

HOUSE BILL 1096

J2

EMERGENCY BILL
ENROLLED BILL

(3lr0944)

Health and Government Operations/Education, Health, and Environmental Affairs
Introduced by **Delegate Hammen (Chair, Health and Government Operations Committee)**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 a certain intent; altering the membership of the Board; altering the powers and
2 duties of the Board; repealing a certain provision of law regarding entry onto
3 private premises for a certain purpose; authorizing the Board's executive
4 director to apply for a certain search warrant under certain circumstances;
5 requiring the application for the warrant to meet certain requirements;
6 authorizing a judge who receives a certain search warrant application to issue a
7 warrant under certain circumstances; requiring a certain search warrant to
8 include certain information and be executed and returned to a certain
9 individual within a certain period of time; clarifying that certain fees charged by
10 the Board, which must be set so as to approximate the cost of maintaining the
11 Board, include the cost of providing a certain rehabilitation program; requiring
12 the Board to adopt certain regulations to allow a certain licensee to receive up to
13 a certain number of credit hours for providing certain services; establishing
14 certain disciplinary panels through which certain allegations must be resolved;
15 requiring the chair of the Board to assign each member of the Board to one of
16 the disciplinary panels; providing for the composition and chairs of the
17 disciplinary panels; authorizing the chair of the Board to serve as an
18 ex-officio member of a certain disciplinary panel; specifying the quorum of a
19 disciplinary panel; authorizing a disciplinary panel to conduct a certain
20 investigation; requiring a disciplinary panel to determine the final disposition of
21 a complaint against a physician or an allied health professional, except under
22 certain circumstances; providing that each disciplinary panel has the
23 independent authority to make a final determination regarding a certain
24 matter; prohibiting the Board from voting to approve or disapprove an action of
25 a disciplinary panel; requiring a disciplinary panel to consult with the chair of a
26 certain allied health advisory committee, or the chair's designee, under certain
27 circumstances; requiring a complaint to be assigned to a disciplinary panel after
28 the completion of a certain investigation by the Board; authorizing a
29 disciplinary panel to enter into a consent order with a physician or an allied
30 health professional after conducting a certain meeting; requiring the chair of a
31 certain disciplinary panel to refer a complaint to the other disciplinary panel
32 under certain circumstances; prohibiting a certain disciplinary panel, or its
33 members, from continuing to handle or participating in disciplinary proceedings
34 regarding a complaint under certain circumstances; authorizing a disciplinary
35 panel, instead of the Board, to take certain action regarding a complaint or
36 come to a certain agreement with a licensee; requiring a disciplinary panel,
37 instead of the Board, to refer certain allegations to a certain entity for peer
38 review; requiring a disciplinary panel, instead of the Board, to obtain a certain
39 number of peer review reports for certain allegations; repealing certain obsolete
40 language regarding a certain request for proposals; repealing the requirement
41 that the Board, under certain circumstances, provide direct rehabilitation
42 services for physicians; requiring a disciplinary panel, instead of the Board, to
43 offer certain complainants and licensees an opportunity to mediate certain
44 disputes; authorizing a disciplinary panel, instead of the Board, to determine,
45 for certain allegations, that an agreement for corrective action is warranted;
46 requiring a disciplinary panel, instead of the Board, to notify certain licensees of
47 identified deficiencies and enter into a certain corrective action; prohibiting a

1 disciplinary panel, instead of the Board, from entering into an agreement for
2 corrective action under certain circumstances; requiring a disciplinary panel,
3 instead of the Board, to evaluate licensees with whom the disciplinary panel has
4 entered into an agreement for corrective action and to take certain action under
5 certain circumstances; requiring a disciplinary panel to provide certain
6 individuals an opportunity to appear before the disciplinary panel under certain
7 circumstances; authorizing a disciplinary panel, instead of the Board, to take
8 certain disciplinary action against a physician or allied health professional
9 under certain circumstances; clarifying that an affirmative vote of the majority
10 of the quorum of the Board or of the quorum of a disciplinary panel is required
11 before the Board or the disciplinary panel takes certain action; requiring a
12 disciplinary panel, instead of the Board, to take certain disciplinary action
13 against a certain physician or allied health professional under certain
14 circumstances; prohibiting a disciplinary panel, instead of the Board, from
15 taking disciplinary action against a certain physician under certain
16 circumstances; requiring a disciplinary panel, instead of the Board, to give a
17 certain individual an opportunity for a certain hearing; requiring a disciplinary
18 panel, instead of the Board, to pass an order under certain circumstances;
19 authorizing a disciplinary panel, instead of the Board, to reinstate certain
20 licenses under certain circumstances; requiring a disciplinary panel to notify
21 the Board of certain license reinstatements; providing that proceedings, records,
22 and files of a disciplinary panel are not discoverable or admissible in certain
23 actions except under certain circumstances; prohibiting a disciplinary panel
24 from disclosing information in a record except under certain circumstances;
25 requiring the Board to disclose the filing of charges and initial denials of
26 licensure on the Board's Web site; requiring a disciplinary panel to disclose
27 certain information in a record under certain circumstances; requiring certain
28 licensee profiles to include a summary of charges filed against the licensee,
29 including a copy of the charging document, under certain circumstances;
30 requiring that licensee profiles include a certain disclaimer; requiring the Board
31 to include certain information on a licensee's profile within a certain time
32 period; ~~requiring that a certain report that certain entities are required to file~~
33 ~~with the Board include a certain statement under certain circumstances;~~
34 requiring the Board, in consultation with certain interested parties, to adopt
35 regulations to define certain circumstances under which certain reporting is
36 required by hospitals, related institutions, and alternative health systems;
37 authorizing the Board to impose a certain civil penalty on an alternative health
38 system that fails to file a certain report; requiring the Board to remit a certain
39 penalty to the General Fund of the State; repealing the requirement that a
40 circuit court of the State impose a civil penalty on an alternative health system
41 that fails to file a certain report; ~~requiring a certain court reporting requirement~~
42 ~~to be enforced by the imposition of a certain civil penalty;~~ authorizing a
43 disciplinary panel, instead of the Board, to take certain action against a
44 physician who performs acupuncture under certain circumstances; requiring the
45 chairs of certain committees, or the chairs' designees, to serve in an advisory
46 capacity to the Board; requiring certain committees to submit an annual report
47 to the Board; requiring the Board to consider all recommendations of certain

1 committees and annually provide a certain report to the committees; requiring
 2 the Board to create and maintain a certain profile on certain licensees;
 3 requiring the profiles to contain certain information; requiring the Board to
 4 forward a written copy of certain profiles to a person under certain
 5 circumstances; requiring the Board to maintain certain profiles on the Board's
 6 Web site; requiring the Board to provide a mechanism for correcting factual
 7 inaccuracies in certain profiles; requiring the Polysomnography Professional
 8 Standards Committee to elect a chair every certain number of years; repealing
 9 the requirement that the Board provide a certain explanation to the Physician
 10 Assistant Advisory Committee; repealing the requirement that the Board assess
 11 a certain fee under certain circumstances; requiring the Board to submit a
 12 certain report to certain committees of the General Assembly and the
 13 Department of Legislative Services on or before a certain date and annually
 14 thereafter for a certain period of time; exempting the Board and the related
 15 allied health advisory committees from certain provisions of law requiring a
 16 certain preliminary evaluation; making this Act an emergency measure;
 17 defining certain terms; making certain conforming, stylistic, and technical
 18 changes; and generally relating to the State Board of Physicians and the related
 19 allied health advisory committees.

