEL, MAY**
29 reprimand any licensee, place any licensee on probation, or suspend or revoke a
30 license, if the applicant or licensee:

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

- 1 (2) Fraudulently or deceptively uses a license;
- 2 (3) Is guilty of unprofessional or immoral conduct in the practice of
3 polysomnography;
- 4 (4) Is professionally, physically, or mentally incompetent;
- 5 (5) Abandons a patient;
- 6 (6) Is habitually intoxicated;
- 7 (7) Is addicted to or habitually abuses any narcotic or controlled
8 dangerous substance as defined in § 5–101 of the Criminal Law Article;
- 9 (8) Provides professional services while:
 - 10 (i) Under the influence of alcohol; or
 - 11 (ii) Using any narcotic or controlled dangerous substance as
12 defined in § 5–101 of the Criminal Law Article or any other drug that is in excess of
13 therapeutic amounts or without valid medical indication;
- 14 (9) Promotes the sale of services, drugs, devices, appliances, or goods
15 to a patient so as to exploit the patient for financial gain;
- 16 (10) Willfully makes or files a false report or record in the practice of
17 polysomnography;
- 18 (11) Willfully fails to file or record any report as required under law,
19 willfully impedes or obstructs the filing or recording of a report, or induces another to
20 fail to file or record a report;
- 21 (12) Breaches patient confidentiality;
- 22 (13) Pays or agrees to pay any sum or provide any form of remuneration
23 or material benefit to any person for bringing or referring a patient or accepts or
24 agrees to accept any sum or any form of remuneration or material benefit from an
25 individual for bringing or referring a patient;
- 26 (14) Knowingly makes a misrepresentation while practicing
27 polysomnography;
- 28 (15) Knowingly practices polysomnography with an unauthorized
29 individual or aids an unauthorized individual in the practice of polysomnography;

1 (16) Knowingly delegates a polysomnographic duty to an unlicensed
2 individual;

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

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

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

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

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

18 (ii) Has:

19 1. Surrendered the license, if any, issued by the state or
20 country; or

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

23 (22) Knowingly fails to report suspected child abuse in violation of §
24 5-704 of the Family Law Article;

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

27 (24) Practices or attempts to practice beyond the authorized scope of
28 practice;

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

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

1 (27) Practices or attempts to practice a polysomnography procedure or
2 uses or attempts to use polysomnography equipment if the applicant or licensee has
3 not received education and training in the performance of the procedure or the use of
4 the equipment.

5 (b) Except as otherwise provided in Title 10, Subtitle 2 of the State
6 Government Article, before the Board **OR A DISCIPLINARY PANEL** takes any action
7 under subsection (a) of this section, it shall give the individual against whom the
8 action is contemplated an opportunity for a hearing before the Board **OR THE**
9 **DISCIPLINARY PANEL** in accordance with the hearing requirements of § 14-405 of
10 this title.

11 (c) (1) On the filing of certified docket entries with the Board by the
12 Office of the Attorney General, [the Board] **A DISCIPLINARY PANEL** shall order the
13 suspension of a license if the licensee is convicted of or pleads guilty or nolo contendere
14 with respect to a crime involving moral turpitude, whether or not any appeal or other
15 proceeding is pending to have the conviction or plea set aside.

16 (2) After completion of the appellate process if the conviction has not
17 been reversed or the plea has not been set aside with respect to a crime involving
18 moral turpitude, [the Board] **A DISCIPLINARY PANEL** shall order the revocation of a
19 license on the certification by the Office of the Attorney General.

20 14-5C-18.

21 (f) A report made under this section is not subject to subpoena or discovery
22 in any civil action other than a proceeding arising out of a hearing and decision of the
23 Board **OR A DISCIPLINARY PANEL** under this title.

24 **14-5C-18.1.**

25 **(A) FOLLOWING THE FILING OF CHARGES OR NOTICE OF INITIAL**
26 **DENIAL OF LICENSE APPLICATION, THE BOARD SHALL DISCLOSE THE FILING TO**
27 **THE PUBLIC ON THE BOARD'S WEB SITE.**

28 **(B) THE BOARD SHALL CREATE AND MAINTAIN A PUBLIC INDIVIDUAL**
29 **PROFILE ON EACH LICENSEE THAT INCLUDES THE FOLLOWING INFORMATION:**

30 **(1) A SUMMARY OF CHARGES FILED AGAINST THE LICENSEE,**
31 **INCLUDING A COPY OF THE CHARGING DOCUMENT, UNTIL A DISCIPLINARY**
32 **PANEL HAS TAKEN ACTION UNDER § 14-5C-17 OF THIS SUBTITLE BASED ON**
33 **THE CHARGES OR HAS RESCINDED THE CHARGES;**

1 **(2) A DESCRIPTION OF ANY DISCIPLINARY ACTION TAKEN BY THE**
2 **BOARD OR A DISCIPLINARY PANEL AGAINST THE LICENSEE WITHIN THE MOST**
3 **RECENT 10-YEAR PERIOD THAT INCLUDES A COPY OF THE PUBLIC ORDER;**

4 **(3) A DESCRIPTION IN SUMMARY FORM OF ANY FINAL**
5 **DISCIPLINARY ACTION TAKEN BY A LICENSING BOARD IN ANY OTHER STATE OR**
6 **JURISDICTION AGAINST THE LICENSEE WITHIN THE MOST RECENT 10-YEAR**
7 **PERIOD IF THE BOARD KNOWS OF THE DISCIPLINARY ACTION;**

8 **(4) A DESCRIPTION OF A CONVICTION OR ENTRY OF A PLEA OF**
9 **GUILTY OR NOLO CONTENDERE BY THE LICENSEE FOR A CRIME INVOLVING**
10 **MORAL TURPITUDE THAT IS THE BASIS FOR DISCIPLINARY ACTION TAKEN**
11 **UNDER § 14-5C-17(C) OF THIS SUBTITLE; AND**

