

HOUSE BILL 962

J2
HB 1252/22 – HGO

3lr1854

By: **Delegate Alston**

Introduced and read first time: February 10, 2023

Assigned to: Health and Government Operations

Committee Report: Favorable

House action: Adopted

Read second time: March 7, 2023

CHAPTER _____

1 AN ACT concerning

2 **Physicians and Allied Health Professions – Reorganization and Revisions**

3 FOR the purpose of repealing obsolete and redundant language in, clarifying language in,
4 and reorganizing certain provisions of law governing the State Board of Physicians
5 and the regulation of physicians, physician assistants, and allied health
6 professionals; authorizing the Board to regulate the allied health committees;
7 repealing the requirement that the Board provide a certain data sheet; and generally
8 relating to the State Board of Physicians and the regulation of physicians, physician
9 assistants, and allied health professionals.

10 BY repealing

11 Article – Health Occupations

12 Section 14–101(n), 14–401.1(b) through (d), 14–405(f), 14–5A–02 through 14–5A–04,
13 14–5A–10, 14–5A–11, 14–5A–13, 14–5A–14, 14–5A–16, 14–5A–17.1,
14 14–5A–18.1, 14–5A–19, 14–5B–02 through 14–5B–04, 14–5B–10, 14–5B–12,
15 14–5B–12.1, 14–5B–13, 14–5B–14.1, 14–5B–15.1, 14–5B–16, 14–5C–02
16 through 14–5C–04, 14–5C–11, 14–5C–12, 14–5C–14, 14–5C–14.1, 14–5C–16,
17 14–5C–18.1, 14–5C–19, 14–5D–02, 14–5D–03, 14–5D–09, 14–5D–12,
18 14–5D–12.1, 14–5D–13, 14–5D–15, 14–5D–16, 14–5D–16.1, 14–5E–02
19 through 14–5E–04, 14–5E–11, 14–5E–15, 14–5E–17, 14–5E–18.1, 14–5E–19,
20 14–5F–04, 14–5F–05, 14–5F–13, 14–5F–15.1, 14–5F–17, 14–5F–23,
21 14–5G–02 through 14–5G–04, 14–5G–10, 14–5G–11, 14–5G–13, 14–5G–15,
22 14–5G–16, 14–5G–19, 14–5G–21, 14–5G–22, 15–203, 15–204, 15–206,
23 15–304, 15–305, 15–307, 15–308, 15–310 through 15–312, 15–315, 15–316,
24 and 15–316.1

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.



1 Annotated Code of Maryland
2 (2021 Replacement Volume and 2022 Supplement)

3 BY renumbering

4 Article – Health Occupations

5 Section 14–206, 14–206.1, 14–301, 14–302, 14–306, 14–307, 14–308, 14–308.1,
6 14–309, 14–311, 14–312, 14–313, 14–313.1, 14–314, 14–315, 14–316, 14–317,
7 14–318 through 14–320, 14–322, 14–404, 14–413 through 14–415, 14–502,
8 14–503, 14–504, 14–505, 14–506, 14–507, 14–508, 14–509, 14–601, 14–602,
9 14–603, 14–605, 14–607, 15–101 through 15–103, 15–201, 15–202, 15–205,
10 15–301, 15–302, 15–302.1 through 15–302.3, 15–303, 15–306, 15–309, 15–313,
11 15–314, 15–317, 15–401, 15–402, 15–402.1, 15–403, 15–501, and 15–502
12 to be Section 14–401.2, 14–401.3, 14–501, 14–502, 14–503, 14–301, 14–505,
13 14–302, 14–303, 14–506, 14–507, 14–304, 14–529, 14–305, 14–508, 14–306,
14 14–307, 14–509 through 14–511, 14–512, 14–515, 14–517 through 14–519,
15 14–414, 14–513, 14–526, 14–525, 14–415, 14–523, 14–520, 14–522, 14–527,
16 14–528, 14–413, 14–521, 14–524, 14–5H–01 through 14–5H–03, 14–5H–04,
17 14–5H–05, 14–5H–06, 14–5H–07, 14–5H–08, 14–5H–09 through 14–5H–11,
18 14–5H–12, 14–5H–13, 14–5H–14, 14–5H–15, 14–5H–16, 14–5H–17,
19 14–5H–18, 14–5H–19, 14–5H–20, 14–5H–21, 14–5H–22, and 14–5H–23,
20 respectively