20 BY adding to

21 Article – Health Occupations

22 Section 1–102, 14–101(a–1) and (c–1), 14–206.1, 14–401, 14–416, 14–5A–18.1,
 23 14–5B–15.1, 14–5C–06(d), 14–5C–18.1, 14–5D–16.1, 14–5E–18.1,
 24 15–101(i–1), and 15–316.1

25 Annotated Code of Maryland

26 (2009 Replacement Volume and 2012 Supplement)

27 BY repealing and reenacting, without amendments,

28 Article – Health Occupations

29 Section 14–101(a) and 15–101(a)

30 Annotated Code of Maryland

31 (2009 Replacement Volume and 2012 Supplement)

32 BY repealing and reenacting, with amendments,

33 Article – Health Occupations

34 Section 14–101(m), 14–202(a), 14–205, 14–206(d)(1), 14–207(b), ~~14–316~~, 14–401,
 35 14–403 through 14–405.1, 14–406, 14–407(a), 14–408, 14–409(a), 14–410,
 36 14–411(a), (b), (d)(1)(ii), (i), (j)(2)(i), (l)(2), (m), (r), and (s), 14–411.1(b),
 37 (c)(2), and (f), 14–413, 14–414, 14–504(g), 14–506(b)(2), 14–5A–04(a),
 38 14–5A–06(d), 14–5A–07, 14–5A–16, 14–5A–17, 14–5A–17.1, 14–5A–18(f),
 39 14–5A–19, 14–5A–25, 14–5B–04(a), 14–5B–05(c), 14–5B–06, 14–5B–13,
 40 14–5B–14, 14–5B–14.1, 14–5B–15(f), 14–5B–16, 14–5B–21, 14–5C–04(a),
 41 14–5C–07, 14–5C–16, 14–5C–17, 14–5C–18(f), 14–5C–19, 14–5C–25,
 42 14–5D–03(a), 14–5D–05(e), 14–5D–06, 14–5D–14, 14–5D–15, 14–5D–16,
 43 14–5D–20, 14–5E–04(a), 14–5E–06(d), 14–5E–07, 14–5E–15, 14–5E–16,
 44 14–5E–18(f), 14–5E–19, 14–5E–25, 14–603, 14–702, 15–103(h), 15–202(d)

1 and (e), 15–205, 15–206(a), 15–302(g), 15–312, 15–314 through 15–316,
 2 and 15–502
 3 Annotated Code of Maryland
 4 (2009 Replacement Volume and 2012 Supplement)

5 BY repealing
 6 Article – Health Occupations
 7 Section 15–310(e)
 8 Annotated Code of Maryland
 9 (2009 Replacement Volume and 2012 Supplement)

10 BY repealing and reenacting, with amendments,
 11 Article – State Government
 12 Section 8–403(b)(6), (45), (48), (49), (53), (59), and (63)
 13 Annotated Code of Maryland
 14 (2009 Replacement Volume and 2012 Supplement)

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

17 **Article – Health Occupations**

18 **1–102.**

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

22 **(B) THE HEALTH OCCUPATIONS BOARDS ESTABLISHED BY THIS**
 23 **ARTICLE, THE MAJORITY OF WHOSE MEMBERS ARE LICENSED OR CERTIFIED**
 24 **UNDER THIS ARTICLE, ARE CREATED TO FUNCTION AS INDEPENDENT BOARDS,**
 25 **WITH THE INTENT THAT A PEER GROUP IS BEST QUALIFIED TO REGULATE,**
 26 **CONTROL, AND OTHERWISE DISCIPLINE IN A FAIR AND UNBIASED MANNER THE**
 27 **LICENSEES OR CERTIFICATE HOLDERS WHO PRACTICE IN THE STATE.**

28 14–101.

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

30 **(A–1) “ALLIED HEALTH PROFESSIONAL” MEANS AN INDIVIDUAL**
 31 **LICENSED BY THE BOARD UNDER SUBTITLE 5A, 5B, 5C, 5D, OR 5E OF THIS**
 32 **TITLE OR TITLE 15 OF THIS ARTICLE.**

33 **(C–1) “DISCIPLINARY PANEL” MEANS A DISCIPLINARY PANEL OF THE**
 34 **BOARD ESTABLISHED UNDER § 14–401 OF THIS TITLE.**

1 (m) "Physician Rehabilitation Program" means the program of the Board or
 2 the nonprofit entity with which the Board contracts under [§ 14-401(g)] §
 3 **14-401.1(G)** of this title that evaluates and provides assistance to impaired
 4 physicians and other health professionals regulated by the Board who are directed by
 5 the Board to receive treatment and rehabilitation for alcoholism, chemical
 6 dependency, or other physical, emotional, or mental conditions.

7 14-202.

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

10 (2) Of the [21] **22** members:

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

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

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

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

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

25 1. **1 SHALL BE APPOINTED FROM A LIST CONTAINING**
 26 3 names submitted by the Johns Hopkins University School of Medicine; and

27 2. **1 SHALL BE APPOINTED FROM A LIST CONTAINING**
 28 3 names submitted by the University of Maryland School of Medicine;

29 (vi) 5 shall be consumer members; and

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

1 14-205.

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

4 (1) ENFORCE THIS TITLE AND TITLE 15 OF THIS ARTICLE;

5 (2) ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF
6 THIS TITLE AND TITLE 15 OF THIS ARTICLE;

7 (3) ESTABLISH POLICIES FOR BOARD OPERATIONS;

8 (4) MAINTAIN THE RULES, REGULATIONS, AND POLICIES OF THE
9 BOARD SO THAT THE RULES, REGULATIONS, AND POLICIES REFLECT THE
10 CURRENT PRACTICES OF THE BOARD;

11 (5) OVERSEE:

12 (i) THE LICENSING REQUIREMENTS FOR PHYSICIANS AND
13 THE ALLIED HEALTH PROFESSIONALS; AND

14 (ii) THE ISSUANCE AND RENEWAL OF LICENSES;

15 (6) MAINTAIN SECURE AND COMPLETE RECORDS;

16 (7) REVIEW AND PRELIMINARILY INVESTIGATE COMPLAINTS,
17 INCLUDING ACKNOWLEDGING RECEIPT OF COMPLAINTS AND INFORMING
18 COMPLAINANTS OF THE FINAL DISPOSITION OF COMPLAINTS;

19 ~~(8) ESTABLISH MECHANISMS FOR IDENTIFYING AND~~
20 ~~MONITORING THE TREATMENT OF LICENSEES WHO ARE DEPENDENT ON~~
21 ~~ALCOHOL OR OTHER ADDICTIVE SUBSTANCES AND FOR THE VOLUNTARY~~
22 ~~SELF-REPORTING OF SUBSTANCE ABUSE ISSUES BY LICENSEES;~~

23 ~~(9)~~ (8) DEVELOP AND IMPLEMENT METHODS TO:

24 ~~(i) IDENTIFY INCOMPETENT LICENSEES WHO FAIL TO MEET~~
25 ~~ACCEPTABLE STANDARDS OF CARE;~~

26 ~~(ii)~~ (i) ASSESS AND IMPROVE LICENSEE PRACTICES; AND

27 ~~(iii)~~ (ii) ENSURE THE ONGOING COMPETENCE OF
28 LICENSEES;