12 **(5) THE PUBLIC ADDRESS OF THE LICENSEE.**

13 **(C) IN ADDITION TO THE REQUIREMENTS OF SUBSECTION (B) OF THIS**
14 **SECTION, THE BOARD SHALL INCLUDE ON EACH LICENSEE'S PROFILE A**
15 **STATEMENT OF INFORMATION TO BE TAKEN INTO CONSIDERATION BY A**
16 **CONSUMER WHEN VIEWING A LICENSEE'S PROFILE, INCLUDING A DISCLAIMER**
17 **STATING THAT A CHARGING DOCUMENT DOES NOT INDICATE A FINAL FINDING**
18 **OF GUILT BY A DISCIPLINARY PANEL.**

19 **(D) THE BOARD:**

20 **(1) ON RECEIPT OF A WRITTEN REQUEST FOR A LICENSEE'S**
21 **PROFILE FROM ANY PERSON, SHALL FORWARD A WRITTEN COPY OF THE**
22 **PROFILE TO THE PERSON; AND**

23 **(2) SHALL MAINTAIN A WEB SITE THAT SERVES AS A SINGLE**
24 **POINT OF ENTRY WHERE ALL LICENSEE PROFILE INFORMATION IS AVAILABLE**
25 **TO THE PUBLIC ON THE INTERNET.**

26 **(E) THE BOARD SHALL PROVIDE A MECHANISM FOR THE NOTIFICATION**
27 **AND PROMPT CORRECTION OF ANY FACTUAL INACCURACIES IN A LICENSEE'S**
28 **PROFILE.**

29 **(F) THE BOARD SHALL INCLUDE INFORMATION RELATING TO CHARGES**
30 **FILED AGAINST A LICENSEE BY A DISCIPLINARY PANEL AND ANY FINAL**
31 **DISCIPLINARY ACTION TAKEN BY A DISCIPLINARY PANEL AGAINST A LICENSEE**
32 **IN THE LICENSEE'S PROFILE WITHIN 10 DAYS AFTER THE CHARGES ARE FILED**
33 **OR THE ACTION BECOMES FINAL.**

34 14-5C-19.

1 (A) On the application of an individual whose license has been revoked, [the
2 Board] **A DISCIPLINARY PANEL**, on the affirmative vote of a majority of its full
3 authorized membership, may reinstate a revoked license.

4 **(B) IF A DISCIPLINARY PANEL REINSTATES A LICENSE UNDER**
5 **SUBSECTION (A) OF THIS SECTION, THE DISCIPLINARY PANEL SHALL NOTIFY**
6 **THE BOARD OF THE REINSTATEMENT.**

7 14-5C-25.

8 Subject to the evaluation and reestablishment provisions of the Maryland
9 Program Evaluation Act and subject to the termination of this title under § 14-702 of
10 this title, this subtitle and all regulations adopted under this subtitle shall terminate
11 and be of no effect after July 1, [2013] **2018**.

12 14-5D-03.

13 (a) (1) The Board shall set reasonable fees for the issuance and renewal of
14 licenses and the other services it provides to athletic trainers.

15 (2) The fees charged shall be set so as to produce funds to approximate
16 the cost of maintaining the licensure program and the other services provided to
17 athletic trainers, **INCLUDING THE COST OF PROVIDING A REHABILITATION**
18 **PROGRAM FOR ATHLETIC TRAINERS UNDER § 14-401.1(G) OF THIS TITLE.**

19 14-5D-05.

20 (e) (1) From among its members, the Committee shall elect a chair every
21 2 years.

22 **(2) THE CHAIR SHALL SERVE IN AN ADVISORY CAPACITY TO THE**
23 **BOARD AS A REPRESENTATIVE OF THE COMMITTEE.**

24 14-5D-06.

25 (A) In addition to the powers set forth elsewhere in this subtitle, the
26 Committee shall:

27 (1) Develop and recommend to the Board regulations to carry out this
28 subtitle;

29 (2) Develop and recommend to the Board continuing education
30 requirements for license renewal;

1 (3) Provide the Board with recommendations concerning the practice
2 of athletic training;

3 (4) Develop and recommend to the Board an evaluation and treatment
4 protocol for use by an athletic trainer and the physician with whom the athletic
5 trainer practices;

6 (5) Provide advice and recommendations to the Board on individual
7 evaluation and treatment protocols when requested; [and]

8 (6) Keep a record of its proceedings; **AND**

9 **(7) SUBMIT AN ANNUAL REPORT TO THE BOARD.**

10 **(B) THE BOARD SHALL:**

11 **(1) CONSIDER ALL RECOMMENDATIONS OF THE COMMITTEE;**
12 **AND**

13 **(2) PROVIDE TO THE COMMITTEE AN ANNUAL REPORT ON THE**
14 **DISCIPLINARY MATTERS INVOLVING LICENSEES.**

15 14-5D-14.

16 (a) Subject to the hearing provisions of § 14-405 of this title, the Board, **ON**
17 **THE AFFIRMATIVE VOTE OF A MAJORITY OF A QUORUM OF THE BOARD**, may
18 deny a license to any applicant, **OR A DISCIPLINARY PANEL, ON THE AFFIRMATIVE**
19 **VOTE OF A MAJORITY OF A QUORUM OF THE DISCIPLINARY PANEL, MAY**
20 reprimand any licensee, place any licensee on probation, or suspend or revoke a
21 license, if the applicant or licensee:

22 (1) Fraudulently or deceptively obtains or attempts to obtain a license
23 for the applicant, licensee, 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 athletic training;

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

28 (5) Abandons a patient;

29 (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
6 defined in § 5–101 of the Criminal Law Article, or any other drug that is in excess of
7 therapeutic amounts or without valid medical indication;
- 8 (9) Promotes the sale of services, drugs, devices, appliances, or goods
9 to a 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 athletic 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
14 to fail 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
17 or material benefit to any individual for bringing or referring a patient or accepts or
18 agrees to accept any sum or any form of remuneration or material benefit from an
19 individual for 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
23 individual or aids an unauthorized individual in the practice of athletic trainer
24 services;
- 25 (16) Offers, undertakes, or agrees to cure or treat disease by a secret
26 method, treatment, or medicine;
- 27 (17) Is disciplined by a licensing, certifying, or disciplinary authority or
28 is convicted or disciplined by a court of any state or country or is disciplined by any
29 branch of the United States uniformed services or the Veterans Administration for an
30 act that would be grounds for disciplinary action under this section;
- 31 (18) Fails to meet appropriate standards for the delivery of athletic
32 training services;

1 (19) Knowingly submits false statements to collect fees for which
2 services 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
5 would be grounds for disciplinary action under the Board's disciplinary statutes; and

6 (ii) **[The licensed individual] HAS:**

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

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

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

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

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

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

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

24 (26) Fails to cooperate with a lawful investigation conducted by the
25 Board **OR A DISCIPLINARY PANEL**;

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

28 (28) Violates an order of the Board **OR A DISCIPLINARY PANEL**,
29 including any condition of probation.