21 Annotated Code of Maryland
22 (2021 Replacement Volume and 2022 Supplement)

23 BY repealing and reenacting, with amendments,

24 Article – Correctional Services

25 Section 9–603(d)(2)

26 Annotated Code of Maryland

27 (2017 Replacement Volume and 2022 Supplement)

28 BY repealing and reenacting, with amendments,

29 Article – Courts and Judicial Proceedings

30 Section 5–106(r), 5–715(d), and 10–205(b)

31 Annotated Code of Maryland

32 (2020 Replacement Volume and 2022 Supplement)

33 BY repealing and reenacting, without amendments,

34 Article – Health – General

35 Section 4–201(a), 5–601(a), and 13–3301(a)

36 Annotated Code of Maryland

37 (2019 Replacement Volume and 2022 Supplement)

38 BY repealing and reenacting, with amendments,

39 Article – Health – General

40 Section 4–201(s), 5–601(v), 13–3301(d), and 18–214.1(b)

41 Annotated Code of Maryland

42 (2019 Replacement Volume and 2022 Supplement)

1 BY repealing and reenacting, with amendments,
2 Article – Health Occupations
3 Section 1–302(g), 1–306(e), 8–205(a)(3), 11–404.2(h), 12–102(c)(2),
4 14–101(a–1), (g), (i), and (o), 14–102(a), 14–205, 14–207(b) through (d) and (f),
5 14–3A–01 Section 5(b)(3)(i), 14–401.1(a)(5) and (e) through (k), 14–402(a), (c),
6 (e), and (f), 14–405(a) and (g), 14–406, 14–409(a) and (c), 14–411(d), (g), (h),
7 (j), (k), and (p), 14–411.1(b) through (d), 14–416(a), 14–5A–01(c), 14–5A–05,
8 14–5A–09, 14–5A–17(a), 14–5B–07(a)(2), 14–5B–09, 14–5B–11, 14–5B–14(a),
9 14–5C–01(c), 14–5C–05, 14–5C–08(b), 14–5C–09, 14–5C–10, 14–5C–17(a),
10 14–5D–07(b), 14–5D–08, 14–5D–10(a), 14–5D–14(a), 14–5E–01(g),
11 14–5E–08(b), 14–5E–09, 14–5E–10(a), 14–5E–13, 14–5E–14, 14–5E–16(a),
12 14–5F–11, 14–5F–12, 14–5F–15, 14–5F–16, 14–5F–18(a), 14–5F–21,
13 14–5F–24(c), 14–5G–09, 14–5G–14(h), 14–5G–17, and 14–5G–18(a)
14 Annotated Code of Maryland
15 (2021 Replacement Volume and 2022 Supplement)

16 BY repealing and reenacting, without amendments,
17 Article – Health Occupations
18 Section 14–101(a), 14–5A–01(a), 14–5C–01(a), and 14–5E–01(a)
19 Annotated Code of Maryland
20 (2021 Replacement Volume and 2022 Supplement)

21 BY adding to
22 Article – Health Occupations
23 Section 14–101(a–2), (n), and (p–1), 14–404, 14–417, 14–504, 14–514, 14–516,
24 14–5A–06(e), 14–5B–05(f), 14–5C–06(e), 14–5D–05(f), 14–5E–06(e), and
25 14–5F–07(g)
26 Annotated Code of Maryland
27 (2021 Replacement Volume and 2022 Supplement)

28 BY repealing and reenacting, with amendments,
29 Article – Health Occupations
30 Section 14–301, 14–303, 14–304(b), 14–305, 14–306, 14–307, 14–401.2(e), and
31 14–413; 14–503(c) and (e), 14–505(b), 14–506(a), 14–510(a), 14–511(b),
32 14–515(a), 14–517(a)(1), 14–518(a)(1), 14–524(b) and (c), 14–527, and
33 14–528(c) to be under the amended subtitle “Subtitle 5. Physicians”; and
34 14–5H–01(a), (e) through (i), and (j) through (u), 14–5H–02, 14–5H–03(c), (d),
35 and (e)(1), 14–5H–06(a), 14–5H–07(c), 14–5H–08(c)(2)(ii)1., (g), (k), (l)(2), and
36 (m), 14–5H–09(a) and (b), 14–5H–10(e), 14–5H–12(a), 14–5H–14, 14–5H–15,
37 14–5H–16(a), and 14–5H–21 through 14–5H–23
38 Annotated Code of Maryland
39 (2021 Replacement Volume and 2022 Supplement)
40 (As enacted by Section 2 of this Act)