1 ~~(10)~~ (9) ENSURE THAT AN OPPORTUNITY FOR A HEARING IS
2 PROVIDED TO AN INDIVIDUAL, IN ACCORDANCE WITH LAW, BEFORE ANY ACTION
3 IS TAKEN AGAINST THE INDIVIDUAL;

4 ~~(11)~~ (10) ADJUDICATE NONDISCIPLINARY MATTERS WITHIN THE
5 BOARD'S JURISDICTION;

6 ~~(12)~~ (11) REPORT ON ALL DISCIPLINARY ACTIONS, LICENSE
7 DENIALS, AND LICENSE SURRENDERS;

8 ~~(13)~~ (12) ESTABLISH APPROPRIATE FEES THAT ARE ADEQUATE
9 TO FUND THE EFFECTIVE REGULATION OF PHYSICIANS AND ALLIED HEALTH
10 PROFESSIONALS;

11 ~~(14)~~ (13) MAKE RECOMMENDATIONS THAT BENEFIT THE
12 HEALTH, SAFETY, AND WELFARE OF THE PUBLIC;

13 ~~(15)~~ (14) PROVIDE ONGOING EDUCATION AND TRAINING FOR
14 BOARD MEMBERS TO ENSURE THAT THE BOARD MEMBERS CAN COMPETENTLY
15 DISCHARGE THEIR DUTIES;

16 ~~(16)~~ (15) DIRECT EDUCATIONAL OUTREACH TO AND
17 COMMUNICATE WITH LICENSEES AND THE PUBLIC;

18 ~~(17)~~ (16) DEVELOP AND ADOPT A BUDGET THAT REFLECTS
19 REVENUES AND SUPPORTS THE COSTS ASSOCIATED WITH EACH ALLIED HEALTH
20 PROFESSION REGULATED BY THE BOARD;

21 ~~(18)~~ (17) DEVELOP AND APPROVE AN ANNUAL REPORT AND
22 OTHER REQUIRED REPORTS FOR SUBMISSION TO THE SECRETARY, THE
23 GOVERNOR, THE GENERAL ASSEMBLY, AND THE PUBLIC;

24 ~~(19)~~ (18) APPROVE CONTRACTS AS NEEDED AND WITHIN
25 BUDGETARY LIMITS;

26 ~~(20)~~ (19) APPOINT STANDING AND AD HOC COMMITTEES FROM
27 AMONG BOARD MEMBERS AS NECESSARY;

28 ~~(21)~~ (20) DELEGATE TO THE EXECUTIVE DIRECTOR OF THE
29 BOARD THE AUTHORITY TO DISCHARGE BOARD DUTIES, AS DEEMED
30 APPROPRIATE AND NECESSARY BY THE BOARD, AND HOLD THE EXECUTIVE
31 DIRECTOR ACCOUNTABLE TO THE BOARD; AND

32 ~~(22)~~ (21) APPOINT MEMBERS OF THE DISCIPLINARY PANELS.

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

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

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

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

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

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

14 (iv) On receipt of a written and signed complaint, including a
15 referral from the Commissioner of Labor and Industry, conduct an unannounced
16 inspection of the office of a physician or acupuncturist, other than an office of a
17 physician or acupuncturist in a hospital, related institution, freestanding medical
18 facility, or a freestanding birthing center, to determine compliance at that office with
19 the Centers for Disease Control and Prevention's guidelines on universal precautions;
20 and

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

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

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

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

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

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

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

3 (ii) The list shall include each physician's designated public
4 address.

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

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

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

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

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

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

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

21 14-206.

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

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

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

29 (iii)] Public premises.

30 **14-206.1.**

1 **(A) BASED ON A COMPLAINT RECEIVED BY THE BOARD, THE EXECUTIVE**
2 **DIRECTOR OF THE BOARD MAY APPLY TO A JUDGE OF THE DISTRICT COURT OR**
3 **A CIRCUIT COURT FOR A SEARCH WARRANT TO ENTER PRIVATE PREMISES**
4 **WHERE THE BOARD OR A DISCIPLINARY PANEL SUSPECTS THAT A PERSON WHO**
5 **IS NOT LICENSED BY THE BOARD IS PRACTICING, ATTEMPTING TO PRACTICE,**
6 **OR OFFERING TO PRACTICE MEDICINE.**

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

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

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

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

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

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

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

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

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

23 **(2) A SEARCH CONDUCTED IN ACCORDANCE WITH A SEARCH**
24 **WARRANT ISSUED UNDER THIS SECTION MAY NOT EXCEED THE LIMITS**
25 **SPECIFIED IN THE WARRANT.**

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

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

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

1 14-207.

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

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

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

9 14-316.

10 (d) (1) In addition to any other qualifications and requirements
11 established by the Board, the Board may establish continuing education requirements
12 as a condition to the renewal of licenses under this section.

13 (2) In establishing these requirements, the Board shall evaluate
14 existing methods, devices, and programs in use among the various medical specialties
15 and other recognized medical groups.

16 (3) **THE BOARD SHALL ADOPT REGULATIONS THAT ALLOW A**
17 **LICENSEE SEEKING RENEWAL TO RECEIVE UP TO 5 CONTINUING EDUCATION**
18 **CREDITS PER RENEWAL PERIOD FOR PROVIDING UNCOMPENSATED,**
19 **VOLUNTARY MEDICAL SERVICES DURING EACH RENEWAL PERIOD.**

20 ~~[(3)]~~ (4) The Board may not establish or enforce these requirements
21 if they would so reduce the number of physicians in a community as to jeopardize the
22 availability of adequate medical care in that community.

23 ~~[(4)]~~ (5) The Board may impose a civil penalty of up to \$100 per
24 continuing medical education credit in lieu of a sanction under § 14-404 of this title,
25 for a first offense, for the failure of a licensee to obtain the continuing medical
26 education credits required by the Board.

27 **14-401.**

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

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

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

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

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

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

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

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

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

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

18 **(6) A QUORUM OF A DISCIPLINARY PANEL CONSISTS OF ~~6~~ 7**
19 **MEMBERS.**

20 **[14-401.] 14-401.1.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 **3. DETERMINE THE FINAL DISPOSITION OF THE**
4 **COMPLAINT.**

5 (b) If an allegation of grounds for disciplinary or other action is made by a
6 patient or a family member of a patient based on § 14–404(a)(22) of this subtitle and a
7 full investigation results from that allegation, the full investigation shall include an
8 offer of an interview with the patient or a family member of the patient who was
9 present on or about the time that the incident that gave rise to the allegation occurred.

10 (c) (1) Except as otherwise provided in this subsection, after [performing
11 any necessary preliminary investigation of an allegation of grounds for disciplinary or
12 other action] **BEING ASSIGNED A COMPLAINT UNDER SUBSECTION (A) OF THIS**
13 **SECTION**, the [Board] **DISCIPLINARY PANEL** may:

14 (i) Refer [the] **AN** allegation for further investigation to the
15 entity that has contracted with the Board under subsection (e) of this section;

16 (ii) Take any appropriate and immediate action as necessary; or

17 (iii) Come to an agreement for corrective action with a licensee
18 pursuant to paragraph (4) of this subsection.