30 (b) (1) On the filing of certified docket entries with the Board by the
31 Office of the Attorney General, **[the Board] A DISCIPLINARY PANEL** shall order the
32 suspension of a license if the licensee is convicted of or pleads guilty or nolo contendere
33 with respect to a crime involving moral turpitude, whether or not any appeal or other
34 proceeding is pending to have the conviction or plea set aside.

1 (2) After completion of the appellate process, if the conviction has not
2 been reversed or the plea has not been set aside with respect to a crime involving
3 moral turpitude, [the Board] **A DISCIPLINARY PANEL** shall order the revocation of a
4 license on the certification by the Office of the Attorney General.

5 14-5D-15.

6 (a) (1) Except as otherwise provided in § 10-226 of the State Government
7 Article, before the Board **OR A DISCIPLINARY PANEL** takes any action under §
8 14-5D-14 of this subtitle, [it] **THE BOARD OR THE DISCIPLINARY PANEL** shall give
9 the individual against whom the action is contemplated an opportunity for a hearing
10 before a hearing officer.

11 (2) The hearing officer shall give notice and hold the hearing in
12 accordance with Title 10, Subtitle 2[,] of the State Government Article.

13 (3) The Board **OR A DISCIPLINARY PANEL** may administer oaths in
14 connection with any proceedings under this section.

15 (4) At least 14 days before the hearing, a hearing notice shall be sent
16 by certified mail to the last known address of the individual.

17 (b) (1) Any person aggrieved by a final decision of the Board **OR A**
18 **DISCIPLINARY PANEL** under this subtitle may not appeal to the Secretary or Board of
19 Review but may take a direct judicial appeal.

20 (2) The appeal shall be made as provided for judicial review of final
21 decisions in the Administrative Procedure Act.

22 (c) An order of the Board **OR A DISCIPLINARY PANEL** may not be stayed
23 pending review.

24 (d) The Board may appeal from any decision that reverses or modifies [its]
25 **AN order OF THE BOARD OR A DISCIPLINARY PANEL.**

26 14-5D-16.

27 **(A)** On the application of an individual whose license has been revoked, [the
28 Board] **A DISCIPLINARY PANEL** may reinstate a revoked license.

29 **(B) IF A DISCIPLINARY PANEL REINSTATES A LICENSE UNDER**
30 **SUBSECTION (A) OF THIS SECTION, THE DISCIPLINARY PANEL SHALL NOTIFY**
31 **THE BOARD OF THE REINSTATEMENT.**

32 14-5D-16.1.

1 **(A) FOLLOWING THE FILING OF CHARGES OR NOTICE OF INITIAL**
2 **DENIAL OF LICENSE APPLICATION, THE BOARD SHALL DISCLOSE THE FILING TO**
3 **THE PUBLIC ON THE BOARD'S WEB SITE.**

4 **(B) THE BOARD SHALL CREATE AND MAINTAIN A PUBLIC INDIVIDUAL**
5 **PROFILE ON EACH LICENSEE THAT INCLUDES THE FOLLOWING INFORMATION:**

6 **(1) A SUMMARY OF CHARGES FILED AGAINST THE LICENSEE,**
7 **INCLUDING A COPY OF THE CHARGING DOCUMENT, UNTIL A DISCIPLINARY**
8 **PANEL HAS TAKEN ACTION UNDER § 14-5D-14 OF THIS SUBTITLE BASED ON**
9 **THE CHARGES OR HAS RESCINDED THE CHARGES;**

10 **(2) A DESCRIPTION OF ANY DISCIPLINARY ACTION TAKEN BY THE**
11 **BOARD OR A DISCIPLINARY PANEL AGAINST THE LICENSEE WITHIN THE MOST**
12 **RECENT 10-YEAR PERIOD THAT INCLUDES A COPY OF THE PUBLIC ORDER;**

13 **(3) A DESCRIPTION IN SUMMARY FORM OF ANY FINAL**
14 **DISCIPLINARY ACTION TAKEN BY A LICENSING BOARD IN ANY OTHER STATE OR**
15 **JURISDICTION AGAINST THE LICENSEE WITHIN THE MOST RECENT 10-YEAR**
16 **PERIOD IF THE BOARD KNOWS OF THE DISCIPLINARY ACTION;**

17 **(4) A DESCRIPTION OF A CONVICTION OR ENTRY OF A PLEA OF**
18 **GUILTY OR NOLO CONTENDERE BY THE LICENSEE FOR A CRIME INVOLVING**
19 **MORAL TURPITUDE THAT IS THE BASIS FOR DISCIPLINARY ACTION TAKEN**
20 **UNDER § 14-5D-14(B) OF THIS SUBTITLE; AND**

21 **(5) THE PUBLIC ADDRESS OF THE LICENSEE.**

22 **(C) IN ADDITION TO THE REQUIREMENTS OF SUBSECTION (B) OF THIS**
23 **SECTION, THE BOARD SHALL INCLUDE ON EACH LICENSEE'S PROFILE A**
24 **STATEMENT OF INFORMATION TO BE TAKEN INTO CONSIDERATION BY A**
25 **CONSUMER WHEN VIEWING A LICENSEE'S PROFILE, INCLUDING A DISCLAIMER**
26 **STATING THAT A CHARGING DOCUMENT DOES NOT INDICATE A FINAL FINDING**
27 **OF GUILT BY A DISCIPLINARY PANEL.**

28 **(D) THE BOARD:**

29 **(1) ON RECEIPT OF A WRITTEN REQUEST FOR A LICENSEE'S**
30 **PROFILE FROM ANY PERSON, SHALL FORWARD A WRITTEN COPY OF THE**
31 **PROFILE TO THE PERSON; AND**