41 BY adding to
42 Article – Health Occupations

1 Section 14-513(c) and (d), 14-521(c), 14-524(b), 14-525(d), and 14-528(d); and
 2 14-5H-16(c) through (e) to be under the new subtitle "Subtitle 5H. Physician
 3 Assistants"
 4 Annotated Code of Maryland
 5 (2021 Replacement Volume and 2022 Supplement)
 6 (As enacted by Section 2 of this Act)

7 BY repealing
 8 Article – Health Occupations
 9 Section 14-5H-01(d) and (i-1)
 10 Annotated Code of Maryland
 11 (2021 Replacement Volume and 2022 Supplement)
 12 (As enacted by Section 2 of this Act)

13 BY repealing and reenacting, without amendments,
 14 Article – Transportation
 15 Section 13-616(a)(1)
 16 Annotated Code of Maryland
 17 (2020 Replacement Volume and 2022 Supplement)

18 BY repealing and reenacting, with amendments,
 19 Article – Transportation
 20 Section 13-616(a)(7)
 21 Annotated Code of Maryland
 22 (2020 Replacement Volume and 2022 Supplement)

23 BY repealing and reenacting, without amendments,
 24 Article – Tax – General
 25 Section 10-752(a)(1)
 26 Annotated Code of Maryland
 27 (2022 Replacement Volume)

28 BY repealing and reenacting, with amendments,
 29 Article – Tax – General
 30 Section 10-752(a)(3) and (d)(7)
 31 Annotated Code of Maryland
 32 (2022 Replacement Volume)

33 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 34 That Section(s) 14-101(n), 14-401.1(b) through (d), 14-405(f), 14-5A-02 through
 35 14-5A-04, 14-5A-10, 14-5A-11, 14-5A-13, 14-5A-14, 14-5A-16, 14-5A-17.1,
 36 14-5A-18.1, 14-5A-19, 14-5B-02 through 14-5B-04, 14-5B-10, 14-5B-12, 14-5B-12.1,
 37 14-5B-13, 14-5B-14.1, 14-5B-15.1, 14-5B-16, 14-5C-02 through 14-5C-04, 14-5C-11,
 38 14-5C-12, 14-5C-14, 14-5C-14.1, 14-5C-16, 14-5C-18.1, 14-5C-19, 14-5D-02,
 39 14-5D-03, 14-5D-09, 14-5D-12, 14-5D-12.1, 14-5D-13, 14-5D-15, 14-5D-16,
 40 14-5D-16.1, 14-5E-02 through 14-5E-04, 14-5E-11, 14-5E-15, 14-5E-17, 14-5E-18.1,
 41 14-5E-19, 14-5F-04, 14-5F-05, 14-5F-13, 14-5F-15.1, 14-5F-17, 14-5F-23, 14-5G-02

1 through 14-5G-04, 14-5G-10, 14-5G-11, 14-5G-13, 14-5G-15, 14-5G-16, 14-5G-19,
2 14-5G-21, 14-5G-22, 15-203, 15-204, 15-206, 15-304, 15-305, 15-307,
3 15-308, 15-310 through 15-312, 15-315, 15-316, and 15-316.1 of Article – Health
4 Occupations of the Annotated Code of Maryland be repealed.