19 (2) **(I)** After [performing any necessary preliminary investigation
20 of an allegation of grounds for disciplinary or other action] **BEING ASSIGNED A**
21 **COMPLAINT**, the [Board] **DISCIPLINARY PANEL** shall refer any allegation **IN THE**
22 **COMPLAINT** based on § 14–404(a)(22) of this subtitle to the entity or entities that
23 have contracted with the Board under subsection (e) of this section for further
24 investigation and physician peer review within the involved medical specialty or
25 specialties.

26 **(II) A DISCIPLINARY PANEL SHALL OBTAIN TWO PEER**
27 **REVIEW REPORTS FROM THE ENTITY OR INDIVIDUAL WITH WHOM THE BOARD**
28 **CONTRACTED UNDER SUBSECTION (E) OF THIS SECTION FOR EACH ALLEGATION**
29 **THE DISCIPLINARY PANEL REFERS FOR PEER REVIEW.**

30 (3) If, after [performing any necessary preliminary investigation]
31 **BEING ASSIGNED A COMPLAINT**, the [Board] **DISCIPLINARY PANEL** determines
32 that an allegation involving fees for professional or ancillary services does not
33 constitute grounds for disciplinary or other action, the [Board] **DISCIPLINARY PANEL**
34 shall offer the complainant and the licensee an opportunity to mediate the dispute.

1 (4) (i) Except as provided in subparagraph (ii) of this paragraph, if
2 an allegation is based on § 14–404(a)(40) of this subtitle, **[the Board] A DISCIPLINARY**
3 **PANEL:**

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

6 2. Shall notify the licensee of the identified deficiencies
7 and enter into an agreement for corrective action with the licensee as provided in this
8 paragraph.

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

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

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

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

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

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

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

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

29 **[(ii) The Board shall obtain two peer review reports for each**
30 **allegation it refers for peer review.]**

31 (2) A peer reviewer shall:

32 (i) Be Board certified;

- 1 (ii) Have special qualifications to judge the matter at hand;
- 2 (iii) Have received a specified amount of medical experience and
3 training;
- 4 (iv) Have no formal actions against the peer reviewer's own
5 license;
- 6 (v) Receive training in peer review;
- 7 (vi) Have a standard format for peer review reports; and
- 8 (vii) To the extent practicable, be licensed and engaged in the
9 practice of medicine in the State.

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

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

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

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

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

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

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

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

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

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

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

- 10 (i) Investigators;
- 11 (ii) Attorneys;
- 12 (iii) Accountants;
- 13 (iv) Expert witnesses;
- 14 (v) Consultants; and
- 15 (vi) Mediators.

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

19 (j) Those individuals not licensed under this title but covered under §
20 14-413(a)(1)(ii)3 and 4 of this subtitle are subject to the hearing provisions of § 14-405
21 of this subtitle.

22 (k) (1) It is the intent of this section that the disposition of every
23 complaint against a licensee that sets forth allegations of grounds for disciplinary
24 action filed with the Board shall be completed as expeditiously as possible and, in any
25 event, within 18 months after the complaint was received by the Board.

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

29 **(L) A DISCIPLINARY PANEL, IN CONDUCTING A MEETING WITH A**
30 **PHYSICIAN OR ALLIED HEALTH PROFESSIONAL TO DISCUSS THE PROPOSED**
31 **DISPOSITION OF A COMPLAINT, SHALL PROVIDE AN OPPORTUNITY TO APPEAR**
32 **BEFORE THE DISCIPLINARY PANEL TO BOTH THE LICENSEE WHO HAS BEEN**

1 **CHARGED AND THE INDIVIDUAL WHO HAS FILED THE COMPLAINT AGAINST THE**
2 **LICENSEE GIVING RISE TO THE CHARGE.**

3 14-403.

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

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

11 14-404.

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

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

18 (2) Fraudulently or deceptively uses a license;

19 (3) Is guilty of:

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

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

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

23 (5) Solicits or advertises in violation of § 14-503 of this title;

24 (6) Abandons a patient;

25 (7) Habitually is intoxicated;

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

28 (9) Provides professional services:

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

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

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

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

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

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

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

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

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

22 (i) The name of the laboratory;

23 (ii) The amount paid to the laboratory for the test or test series;
24 and

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

27 (17) Makes a willful misrepresentation in treatment;

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

30 (19) Grossly overutilizes health care services;

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

1 (21) Is disciplined by a licensing or disciplinary authority or convicted
2 or disciplined by a court of any state or country or disciplined by any branch of the
3 United States uniformed services or the Veterans' Administration for an act that
4 would be grounds for disciplinary action under this section;

5 (22) Fails to meet appropriate standards as determined by appropriate
6 peer review for the delivery of quality medical and surgical care performed in an
7 outpatient surgical facility, office, hospital, or any other location in this State;

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

10 (24) Was subject to investigation or disciplinary action by a licensing or
11 disciplinary authority or by a court of any state or country for an act that would be
12 grounds for disciplinary action under this section and the licensee:

13 (i) Surrendered the license issued by the state or country to the
14 state or country; or

15 (ii) Allowed the license issued by the state or country to expire
16 or lapse;

17 (25) Knowingly fails to report suspected child abuse in violation of §
18 5–704 of the Family Law Article;

19 (26) Fails to educate a patient being treated for breast cancer of
20 alternative methods of treatment as required by § 20–113 of the Health – General
21 Article;

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

24 (28) Fails to comply with the provisions of § 12–102 of this article;

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

28 (30) Except as to an association that has remained in continuous
29 existence since July 1, 1963:

30 (i) Associates with a pharmacist as a partner or co-owner of a
31 pharmacy for the purpose of operating a pharmacy;

32 (ii) Employs a pharmacist for the purpose of operating a
33 pharmacy; or

1 (iii) Contracts with a pharmacist for the purpose of operating a
2 pharmacy;

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

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

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

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

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

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

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

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

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

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

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

31 (i) Accredited by:

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

3 2. The Accreditation Association for Ambulatory Health
4 Care; or

5 3. The Joint Commission on the Accreditation of Health
6 Care Organizations; or

7 (ii) Certified to participate in the Medicare program, as enacted
8 by Title XVIII of the Social Security Act.

9 (b) (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 (c) (1) Except as provided in paragraph (2) of this subsection, [the Board]
19 **A DISCIPLINARY PANEL** may not reprimand, place on probation, or suspend or revoke
20 a license of a licensee for providing a patient with a written statement, medical
21 records, or testimony that, in the licensee's professional opinion, the patient is likely to
22 receive therapeutic or palliative relief from marijuana.

23 (2) Nothing in this subsection shall be deemed to release a licensee
24 from the duty to exercise a professional standard of care when evaluating a patient's
25 medical condition.

26 14–405.

27 (a) Except as otherwise provided in the Administrative Procedure Act, before
28 the Board **OR A DISCIPLINARY PANEL** takes any action under § 14–404(a) of this
29 subtitle or § 14–5A–17(a) of this title, it shall give the individual against whom the
30 action is contemplated an opportunity for a hearing before a hearing officer.

31 (b) (1) The hearing officer shall give notice and hold the hearing in
32 accordance with the Administrative Procedure Act.

33 (2) Factual findings shall be supported by a preponderance of the
34 evidence.

1 (c) The individual may be represented at the hearing by counsel.