1 **(2) SHALL MAINTAIN A WEB SITE THAT SERVES AS A SINGLE**
2 **POINT OF ENTRY WHERE ALL LICENSEE PROFILE INFORMATION IS AVAILABLE**
3 **TO THE PUBLIC ON THE INTERNET.**

4 **(E) THE BOARD SHALL PROVIDE A MECHANISM FOR THE NOTIFICATION**
5 **AND PROMPT CORRECTION OF ANY FACTUAL INACCURACIES IN A LICENSEE'S**
6 **PROFILE.**

7 **(F) THE BOARD SHALL INCLUDE INFORMATION RELATING TO CHARGES**
8 **FILED AGAINST A LICENSEE BY A DISCIPLINARY PANEL AND ANY FINAL**
9 **DISCIPLINARY ACTION TAKEN BY A DISCIPLINARY PANEL AGAINST A LICENSEE**
10 **IN THE LICENSEE'S PROFILE WITHIN 10 DAYS AFTER THE CHARGES ARE FILED**
11 **OR THE ACTION BECOMES FINAL.**

12 14-5D-20.

13 Subject to the evaluation and reestablishment provisions of the Maryland
14 Program Evaluation Act and subject to the termination of this title under § 14-702 of
15 this title, this subtitle and all rules and regulations adopted under this subtitle shall
16 terminate and be of no effect after July 1, [2013] **2018.**

17 14-5E-04.

18 (a) (1) The Board shall set reasonable fees for the issuance and renewal of
19 licenses and other services it provides to perfusionists.

20 (2) The fees charged shall be set so as to produce funds to approximate
21 the cost of maintaining the licensure program and the other services provided to
22 perfusionists, **INCLUDING THE COST OF PROVIDING A REHABILITATION**
23 **PROGRAM FOR PERFUSIONISTS UNDER § 14-401.1(G) OF THIS TITLE.**

24 14-5E-06.

25 (d) (1) From among its members, the Committee shall elect a chair every
26 2 years.

27 **(2) THE CHAIR SHALL SERVE IN AN ADVISORY CAPACITY TO THE**
28 **BOARD AS A REPRESENTATIVE OF THE COMMITTEE.**

29 14-5E-07.

30 **(A)** In addition to the powers set forth elsewhere in this subtitle, the
31 Committee shall:

32 (1) Develop and recommend to the Board:

- 1 (i) Regulations to carry out the provisions of this subtitle;
- 2 (ii) A code of ethics for the practice of perfusion for adoption by
3 the Board;
- 4 (iii) Recommendations concerning the practice of perfusion,
5 including standards of care for the practice of perfusion; and
- 6 (iv) Continuing education requirements for license renewal;
7 [and]
- 8 (2) Keep a record of its proceedings; AND
- 9 (3) **SUBMIT AN ANNUAL REPORT TO THE BOARD.**

10 **(B) THE BOARD SHALL:**

- 11 **(1) CONSIDER ALL RECOMMENDATIONS OF THE COMMITTEE;**
12 **AND**
- 13 **(2) PROVIDE TO THE COMMITTEE AN ANNUAL REPORT ON THE**
14 **DISCIPLINARY MATTERS INVOLVING LICENSEES.**

15 14-5E-15.

16 Unless [the Board] **A DISCIPLINARY PANEL** agrees to accept the surrender of a
17 license, a licensed perfusionist may not surrender the license nor may the license lapse
18 by operation of law while the licensee is under investigation or while charges are
19 pending against the licensee.

20 14-5E-16.

21 (a) Subject to the hearing provisions of § 14-405 of this title, the Board, **ON**
22 **THE AFFIRMATIVE VOTE OF A MAJORITY OF THE QUORUM OF THE BOARD,** may
23 deny a license to any applicant, **OR A DISCIPLINARY PANEL, ON THE AFFIRMATIVE**
24 **VOTE OF A MAJORITY OF THE QUORUM OF THE DISCIPLINARY PANEL, MAY**
25 reprimand any licensee, place any licensee on probation, or suspend or revoke a
26 license, if the applicant or licensee:

- 27 (1) Fraudulently or deceptively obtains or attempts to obtain a license
28 for the applicant or licensee or for another;
- 29 (2) Fraudulently or deceptively uses a license;

- 1 (3) Is guilty of unprofessional or immoral conduct in the practice of
2 perfusion;
- 3 (4) Is professionally, physically, or mentally incompetent;
- 4 (5) Abandons a patient;
- 5 (6) Is habitually intoxicated;
- 6 (7) Is addicted to or habitually abuses any narcotic or controlled
7 dangerous substance as defined in § 5–101 of the Criminal Law Article;
- 8 (8) Provides professional services while:
- 9 (i) Under the influence of alcohol; or
- 10 (ii) Using any narcotic or controlled dangerous substance as
11 defined in § 5–101 of the Criminal Law Article or any other drug that is in excess of
12 therapeutic amounts or without valid medical indication;
- 13 (9) Promotes the sale of services, drugs, devices, appliances, or goods
14 to a patient so as to exploit the patient for financial gain;
- 15 (10) Willfully makes or files a false report or record in the practice of
16 perfusion;
- 17 (11) Willfully fails to file or record any report as required under law,
18 willfully impedes or obstructs the filing or recording of a report, or induces another to
19 fail to file or record a report;
- 20 (12) Breaches patient confidentiality;
- 21 (13) Pays or agrees to pay any sum or provide any form of remuneration
22 or material benefit to any person for bringing or referring a patient or accepts or
23 agrees to accept any sum or any form of remuneration or material benefit from an
24 individual for bringing or referring a patient;
- 25 (14) Knowingly makes a misrepresentation while practicing perfusion;
- 26 (15) Knowingly practices perfusion with an unauthorized individual or
27 aids an unauthorized individual in the practice of perfusion;
- 28 (16) Knowingly delegates a perfusion duty to an unlicensed individual;
- 29 (17) Offers, undertakes, or agrees to cure or treat disease by a secret
30 method, treatment, or medicine;

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

6 (19) Fails to meet appropriate standards for the delivery of perfusion
7 services;

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

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

13 (ii) Has:

14 1. Surrendered the license, if any, issued by the state or
15 country; or

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

18 (22) Knowingly fails to report suspected child abuse in violation of §
19 5-704 of the Family Law Article;

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

22 (24) Practices or attempts to practice beyond the authorized scope of
23 practice;

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

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

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

1 (28) Fails to cooperate with a lawful investigation of the Board OR A
2 DISCIPLINARY PANEL.