5 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 14-206, 14-206.1,
6 14-301, 14-302, 14-306, 14-307, 14-308, 14-308.1, 14-309, 14-311, 14-312, 14-313,
7 14-313.1, 14-314, 14-315, 14-316, 14-317, 14-318 through 14-320, 14-322, 14-404,
8 14-413 through 14-415, 14-502, 14-503, 14-504, 14-505, 14-506, 14-507, 14-508,
9 14-509, 14-601, 14-602, 14-603, 14-605, 14-607, 15-101 through 15-103, 15-201,
10 15-202, 15-205, 15-301, 15-302, 15-302.1 through 15-302.3, 15-303, 15-306, 15-309,
11 15-313, 15-314, 15-317, 15-401, 15-402, 15-402.1, 15-403, 15-501, and 15-502 of Article
12 – Health Occupations of the Annotated Code of Maryland be renumbered to be Section(s)
13 14-401.2, 14-401.3, 14-501, 14-502, 14-503, 14-301, 14-505, 14-302, 14-303, 14-506,
14 14-507, 14-304, 14-529, 14-305, 14-508, 14-306, 14-307, 14-509 through 14-511,
15 14-512, 14-515, 14-517 through 14-519, 14-414, 14-513, 14-526, 14-525, 14-415,
16 14-523, 14-520, 14-522, 14-527, 14-528, 14-413, 14-521, 14-524,
17 14-5H-01 through 14-5H-03, 14-5H-04, 14-5H-05, 14-5H-06, 14-5H-07, 14-5H-08,
18 14-5H-09 through 14-5H-11, 14-5H-12, 14-5H-13, 14-5H-14, 14-5H-15, 14-5H-16,
19 14-5H-17, 14-5H-18, 14-5H-19, 14-5H-20, 14-5H-21, 14-5H-22, and 14-5H-23,
20 respectively.

21 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
22 as follows:

23 Article – Correctional Services

24 9-603.

25 (d) (2) If an assessment conducted under paragraph (1) of this subsection
26 indicates opioid use disorder, an evaluation of the inmate shall be conducted by a health
27 care practitioner with prescriptive authority authorized under Title 8[,] OR Title 14[, or
28 Title 15] of the Health Occupations Article.

29 Article – Courts and Judicial Proceedings

30 5-106.

31 (r) A prosecution for an offense under [§ 14-601] § 14-527 of the Health
32 Occupations Article of practicing, attempting to practice, or offering to practice medicine
33 without a license shall be instituted within 3 years after the offense was committed.

34 5-715.

35 (d) Any person who acts in good faith is not civilly liable for giving any of the
36 information required under [§ 14-413 or § 14-414] § 14-517 OR § 14-518 of the Health
37 Occupations Article.

1 10–205.

2 (b) Records, reports, statements, notes, or information assembled or obtained by
 3 the Maryland Department of Health, the Maryland Commission to Study Problems of Drug
 4 Addiction, the Medical and Chirurgical Faculty or its allied medical societies, the Maryland
 5 Institute for Emergency Medical Services Systems, an in–hospital staff committee, or a
 6 national organized medical society or research group that are declared confidential by §
 7 4–102 of the Health – General Article or [§ 14–506] § 14–415 of the Health Occupations
 8 Article, are not admissible in evidence in any proceeding.

9 **Article – Health – General**

10 4–201.

11 (a) In this subtitle the following words have the meanings indicated.

12 (s) “Physician assistant” means an individual who is licensed under Title [15] 14,
 13 **SUBTITLE 5H** of the Health Occupations Article to practice medicine with physician
 14 supervision.

15 5–601.

16 (a) In this subtitle the following words have the meanings indicated.

17 (v) “Physician assistant” means an individual who is licensed under Title [15] 14,
 18 **SUBTITLE 5H** of the Health Occupations Article to practice medicine with physician
 19 supervision.

20 13–3301.

21 (a) In this subtitle the following words have the meanings indicated.

22 (d) “Certifying provider” means an individual who:

23 (1) (i) 1. Has an active, unrestricted license to practice medicine
 24 that was issued by the State Board of Physicians under Title 14 of the Health Occupations
 25 Article; and

26 2. Is in good standing with the State Board of Physicians;

27 (ii) 1. Has an active, unrestricted license to practice dentistry
 28 that was issued by the State Board of Dental Examiners under Title 4 of the Health
 29 Occupations Article; and

30 2. Is in good standing with the State Board of Dental
 31 Examiners;

1 (iii) 1. Has an active, unrestricted license to practice podiatry
2 that was issued by the State Board of Podiatric Medical Examiners under Title 16 of the
3 Health Occupations Article; and

4 2. Is in good standing with the State Board of Podiatric
5 Medical Examiners;