2 (d) If after due notice the individual against whom the action is
3 contemplated fails or refuses to appear, nevertheless the hearing officer may hear and
4 refer the matter to the Board **OR A DISCIPLINARY PANEL** for disposition.

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

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

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

12 14-405.1.

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

18 (1) Instead of suspending the license; or

19 (2) In addition to suspending or revoking the license or reprimanding
20 the licensee.

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

23 14-406.

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

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

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

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

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

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

7 14-407.

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

11 14-408.

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

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

17 (2) Then take any further appeal allowed by the Administrative
18 Procedure Act.

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

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

24 (c) An order of the Board OR A DISCIPLINARY PANEL may not be stayed
25 pending review.

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

28 14-409.

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

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

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

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

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

9 14–410.

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

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

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

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

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

25 14–411.

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

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

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

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

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

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

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

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

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

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

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

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

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

27 (r) This section does not apply to:

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

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

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

5 14-411.1.

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

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

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

15 [(2)] (3) A description in summary form of any final disciplinary
16 action taken by a licensing board in any other state or jurisdiction against the licensee
17 within the most recent 10-year period;

18 [(3)] (4) The number of medical malpractice final court judgments
19 and arbitration awards against the licensee within the most recent 10-year period for
20 which all appeals have been exhausted as reported to the Board;

21 [(4)] (5) A description of a conviction or entry of a plea of guilty or
22 nolo contendere by the licensee for a crime involving moral turpitude reported to the
23 Board under [§ 14-413(b)] **§ 14-416** of this subtitle; and

24 [(5)] (6) Medical education and practice information about the
25 licensee including:

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

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

29 (iii) A description of any specialty board certification by a
30 recognized board of the American Board of Medical Specialties or the American
31 Osteopathic Association;

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

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

2 (vi) Whether the licensee participates in the Maryland Medical
3 Assistance Program.

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

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

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

15 14-413.

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

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

20 1. Is employed by the hospital or related institution;

21 2. Has privileges with the hospital or related institution;

22 and

23 3. Has applied for privileges with the hospital or related
24 institution; ~~and~~

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

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

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

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

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

13 5. The hospital or related institution placed any other
14 restrictions or conditions on any of the licensed physicians as listed in items 1 through
15 4 of this subparagraph for any reasons that might be grounds for disciplinary action
16 under § 14–404 of this subtitle;~~AND~~

17 ~~(III) STATES THAT NO ACTION WAS TAKEN AGAINST THE~~
18 ~~LICENSED PHYSICIAN IF THE HOSPITAL OR RELATED INSTITUTION DID NOT~~
19 ~~TAKE ACTION AGAINST THE LICENSED PHYSICIAN DURING THE PERIOD~~
20 ~~COVERED BY THE REPORT.~~

21 (2) The hospital or related institution shall:

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

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

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

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

31 **(5) THE BOARD, IN CONSULTATION WITH ALL INTERESTED**
32 **PARTIES, MAY ADOPT REGULATIONS TO DEFINE:**

33 **(I) CHANGES IN EMPLOYMENT OR PRIVILEGES THAT**
34 **REQUIRE REPORTING UNDER THIS SECTION; AND**

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

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

10 ~~(III) STATES THAT NO ACTION WAS TAKEN AGAINST THE~~
11 ~~LICENSED PHYSICIAN IF THE ALTERNATIVE HEALTH SYSTEM DID NOT TAKE~~
12 ~~ACTION AGAINST THE LICENSED PHYSICIAN DURING THE PERIOD COVERED BY~~
13 ~~THE REPORT.~~

14 (2) The alternative health system shall:

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

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

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

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

25 **(5) THE BOARD, IN CONSULTATION WITH ALL INTERESTED**
26 **PARTIES, MAY ADOPT REGULATIONS TO DEFINE:**

27 **(I) CHANGES IN EMPLOYMENT OR PRIVILEGES THAT**
28 **REQUIRE REPORTING UNDER THIS SECTION; AND**

29 **(II) ACTIONS BY LICENSEES THAT ARE GROUNDS FOR**
30 **DISCIPLINE AND REQUIRE REPORTING UNDER THIS SECTION.**

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

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

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

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

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

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

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

16 **14-416.**

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

20 ~~(2)~~ (B) **THE COURT SHALL SUBMIT THE REPORT WITHIN 10 DAYS**
21 **AFTER THE CONVICTION OR ENTRY OF THE PLEA.**

22 ~~(B) FAILURE TO REPORT UNDER THIS SECTION SHALL RESULT IN~~
23 ~~IMPOSITION OF A CIVIL PENALTY OF UP TO \$5,000 BY A CIRCUIT COURT OF THE~~
24 ~~STATE.~~

25 **14-504.**

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

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

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

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

6 14-506.

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

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

12 14-5A-04.

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

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 respiratory care practitioners, **INCLUDING THE COST OF PROVIDING A**
18 **REHABILITATION PROGRAM FOR RESPIRATORY CARE PRACTITIONERS UNDER §**
19 **14-401.1(G) OF THIS TITLE.**

20 14-5A-06.

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

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

26 14-5A-07.

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

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

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

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

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

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

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

10 (7) Provide the Board with recommendations concerning the practice
11 of respiratory care;

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

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

15 **(10) SUBMIT AN ANNUAL REPORT TO THE BOARD.**

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

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

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

21 14-5A-16.

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

26 14-5A-17.

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

1 licensee, place any licensee on probation, or suspend or revoke a license, if the
2 applicant or licensee:

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

5 (2) Fraudulently or deceptively uses a license;

6 (3) Is guilty of unprofessional or immoral conduct in the practice of
7 respiratory care;

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

9 (5) Abandons a patient;

10 (6) Is habitually intoxicated;

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

13 (8) Provides professional services while:

14 (i) Under the influence of alcohol; or

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

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

20 (10) Willfully makes or files a false report or record in the practice of
21 respiratory care;

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

25 (12) Breaches patient confidentiality;

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

30 (14) Knowingly makes a misrepresentation while practicing respiratory
31 care;

1 (15) Knowingly practices respiratory care with an unauthorized
2 individual or aids an unauthorized individual in the practice of respiratory care;

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

5 (17) 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 Veterans' Administration for an
8 act that would be grounds for disciplinary action under the Board's disciplinary
9 statutes;

10 (18) Fails to meet appropriate standards for the delivery of respiratory
11 care performed in any inpatient or outpatient facility, office, hospital or related
12 institution, domiciliary care facility, patient's home, or any other location in this State;

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

15 (20) (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) **[The licensed individual] HAS:**

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

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

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

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

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

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

32 (25) Practices or attempts to practice a respiratory care procedure or
33 uses or attempts to use respiratory care equipment if the applicant or licensee has not

1 received education and training in the performance of the procedure or the use of the
2 equipment;

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

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

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

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

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

21 14–5A–17.1.

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

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

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

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

31 14–5A–18.

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

1 14-5A-18.1.

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

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

7 (1) A SUMMARY OF CHARGES FILED AGAINST THE LICENSEE,
8 INCLUDING A COPY OF THE CHARGING DOCUMENT, UNTIL A DISCIPLINARY
9 PANEL HAS TAKEN ACTION UNDER § 14-5A-17 OF THIS SUBTITLE BASED ON
10 THE CHARGES OR HAS RESCINDED THE CHARGES;

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

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

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

22 (5) THE PUBLIC ADDRESS OF THE LICENSEE.