3 (b) Except as otherwise provided in Title 10, Subtitle 2 of the State
4 Government Article, before the Board OR A DISCIPLINARY PANEL takes any action
5 under subsection (a) of this section, it shall give the individual against whom the
6 action is contemplated an opportunity for a hearing before the Board OR THE
7 DISCIPLINARY PANEL in accordance with the hearing requirements of § 14-405 of
8 this title.

9 (c) (1) On the filing of certified docket entries with the Board by the
10 Office of the Attorney General, [the Board] A DISCIPLINARY PANEL shall order the
11 suspension of a license if the licensee is convicted of or pleads guilty or nolo contendere
12 with respect to a crime involving moral turpitude, whether or not any appeal or other
13 proceeding is pending to have the conviction or plea set aside.

14 (2) After completion of the appellate process if the conviction has not
15 been reversed or the plea has not been set aside with respect to a crime involving
16 moral turpitude, [the Board] A DISCIPLINARY PANEL shall order the revocation of a
17 license on the certification by the Office of the Attorney General.

18 14-5E-18.

19 (f) A report made under this section is not subject to subpoena or discovery
20 in any civil action other than a proceeding arising out of a hearing and decision of the
21 Board OR A DISCIPLINARY PANEL under this title.

22 14-5E-18.1.

23 (A) FOLLOWING THE FILING OF CHARGES OR NOTICE OF INITIAL
24 DENIAL OF LICENSE APPLICATION, THE BOARD SHALL DISCLOSE THE FILING TO
25 THE PUBLIC ON THE BOARD'S WEB SITE.

26 (B) THE BOARD SHALL CREATE AND MAINTAIN A PUBLIC INDIVIDUAL
27 PROFILE ON EACH LICENSEE THAT INCLUDES THE FOLLOWING INFORMATION:

28 (1) A SUMMARY OF CHARGES FILED AGAINST THE LICENSEE,
29 INCLUDING A COPY OF THE CHARGING DOCUMENT, UNTIL A DISCIPLINARY
30 PANEL HAS TAKEN ACTION UNDER § 14-5E-16 OF THIS SUBTITLE BASED ON
31 THE CHARGES OR HAS RESCINDED THE CHARGES;

32 (2) A DESCRIPTION OF ANY DISCIPLINARY ACTION TAKEN BY THE
33 BOARD OR A DISCIPLINARY PANEL AGAINST THE LICENSEE WITHIN THE MOST
34 RECENT 10-YEAR PERIOD THAT INCLUDES A COPY OF THE PUBLIC ORDER;

1 **(3) A DESCRIPTION IN SUMMARY FORM OF ANY FINAL**
2 **DISCIPLINARY ACTION TAKEN BY A LICENSING BOARD IN ANY OTHER STATE OR**
3 **JURISDICTION AGAINST THE LICENSEE WITHIN THE MOST RECENT 10-YEAR**
4 **PERIOD;**

5 **(4) A DESCRIPTION OF A CONVICTION OR ENTRY OF A PLEA OF**
6 **GUILTY OR NOLO CONTENDERE BY THE LICENSEE FOR A CRIME INVOLVING**
7 **MORAL TURPITUDE THAT IS THE BASIS FOR DISCIPLINARY ACTION TAKEN**
8 **UNDER § 14-5E-16(C) OF THIS SUBTITLE; AND**

9 **(5) THE PUBLIC ADDRESS OF THE LICENSEE.**

10 **(C) IN ADDITION TO THE REQUIREMENTS OF SUBSECTION (B) OF THIS**
11 **SECTION, THE BOARD SHALL INCLUDE ON EACH LICENSEE'S PROFILE A**
12 **STATEMENT OF INFORMATION TO BE TAKEN INTO CONSIDERATION BY A**
13 **CONSUMER WHEN VIEWING A LICENSEE'S PROFILE, INCLUDING A DISCLAIMER**
14 **STATING THAT A CHARGING DOCUMENT DOES NOT INDICATE A FINAL FINDING**
15 **OF GUILT BY A DISCIPLINARY PANEL.**

16 **(D) THE BOARD:**

17 **(1) ON RECEIPT OF A WRITTEN REQUEST FOR A LICENSEE'S**
18 **PROFILE FROM ANY PERSON, SHALL FORWARD A WRITTEN COPY OF THE**
19 **PROFILE TO THE PERSON; AND**

20 **(2) SHALL MAINTAIN A WEB SITE THAT SERVES AS A SINGLE**
21 **POINT OF ENTRY WHERE ALL LICENSEE PROFILE INFORMATION IS AVAILABLE**
22 **TO THE PUBLIC ON THE INTERNET.**

23 **(E) THE BOARD SHALL PROVIDE A MECHANISM FOR THE NOTIFICATION**
24 **AND PROMPT CORRECTION OF ANY FACTUAL INACCURACIES IN A LICENSEE'S**
25 **PROFILE.**

26 **(F) THE BOARD SHALL INCLUDE INFORMATION RELATING TO CHARGES**
27 **FILED AGAINST A LICENSEE BY A DISCIPLINARY PANEL AND ANY FINAL**
28 **DISCIPLINARY ACTION TAKEN BY A DISCIPLINARY PANEL AGAINST A LICENSEE**
29 **IN THE LICENSEE'S PROFILE WITHIN 10 DAYS AFTER THE CHARGES ARE FILED**
30 **OR THE ACTION BECOMES FINAL.**

31 14-5E-19.

32 **(A) On the application of an individual whose license has been revoked, [the**
33 **Board] A DISCIPLINARY PANEL, on the affirmative vote of a majority of its full**
34 **authorized membership, may reinstate a revoked license.**

1 **(B) IF A DISCIPLINARY PANEL REINSTATES A LICENSE UNDER**
2 **SUBSECTION (A) OF THIS SECTION, THE DISCIPLINARY PANEL SHALL NOTIFY**
3 **THE BOARD OF THE REINSTATEMENT.**

4 14-5E-25.