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

29 (D) THE BOARD:

30 (1) ON RECEIPT OF A WRITTEN REQUEST FOR A LICENSEE'S
31 PROFILE FROM ANY PERSON, SHALL FORWARD A WRITTEN COPY OF THE
32 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 14-5A-19.

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

16 **(B) IF A DISCIPLINARY PANEL REINSTATES A LICENSE UNDER**
17 **SUBSECTION (A) OF THIS SECTION, THE DISCIPLINARY PANEL SHALL NOTIFY**
18 **THE BOARD OF THE REINSTATEMENT.**

19 14-5A-25.

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

24 14-5B-04.

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

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

33 14-5B-05.

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

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

6 14-5B-06.

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

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

11 (2) Make recommendations to the Board on a code of ethics for the
12 practice of radiation therapy, the practice of radiography, the practice of nuclear
13 medicine technology, and the practice of radiology assistance for adoption by the
14 Board;

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

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

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

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

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

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

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

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

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

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

5 14-5B-13.

6 Unless [the Board] **A DISCIPLINARY PANEL** agrees to accept the surrender of a
7 license or temporary license, a licensee or holder of a temporary license may not
8 surrender the license or temporary license and the license or temporary license may
9 not lapse by operation of law while the licensee or holder of a temporary license is
10 under investigation or while charges are pending against the licensee or holder of a
11 temporary license.

12 14-5B-14.

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

20 (1) Fraudulently or deceptively obtains or attempts to obtain a license
21 or temporary license for the applicant, licensed individual, holder of a temporary
22 license, or for another;

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

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

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

27 (5) Abandons a patient;

28 (6) Is habitually intoxicated;

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

31 (8) Provides professional services while:

32 (i) Under the influence of alcohol; or

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 radiation therapy, radiography, nuclear medicine technology, or radiology assistance;

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 radiation
17 therapy, radiography, nuclear medicine technology, or radiology assistance;

18 (15) Knowingly practices radiation therapy, radiography, nuclear
19 medicine technology, or radiology assistance with an unauthorized individual or aids
20 an unauthorized individual in the practice of radiation therapy, radiography, nuclear
21 medicine technology, or radiology assistance;

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

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

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

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

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

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

5 1. Surrendered the license issued by the state or
6 country; or

7 2. Allowed the license issued by the state or country to
8 expire or lapse;

9 (21) Knowingly fails to report suspected child abuse in violation of §
10 5–704 of the Family Law Article;

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

13 (23) Practices or attempts to practice beyond the authorized scope of
14 practice;

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

19 (25) Practices or attempts to practice a radiation therapy, radiography,
20 nuclear medicine technology, or radiology assistance procedure or uses radiation
21 therapy, radiography, nuclear medicine technology, or radiology assistance equipment
22 if the applicant or licensee or holder of a temporary license has not received education,
23 internship, training, or experience in the performance of the procedure or the use of
24 the equipment;

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

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

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

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

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

11 14-5B-14.1.

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

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

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

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

21 14-5B-15.

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

25 **14-5B-15.1.**

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

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

31 **(1) A SUMMARY OF CHARGES FILED AGAINST THE LICENSEE,**
32 **INCLUDING A COPY OF THE CHARGING DOCUMENT, UNTIL A DISCIPLINARY**

1 PANEL HAS TAKEN ACTION UNDER § 14-5B-14 OF THIS SUBTITLE BASED ON
2 THE CHARGES OR HAS RESCINDED THE CHARGES;

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

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

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

14 (5) THE PUBLIC ADDRESS OF THE LICENSEE.

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

21 (D) THE BOARD:

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

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

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

31 (F) THE BOARD SHALL INCLUDE INFORMATION RELATING TO CHARGES
32 FILED AGAINST A LICENSEE BY A DISCIPLINARY PANEL AND ANY FINAL
33 DISCIPLINARY ACTION TAKEN BY A DISCIPLINARY PANEL AGAINST A LICENSEE

1 IN THE LICENSEE'S PROFILE WITHIN 10 DAYS AFTER THE CHARGES ARE FILED
2 OR THE ACTION BECOMES FINAL.

3 14-5B-16.

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

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

9 14-5B-21.

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

14 14-5C-04.

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

17 (2) The fees charged shall be set so as to produce funds to approximate
18 the cost of maintaining the licensure program and the other services provided to
19 polysomnographic technologists, INCLUDING THE COST OF PROVIDING A
20 REHABILITATION PROGRAM FOR POLYSOMNOGRAPHIC TECHNOLOGISTS UNDER
21 § 14-401.1(G) OF THIS TITLE.

22 14-5C-06.

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

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

28 14-5C-07.

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

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

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

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

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

9 (i) Criteria for the educational and clinical training of licensed
10 polysomnographic technologists; and

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

13 (5) Develop and recommend to the Board criteria for licensed
14 polysomnographic technologists who are licensed in other states to practice in this
15 State;

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

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

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

22 (9) Provide the Board with recommendations concerning the practice
23 of polysomnography;

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

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

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

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

30 **(1) CONSIDER ALL RECOMMENDATIONS OF THE COMMITTEE;**

31 **AND**

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

3 14-5C-16.

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

8 14-5C-17.

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

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

17 (2) Fraudulently or deceptively uses a license;

18 (3) Is guilty of unprofessional or immoral conduct in the practice of
19 polysomnography;

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

21 (5) Abandons a patient;

22 (6) Is habitually intoxicated;

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

25 (8) Provides professional services while:

26 (i) Under the influence of alcohol; or

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

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

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

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

8 (12) Breaches patient confidentiality;

9 (13) Pays or agrees to pay any sum or provide any form of remuneration
10 or material benefit to any person for bringing or referring a patient or accepts or
11 agrees to accept any sum or any form of remuneration or material benefit from an
12 individual for bringing or referring a patient;

13 (14) Knowingly makes a misrepresentation while practicing
14 polysomnography;

15 (15) Knowingly practices polysomnography with an unauthorized
16 individual or aids an unauthorized individual in the practice of polysomnography;

17 (16) Knowingly delegates a polysomnographic duty to an unlicensed
18 individual;

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

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

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

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

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

34 (ii) Has:

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

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

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

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

9 (24) Practices or attempts to practice beyond the authorized scope of
10 practice;

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

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

17 (27) Practices or attempts to practice a polysomnography procedure or
18 uses or attempts to use polysomnography equipment if the applicant or licensee has
19 not received education and training in the performance of the procedure or the use of
20 the equipment.

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

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

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

1 14-5C-18.

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

5 14-5C-18.1.

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 § 14-5C-17 OF THIS SUBTITLE BASED ON
14 THE 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 IF THE BOARD KNOWS OF THE DISCIPLINARY ACTION;

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 § 14-5C-17(C) 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.

1 **(D) THE BOARD:**

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

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

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

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

16 14-5C-19.

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

20 **(B) IF A DISCIPLINARY PANEL REINSTATES A LICENSE UNDER**
21 **SUBSECTION (A) OF THIS SECTION, THE DISCIPLINARY PANEL SHALL NOTIFY**
22 **THE BOARD OF THE REINSTATEMENT.**

23 14-5C-25.

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

28 14-5D-03.

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

31 **(2)** The fees charged shall be set so as to produce funds to approximate
32 the cost of maintaining the licensure program and the other services provided to

1 athletic trainers, **INCLUDING THE COST OF PROVIDING A REHABILITATION**
2 **PROGRAM FOR ATHLETIC TRAINERS UNDER § 14-401.1(G) OF THIS TITLE.**

3 14-5D-05.

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

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

8 14-5D-06.

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

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

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

15 (3) Provide the Board with recommendations concerning the practice
16 of athletic training;

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

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

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

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

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

25 (1) **CONSIDER ALL RECOMMENDATIONS OF THE COMMITTEE;**
26 **AND**

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

29 14-5D-14.

1 (a) Subject to the hearing provisions of § 14–405 of this title, the Board, **ON**
2 **THE AFFIRMATIVE VOTE OF A MAJORITY OF A QUORUM OF THE BOARD**, may
3 deny a license to any applicant, **OR A DISCIPLINARY PANEL, ON THE AFFIRMATIVE**
4 **VOTE OF A MAJORITY OF A QUORUM OF THE DISCIPLINARY PANEL, MAY**
5 reprimand any licensee, place any licensee on probation, or suspend or revoke a
6 license, if the applicant or licensee:

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

9 (2) Fraudulently or deceptively uses a license;

10 (3) Is guilty of unprofessional or immoral conduct in the practice of
11 athletic training;

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

13 (5) Abandons a patient;

14 (6) Habitually is intoxicated;

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

17 (8) Provides professional services while:

18 (i) Under the influence of alcohol; or

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

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

24 (10) Willfully makes or files a false report or record in the practice of
25 athletic training;

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

29 (12) Breaches patient confidentiality;

30 (13) Pays or agrees to pay any sum or provide any form of remuneration
31 or material benefit to any individual for bringing or referring a patient or accepts or

1 agrees to accept any sum or any form of remuneration or material benefit from an
2 individual for bringing or referring a patient;

3 (14) Knowingly makes a misrepresentation while practicing athletic
4 training;

5 (15) Knowingly practices athletic training with an unauthorized
6 individual or aids an unauthorized individual in the practice of athletic trainer
7 services;

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

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

14 (18) Fails to meet appropriate standards for the delivery of athletic
15 training services;

16 (19) Knowingly submits false statements to collect fees for which
17 services have not been provided;

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

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

22 1. Surrendered the license issued by the state or
23 country; or

24 2. Allowed the license issued by the state or country to
25 expire or lapse;

26 (21) Knowingly fails to report suspected child abuse in violation of §
27 5-704 of the Family Law Article;

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

30 (23) Practices or attempts to practice beyond the authorized scope of
31 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 is
3 licensed and qualified to render because the individual is HIV positive;

4 (25) Practices or attempts to practice an athletic training procedure or
5 uses or attempts to use athletic training equipment if the applicant or licensee has not
6 received education and training in the performance of the procedure or the use of the
7 equipment;

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

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

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

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

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

23 14-5D-15.

24 (a) (1) Except as otherwise provided in § 10-226 of the State Government
25 Article, before the Board **OR A DISCIPLINARY PANEL** takes any action under §
26 14-5D-14 of this subtitle, **[it] THE BOARD OR THE DISCIPLINARY PANEL** shall give
27 the individual against whom the action is contemplated an opportunity for a hearing
28 before a hearing officer.

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

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

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

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

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

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

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

10 14-5D-16.

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

13 **(B) IF A DISCIPLINARY PANEL REINSTATES A LICENSE UNDER**
14 **SUBSECTION (A) OF THIS SECTION, THE DISCIPLINARY PANEL SHALL NOTIFY**
15 **THE BOARD OF THE REINSTATEMENT.**

16 14-5D-16.1.

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

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

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

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

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

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

5 (5) THE PUBLIC ADDRESS OF THE LICENSEE.

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

12 (D) THE BOARD:

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

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

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

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

27 14-5D-20.

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

32 14-5E-04.

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

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 perfusionists, **INCLUDING THE COST OF PROVIDING A REHABILITATION**
6 **PROGRAM FOR PERFUSIONISTS UNDER § 14-401.1(G) OF THIS TITLE.**

7 14-5E-06.

8 (d) (1) From among its members, the Committee shall elect a chair every
9 2 years.

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

12 14-5E-07.

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

15 (1) Develop and recommend to the Board:

16 (i) Regulations to carry out the provisions of this subtitle;

17 (ii) A code of ethics for the practice of perfusion for adoption by
18 the Board;

19 (iii) Recommendations concerning the practice of perfusion,
20 including standards of care for the practice of perfusion; and

21 (iv) Continuing education requirements for license renewal;
22 [and]

23 (2) Keep a record of its proceedings; **AND**

24 (3) **SUBMIT AN ANNUAL REPORT TO THE BOARD.**

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

26 (1) **CONSIDER ALL RECOMMENDATIONS OF THE COMMITTEE;**
27 **AND**

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

1 14-5E-15.

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

6 14-5E-16.

7 (a) Subject to the hearing provisions of § 14-405 of this title, the Board, **ON**
8 **THE AFFIRMATIVE VOTE OF A MAJORITY OF THE QUORUM OF THE BOARD**, may
9 deny a license to any applicant, **OR A DISCIPLINARY PANEL, ON THE AFFIRMATIVE**
10 **VOTE OF A MAJORITY OF THE QUORUM OF THE DISCIPLINARY PANEL, MAY**
11 reprimand any licensee, place any licensee on probation, or suspend or revoke a
12 license, if the applicant or 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 unprofessional or immoral conduct in the practice of
17 perfusion;

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

19 (5) Abandons a patient;

20 (6) Is habitually intoxicated;

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

23 (8) Provides professional services while:

24 (i) Under the influence of alcohol; or

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

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

30 (10) Willfully makes or files a false report or record in the practice of
31 perfusion;

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

4 (12) Breaches patient confidentiality;

5 (13) Pays or agrees to pay any sum or provide any form of remuneration
6 or material benefit to any person for bringing or referring a patient or accepts or
7 agrees to accept any sum or any form of remuneration or material benefit from an
8 individual for bringing or referring a patient;

9 (14) Knowingly makes a misrepresentation while practicing perfusion;

10 (15) Knowingly practices perfusion with an unauthorized individual or
11 aids an unauthorized individual in the practice of perfusion;

12 (16) Knowingly delegates a perfusion duty to an unlicensed individual;

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

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

20 (19) Fails to meet appropriate standards for the delivery of perfusion
21 services;

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

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

27 (ii) Has:

28 1. Surrendered the license, if any, issued by the state or
29 country; or

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

1 (22) Knowingly fails to report suspected child abuse in violation of §
2 5–704 of the Family Law Article;

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

5 (24) Practices or attempts to practice beyond the authorized scope of
6 practice;

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

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

13 (27) Practices or attempts to practice a perfusion procedure or uses or
14 attempts to use perfusion equipment if the applicant or licensee has not received
15 education and training in the performance of the procedure or the use of the
16 equipment; or

17 (28) Fails to cooperate with a lawful investigation of the Board **OR A**
18 **DISCIPLINARY PANEL**.

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

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

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

34 14–5E–18.

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

4 **14-5E-18.1.**

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

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

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

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

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

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

25 (5) THE PUBLIC ADDRESS OF THE LICENSEE.