5 Subject to the evaluation and reestablishment provisions of the Maryland
6 Program Evaluation Act and subject to the termination of this title under § 14-702 of
7 this title, this subtitle and all regulations adopted under this subtitle shall terminate
8 and be of no effect after July 1, [2022] **2018.**

9 14-603.

10 A person may not make any false statement, report, or representation to the
11 Board **OR A DISCIPLINARY PANEL.**

12 14-702.

13 Subject to the evaluation and reestablishment provisions of the Program
14 Evaluation Act, this title and all rules and regulations adopted under this title shall
15 terminate and be of no effect after July 1, [2013] **2018.**

16 15-101.

17 (a) In this title the following words have the meanings indicated.

18 **(I-1) “DISCIPLINARY PANEL” MEANS A DISCIPLINARY PANEL OF THE**
19 **BOARD ESTABLISHED UNDER § 14-401 OF THIS ARTICLE.**

20 15-103.

21 (h) A report under this section is not subject to subpoena or discovery in any
22 civil action other than a proceeding arising out of a hearing and decision of the Board
23 **OR A DISCIPLINARY PANEL** under this title.

24 15-202.

25 (d) A Committee [chairperson] **CHAIR** and a secretary shall be selected every
26 2 years by a majority vote of the membership of the Committee.

27 (e) The [chairperson] **CHAIR, OR THE CHAIR’S DESIGNEE**, shall serve in an
28 advisory capacity to the Board as a representative of the Committee.

29 15-205.

1 (a) In addition to the powers set forth elsewhere in this title, the Committee,
2 on its initiative or on the Board's request, may:

3 (1) Recommend to the Board regulations for carrying out the
4 provisions of this title;

5 (2) Recommend to the Board approval, modification, or disapproval of
6 an application for licensure or a delegation agreement;

7 (3) Report to the Board any conduct of a supervising physician or a
8 physician assistant that may be cause for disciplinary action under this title or under
9 § 14-404 of this article; and

10 (4) Report to the Board any alleged unauthorized practice of a
11 physician assistant.

12 **(B) THE COMMITTEE SHALL SUBMIT AN ANNUAL REPORT TO THE**
13 **BOARD.**

14 **[(b)] (C)** (1) In addition to the duties set forth elsewhere in this title, the
15 Board shall adopt regulations to carry out the provisions of this title.

16 (2) The Board shall:

17 (i) Consider all recommendations of the Committee; and

18 (ii) Provide [a written explanation of the Board's reasons for
19 rejecting or modifying the Committee's recommendations] **TO THE COMMITTEE AN**
20 **ANNUAL REPORT ON THE DISCIPLINARY MATTERS INVOLVING LICENSEES.**

21 (3) The Board may:

22 (i) Investigate any alleged unauthorized practice of a physician
23 assistant;

24 (ii) Investigate any conduct that may be cause for disciplinary
25 action under this title; and

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

1 (4) If the entry is necessary to carry out a duty under this subtitle,
2 including an investigation or determination of compliance as provided under
3 paragraph (3) of this subsection and an audit to determine compliance with the
4 Board's requirements with respect to physician assistant practice, the Executive
5 Director of the Board or other duly authorized agent or investigator may enter at any
6 reasonable hour a place of business of a licensed physician or a licensed physician
7 assistant or public premises.

8 (5) (i) A person may not deny or interfere with an entry under this
9 subsection.

10 (ii) A person who violates any provision of this subsection is
11 guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$100.

12 15-206.

13 (a) The Board shall set reasonable fees for:

14 (1) The issuance and renewal of licenses; and

15 (2) The other services rendered by the Board in connection with
16 physician assistants, **INCLUDING THE COST OF PROVIDING A REHABILITATION**
17 **PROGRAM FOR PHYSICIAN ASSISTANTS UNDER § 14-401.1(G) OF THIS ARTICLE.**

18 15-302.

19 (g) If the Board determines that a primary or alternate supervising
20 physician or physician assistant is practicing in a manner inconsistent with the
21 requirements of this title or Title 14 of this article, the Board on its own initiative or
22 on the recommendation of the Committee may demand modification of the practice,
23 withdraw the approval of the delegation agreement, or **[take] REFER THE MATTER**
24 **TO A DISCIPLINARY PANEL FOR THE PURPOSE OF TAKING** other disciplinary
25 action under § 14-404 or § 15-314 of this article.

26 15-310.

27 **[(e) The Board shall assess each applicant for a license or the renewal of a**
28 **license to practice as a physician assistant, a fee set by the Board sufficient to fund the**
29 **activities of the Board's rehabilitation program under § 14-401(g) of this article in**
30 **conducting a physician assistant rehabilitation program.]**

31 15-312.

32 (a) Unless **[the Board] A DISCIPLINARY PANEL** agrees to accept the
33 surrender of a license of a physician assistant, the physician assistant may not

1 surrender the license nor may the licensure lapse by operation of law while the
2 physician assistant is under investigation or while charges are pending.

3 (b) [The Board] **A DISCIPLINARY PANEL** may set conditions on its
4 agreement to accept surrender of a license.

5 15–314.

6 (a) Subject to the hearing provisions of § 15–315 of this subtitle, [the Board]
7 **A DISCIPLINARY PANEL**, on the affirmative vote of a majority of the quorum, may
8 reprimand any physician assistant, place any physician assistant on probation, or
9 suspend or revoke a license if the physician assistant:

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

12 (2) Fraudulently or deceptively uses a license;

13 (3) Is guilty of:

14 (i) Immoral conduct in the practice of medicine; or

15 (ii) Unprofessional conduct in the practice of medicine;

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

17 (5) Solicits or advertises in violation of § 14–503 of this article;

18 (6) Abandons a patient;

19 (7) Habitually is intoxicated;

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

22 (9) Provides professional services:

23 (i) While under the influence of alcohol; or

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

27 (10) Promotes the sale of drugs, devices, appliances, or goods to a
28 patient so as to exploit the patient for financial gain;

1 (11) Willfully makes or files a false report or record in the practice of
2 medicine;

3 (12) Willfully fails to file or record any medical report as required under
4 law, willfully impedes or obstructs the filing or recording of the report, or induces
5 another to fail to file or record the report;

6 (13) On proper request, and in accordance with the provisions of Title 4,
7 Subtitle 3 of the Health – General Article, fails to provide details of a patient’s medical
8 record to the patient, another physician, or hospital;

9 (14) Solicits professional patronage through an agent or other person or
10 profits from the acts of a person who is represented as an agent of the physician;

11 (15) Pays or agrees to pay any sum to any person for bringing or
12 referring a patient or accepts or agrees to accept any sum from any person for bringing
13 or referring a patient;

14 (16) Agrees with a clinical or bioanalytical laboratory to make
15 payments to the laboratory for a test or test series for a patient, unless the licensed
16 physician assistant discloses on the bill to the patient or third-party payor:

17 (i) The name of the laboratory;

18 (ii) The amount paid to the laboratory for the test or test series;
19 and

20 (iii) The amount of procurement or processing charge of the
21 licensed physician, if any, for each specimen taken;

22 (17) Makes a willful misrepresentation in treatment;

23 (18) Practices medicine with an unauthorized person or aids an
24 unauthorized person in the practice of medicine;

25 (19) Grossly overutilizes health care services;

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

28 (21) Is disciplined by a licensing or disciplinary authority or convicted
29 or disciplined by a court of any state or country or disciplined by any branch of the
30 United States uniformed services or the Veterans’ Administration for an act that
31 would be grounds for disciplinary action under this section;

- 1 (22) Fails to meet appropriate standards for the delivery of quality
2 medical and surgical care performed in an outpatient surgical facility, office, hospital,
3 or any other location in this State;
- 4 (23) Willfully submits false statements to collect fees for which services
5 are not provided;
- 6 (24) Was subject to investigation or disciplinary action by a licensing or
7 disciplinary authority or by a court of any state or country for an act that would be
8 grounds for disciplinary action under this section and the licensee:
- 9 (i) Surrendered the license issued by the state or country to the
10 state or country; or
- 11 (ii) Allowed the license issued by the state or country to expire
12 or lapse;
- 13 (25) Knowingly fails to report suspected child abuse in violation of §
14 5–704 of the Family Law Article;
- 15 (26) Fails to educate a patient being treated for breast cancer of
16 alternative methods of treatment as required by § 20–113 of the Health – General
17 Article;
- 18 (27) Sells, prescribes, gives away, or administers drugs for illegal or
19 illegitimate medical purposes;
- 20 (28) Fails to comply with the provisions of § 12–102 of this article;
- 21 (29) Refuses, withholds from, denies, or discriminates against an
22 individual with regard to the provision of professional services for which the physician
23 assistant is licensed and qualified to render because the individual is HIV positive;
- 24 (30) Except as to an association that has remained in continuous
25 existence since July 1, 1963:
- 26 (i) Associates with a pharmacist as a partner or co-owner of a
27 pharmacy for the purpose of operating a pharmacy;
- 28 (ii) Employs a pharmacist for the purpose of operating a
29 pharmacy; or
- 30 (iii) Contracts with a pharmacist for the purpose of operating a
31 pharmacy;

1 (31) Except in an emergency life-threatening situation where it is not
2 feasible or practicable, fails to comply with the Centers for Disease Control and
3 Prevention's guidelines on universal precautions;

4 (32) Fails to display the notice required under § 14-415 of this article;

5 (33) Fails to cooperate with a lawful investigation conducted by the
6 Board **OR A DISCIPLINARY PANEL**;

7 (34) Is convicted of insurance fraud as defined in § 27-801 of the
8 Insurance Article;

9 (35) Is in breach of a service obligation resulting from the applicant's or
10 licensee's receipt of State or federal funding for the physician assistant's medical
11 education;

12 (36) Willfully makes a false representation when seeking or making
13 application for licensure or any other application related to the practice of medicine;

14 (37) By corrupt means, threats, or force, intimidates or influences, or
15 attempts to intimidate or influence, for the purpose of causing any person to withhold
16 or change testimony in hearings or proceedings before the Board **OR A DISCIPLINARY**
17 **PANEL** or those otherwise delegated to the Office of Administrative Hearings;

18 (38) By corrupt means, threats, or force, hinders, prevents, or otherwise
19 delays any person from making information available to the Board **OR A**
20 **DISCIPLINARY PANEL** in furtherance of any investigation of the Board **OR A**
21 **DISCIPLINARY PANEL**;

22 (39) Intentionally misrepresents credentials for the purpose of
23 testifying or rendering an expert opinion in hearings or proceedings before the Board
24 **OR A DISCIPLINARY PANEL** or those otherwise delegated to the Office of
25 Administrative Hearings;

26 (40) Fails to keep adequate medical records;

27 (41) Performs delegated medical acts beyond the scope of the delegation
28 agreement filed with the Board or after notification from the Board that an advanced
29 duty has been disapproved; or

30 (42) Performs delegated medical acts without the supervision of a
31 physician.

32 (b) (1) On the filing of certified docket entries with the Board by the
33 Office of the Attorney General, [the Board] **A DISCIPLINARY PANEL** shall order the
34 suspension of a license if the physician assistant is convicted of or pleads guilty or nolo

1 contendere with respect to a crime involving moral turpitude, whether or not any
2 appeal or other proceeding is pending to have the conviction or plea set aside.

3 (2) After completion of the appellate process if the conviction has not
4 been reversed or the plea has not been set aside with respect to a crime involving
5 moral turpitude, [the Board] **A DISCIPLINARY PANEL** shall order the revocation of a
6 license on the certification by the Office of the Attorney General.

7 15-315.

8 (a) (1) Except as otherwise provided under § 10-226 of the State
9 Government Article, before [the Board] **A DISCIPLINARY PANEL** takes any action
10 under § 15-314(a) of this subtitle, the [Board] **DISCIPLINARY PANEL** shall give the
11 individual against whom the action is contemplated an opportunity for a hearing
12 before a hearing officer.

13 (2) The hearing officer shall give notice and hold the hearing in
14 accordance with Title 10, Subtitle 2 of the State Government Article.