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

32 (D) THE BOARD:

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

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

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

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

15 14-5E-19.

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

19 **(B) IF A DISCIPLINARY PANEL REINSTATES A LICENSE UNDER**
20 **SUBSECTION (A) OF THIS SECTION, THE DISCIPLINARY PANEL SHALL NOTIFY**
21 **THE BOARD OF THE REINSTATEMENT.**

22 14-5E-25.

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

27 14-603.

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

30 14-702.

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

1 15-101.

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

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

5 15-103.

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

9 15-202.

10 (d) A Committee [chairperson] **CHAIR** and a secretary shall be selected every
11 2 years by a majority vote of the membership of the Committee.

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

14 15-205.

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

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

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

21 (3) Report to the Board any conduct of a supervising physician or a
22 physician assistant that may be cause for disciplinary action under this title or under
23 § 14-404 of this article; and

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

26 **(B) THE COMMITTEE SHALL SUBMIT AN ANNUAL REPORT TO THE**
27 **BOARD.**

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

1 (2) The Board shall:

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

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

6 (3) The Board may:

7 (i) Investigate any alleged unauthorized practice of a physician
8 assistant;

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

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

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

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

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

28 15-206.

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

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

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

1 15-302.

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

9 15-310.

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

14 15-312.

15 (a) Unless **[the Board] A DISCIPLINARY PANEL** agrees to accept the
16 surrender of a license of a physician assistant, the physician assistant may not
17 surrender the license nor may the licensure lapse by operation of law while the
18 physician assistant is under investigation or while charges are pending.

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

21 15-314.

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

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

28 (2) Fraudulently or deceptively uses a license;

29 (3) Is guilty of:

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

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

- 1 (4) Is professionally, physically, or mentally incompetent;
- 2 (5) Solicits or advertises in violation of § 14–503 of this article;
- 3 (6) Abandons a patient;
- 4 (7) Habitually is intoxicated;
- 5 (8) Is addicted to, or habitually abuses, any narcotic or controlled
6 dangerous substance as defined in § 5–101 of the Criminal Law Article;
- 7 (9) Provides professional services:
- 8 (i) While under the influence of alcohol; or
- 9 (ii) While using any narcotic or controlled dangerous substance,
10 as defined in § 5–101 of the Criminal Law Article, or other drug that is in excess of
11 therapeutic amounts or without valid medical indication;
- 12 (10) Promotes the sale of drugs, devices, appliances, or goods to a
13 patient so as to exploit the patient for financial gain;
- 14 (11) Willfully makes or files a false report or record in the practice of
15 medicine;
- 16 (12) Willfully fails to file or record any medical report as required under
17 law, willfully impedes or obstructs the filing or recording of the report, or induces
18 another to fail to file or record the report;
- 19 (13) On proper request, and in accordance with the provisions of Title 4,
20 Subtitle 3 of the Health – General Article, fails to provide details of a patient’s medical
21 record to the patient, another physician, or hospital;
- 22 (14) Solicits professional patronage through an agent or other person or
23 profits from the acts of a person who is represented as an agent of the physician;
- 24 (15) Pays or agrees to pay any sum to any person for bringing or
25 referring a patient or accepts or agrees to accept any sum from any person for bringing
26 or referring a patient;
- 27 (16) Agrees with a clinical or bioanalytical laboratory to make
28 payments to the laboratory for a test or test series for a patient, unless the licensed
29 physician assistant discloses on the bill to the patient or third–party payor:
- 30 (i) The name of the laboratory;

1 (ii) The amount paid to the laboratory for the test or test series;
2 and

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

5 (17) Makes a willful misrepresentation in treatment;

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

8 (19) Grossly overutilizes health care services;

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

11 (21) Is disciplined by a licensing or disciplinary authority or convicted
12 or disciplined by a court of any state or country or disciplined by any branch of the
13 United States uniformed services or the Veterans' Administration for an act that
14 would be grounds for disciplinary action under this section;

15 (22) Fails to meet appropriate standards for the delivery of quality
16 medical and surgical care performed in an outpatient surgical facility, office, hospital,
17 or any other location in this State;

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

20 (24) Was subject to investigation or disciplinary action by a licensing or
21 disciplinary authority or by a court of any state or country for an act that would be
22 grounds for disciplinary action under this section and the licensee:

23 (i) Surrendered the license issued by the state or country to the
24 state or country; or

25 (ii) Allowed the license issued by the state or country to expire
26 or lapse;

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

29 (26) Fails to educate a patient being treated for breast cancer of
30 alternative methods of treatment as required by § 20–113 of the Health – General
31 Article;

32 (27) Sells, prescribes, gives away, or administers drugs for illegal or
33 illegitimate medical purposes;

1 (28) Fails to comply with the provisions of § 12–102 of this article;

2 (29) Refuses, withholds from, denies, or discriminates against an
3 individual with regard to the provision of professional services for which the physician
4 assistant is licensed and qualified to render because the individual is HIV positive;

5 (30) Except as to an association that has remained in continuous
6 existence since July 1, 1963:

7 (i) Associates with a pharmacist as a partner or co-owner of a
8 pharmacy for the purpose of operating a pharmacy;

9 (ii) Employs a pharmacist for the purpose of operating a
10 pharmacy; or

11 (iii) Contracts with a pharmacist for the purpose of operating a
12 pharmacy;

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

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

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

19 (34) Is convicted of insurance fraud as defined in § 27–801 of the
20 Insurance Article;

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

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

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

30 (38) By corrupt means, threats, or force, hinders, prevents, or otherwise
31 delays any person from making information available to the Board **OR A**

1 **DISCIPLINARY PANEL** in furtherance of any investigation of the Board **OR A**
2 **DISCIPLINARY PANEL**;

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

7 (40) Fails to keep adequate medical records;

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

11 (42) Performs delegated medical acts without the supervision of a
12 physician.

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

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

22 15-315.

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

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

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

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

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

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

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

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

11 **15-316.**

12 (a) If, after a hearing under § 15-315 of this subtitle, [the Board] **A**
13 **DISCIPLINARY PANEL** finds that there are grounds for discipline under § 15-314(a) of
14 this subtitle to suspend or revoke a license of a physician assistant [or to deny a
15 license to an applicant] or to reprimand a licensed physician assistant, the [Board]
16 **DISCIPLINARY PANEL** may impose a fine subject to the Board's regulations instead of
17 or in addition to suspending or revoking the license or reprimanding the licensee.

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

20 **15-316.1.**

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

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

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

30 **(2) A DESCRIPTION OF ANY DISCIPLINARY ACTION TAKEN BY THE**
31 **BOARD OR A DISCIPLINARY PANEL AGAINST THE LICENSEE WITHIN THE MOST**
32 **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 § 15-314(B) 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 15-502.

32 Subject to the evaluation and reestablishment provisions of the Maryland
33 Program Evaluation Act, this title and all regulations adopted under this title shall
34 terminate and be of no effect after July 1, [2013] 2018.

- 1 (3) a long-term financial plan;
- 2 (4) financial data for the preceding fiscal year; and
- 3 (5) the progress of the Board in implementing the recommendations
4 made by the Department of Legislative Services in the November 2011 publication
5 “Sunset Review: Evaluation of the State Board of Physicians and the Related Allied
6 Health Advisory Committees” and any statutory changes affecting the Board.

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

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.