15 (3) [The Board] **A DISCIPLINARY PANEL** may administer oaths in
16 connection with any proceeding under this section.

17 (4) At least 14 days before the hearing, the hearing notice required
18 under this subtitle shall be sent by certified mail to the last known address of the
19 individual.

20 (b) (1) Any licensee who is aggrieved by a final decision of the Board **OR**
21 **A DISCIPLINARY PANEL** under this subtitle may not appeal to the Board of Review
22 but may take a direct judicial appeal.

23 (2) The appeal shall be as provided for judicial review of the final
24 decision in Title 10, Subtitle 2 of the State Government Article.

25 (c) An order of the Board **OR A DISCIPLINARY PANEL** under this subtitle
26 may not be stayed pending review.

27 (d) All of the findings and orders of the Board **OR A DISCIPLINARY PANEL**
28 that relate to physician assistants are subject to the provisions of Title 14, Subtitle 4 of
29 this article.

30 15-316.

31 (a) If, after a hearing under § 15-315 of this subtitle, [the Board] **A**
32 **DISCIPLINARY PANEL** finds that there are grounds for discipline under § 15-314(a) of
33 this subtitle to suspend or revoke a license of a physician assistant [or to deny a
34 license to an applicant] or to reprimand a licensed physician assistant, the [Board]

1 **DISCIPLINARY PANEL** may impose a fine subject to the Board's regulations instead of
2 or in addition to suspending or revoking the license or reprimanding the licensee.

3 (b) The Board shall pay any fines collected under this section into the
4 General Fund of the State.

5 **15-316.1.**

6 (A) **FOLLOWING THE FILING OF CHARGES OR NOTICE OF INITIAL**
7 **DENIAL OF LICENSE APPLICATION, THE BOARD SHALL DISCLOSE THE FILING TO**
8 **THE PUBLIC ON THE BOARD'S WEB SITE.**

9 (B) **THE BOARD SHALL CREATE AND MAINTAIN A PUBLIC INDIVIDUAL**
10 **PROFILE ON EACH LICENSEE THAT INCLUDES THE FOLLOWING INFORMATION:**

11 (1) **A SUMMARY OF CHARGES FILED AGAINST THE LICENSEE,**
12 **INCLUDING A COPY OF THE CHARGING DOCUMENT, UNTIL A DISCIPLINARY**
13 **PANEL HAS TAKEN ACTION UNDER § 15-314 OF THIS SUBTITLE BASED ON THE**
14 **CHARGES OR HAS RESCINDED THE CHARGES;**

15 (2) **A DESCRIPTION OF ANY DISCIPLINARY ACTION TAKEN BY THE**
16 **BOARD OR A DISCIPLINARY PANEL AGAINST THE LICENSEE WITHIN THE MOST**
17 **RECENT 10-YEAR PERIOD THAT INCLUDES A COPY OF THE PUBLIC ORDER;**

18 (3) **A DESCRIPTION IN SUMMARY FORM OF ANY FINAL**
19 **DISCIPLINARY ACTION TAKEN BY A LICENSING BOARD IN ANY OTHER STATE OR**
20 **JURISDICTION AGAINST THE LICENSEE WITHIN THE MOST RECENT 10-YEAR**
21 **PERIOD;**

22 (4) **A DESCRIPTION OF A CONVICTION OR ENTRY OF A PLEA OF**
23 **GUILTY OR NOLO CONTENDERE BY THE LICENSEE FOR A CRIME INVOLVING**
24 **MORAL TURPITUDE THAT IS THE BASIS FOR DISCIPLINARY ACTION TAKEN**
25 **UNDER § 15-314(B) OF THIS SUBTITLE; AND**

26 (5) **THE PUBLIC ADDRESS OF THE LICENSEE.**

27 (C) **IN ADDITION TO THE REQUIREMENTS OF SUBSECTION (B) OF THIS**
28 **SECTION, THE BOARD SHALL INCLUDE ON EACH LICENSEE'S PROFILE A**
29 **STATEMENT OF INFORMATION TO BE TAKEN INTO CONSIDERATION BY A**
30 **CONSUMER WHEN VIEWING A LICENSEE'S PROFILE, INCLUDING A DISCLAIMER**
31 **STATING THAT A CHARGING DOCUMENT DOES NOT INDICATE A FINAL FINDING**
32 **OF GUILT BY A DISCIPLINARY PANEL.**

33 (D) **THE BOARD:**

1 (53) Polysomnography Professional Standards Committee (§ 14-5C-05
2 of the Health Occupations Article: [July 1, 2012] **OCTOBER 30, 2016**);

3 (59) Radiation Oncology/Therapy Technologists, Medical Radiation
4 Technologists, and Nuclear Medicine Technologists Advisory Committee (§ 14-5B-05
5 of the Health Occupations Article: [July 1, 2012] **OCTOBER 30, 2016**);

6 (63) Respiratory Care Professional Standards Committee, State (§
7 14-5A-05 of the Health Occupations Article: [July 1, 2012] **OCTOBER 30, 2016**);

8 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1,
9 2013, and annually thereafter for the next 5 years, the State Board of Physicians shall
10 submit a report, in accordance with § 2-1246 of the State Government Article, to the
11 Senate Education, Health, and Environmental Affairs Committee and the House
12 Health and Government Operations Committee. The report shall provide an update
13 on:

14 (1) any changes to the Board's discipline process that have been
15 implemented and the effect of those changes on the complaint backlog and complaint
16 resolution times;

17 (2) the progress of the Board in procuring and implementing a new
18 information technology system to improve data management;

19 (3) a long-term financial plan;

20 (4) financial data for the preceding fiscal year; and

21 (5) the progress of the Board in implementing the recommendations
22 made by the Department of Legislative Services in the November 2011 publication
23 "Sunset Review: Evaluation of the State Board of Physicians and the Related Allied
24 Health Advisory Committees" and any statutory changes affecting the Board.

25 SECTION 3. AND BE IT FURTHER ENACTED, That the provisions of § 8-404
26 of the State Government Article requiring a preliminary evaluation do not apply to the
27 State Board of Physicians or the related allied health advisory committees prior to the
28 evaluation required on or before October 30, 2016.

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