6 (iv) 1. Has an active, unrestricted license to practice registered
7 nursing and has an active, unrestricted certification to practice as a nurse practitioner or
8 a nurse midwife that were issued by the State Board of Nursing under Title 8 of the Health
9 Occupations Article; and

10 2. Is in good standing with the State Board of Nursing; or

11 (v) 1. Has an active, unrestricted license to practice as a
12 physician assistant issued by the State Board of Physicians under Title [15] 14, **SUBTITLE**
13 **5H** of the Health Occupations Article;

14 2. Has an active delegation agreement with a primary
15 supervising physician who is a certifying provider; and

16 3. Is in good standing with the State Board of Physicians;

17 (2) Has a State controlled dangerous substances registration; and

18 (3) Is registered with the Commission to make cannabis available to
19 patients for medical use in accordance with regulations adopted by the Commission.

20 18–214.1.

21 (b) Notwithstanding any other provision of law, the following health care
22 providers may prescribe, dispense, or otherwise provide antibiotic therapy to any sexual
23 partner of a patient diagnosed with chlamydia, gonorrhea, or trichomoniasis without
24 making a personal physical assessment of the patient's partner:

25 (1) A physician licensed under Title 14 of the Health Occupations Article;

26 (2) An advanced practice registered nurse with prescriptive authority
27 licensed under Title 8 of the Health Occupations Article acting in accordance with § 8–508
28 of the Health Occupations Article;

29 (3) An authorized physician assistant licensed under Title [15] 14,
30 **SUBTITLE 5H** of the Health Occupations Article acting in accordance with [§ 15–302.2] §
31 **14–5H–10** of the Health Occupations Article; and

1 (4) A registered nurse employed by a local health department who complies
2 with:

3 (i) The formulary developed and approved under § 3–403(b) of this
4 article; and

5 (ii) The requirements established under § 8–512 of the Health
6 Occupations Article.

7 Article – Health Occupations

8 1–302.

9 (g) Subsection (d)(12) of this section may not be construed to:

10 (1) Permit an individual or entity to engage in the insurance business, as
11 defined in § 1–101 of the Insurance Article, without obtaining a certificate of authority from
12 the Maryland Insurance Commissioner and satisfying all other applicable requirements of
13 the Insurance Article;

14 (2) (i) Impose additional obligations on a carrier providing
15 incentive–based compensation to a health care practitioner under § 15–113 of the Insurance
16 Article; or

17 (ii) Require the disclosure of information regarding the
18 incentive–based compensation, except as required under § 15–113 of the Insurance Article;

19 (3) Authorize a health care entity to knowingly make a direct or indirect
20 payment to a health care practitioner as an inducement to reduce or limit medically
21 necessary services to individuals who are under the direct care of the health care
22 practitioner;

23 (4) Permit an arrangement that violates:

24 (i) ~~§ 14–404(a)(15)~~ **§ 14–515(A)(15)** of this article; or

25 (ii) § 8–508, § 8–511, § 8–512, § 8–516, or § 8–517 of the Criminal
26 Law Article;

27 (5) Narrow, expand, or otherwise modify:

28 (i) Any definition in § 1–301 of this subtitle, including the definition
29 of “in–office ancillary services”; or

30 (ii) Any exception in subsection (d)(4) of this section including the
31 exception for referrals for in–office ancillary services or tests; or

1 (6) Require a compensation arrangement to comply with the provisions of
2 subsection (d)(12) of this section if the compensation arrangement is exempt under any
3 other provision of subsection (d) of this section.

4 1–306.

5 (e) This section does not prohibit:

6 (1) A referring laboratory from billing for anatomic pathology services or
7 histologic processing if the referring laboratory must send a specimen to another clinical
8 laboratory for histologic processing or anatomic pathology consultation; and

9 (2) A health care practitioner who takes a Pap test specimen from a patient
10 and who orders but does not supervise or perform an anatomic pathology service on the
11 specimen, from billing a patient or payor for the service, provided the health care
12 practitioner complies with:

13 (i) The disclosure requirements of [§ 14–404(a)(16)] §
14 **14–515(A)(16)** of this article; and

15 (ii) The ethics policies of the American Medical Association that
16 relate to referring physician billing for laboratory services.

17 8–205.

18 (a) In addition to the powers and duties set forth elsewhere in this title, the Board
19 has the following powers and duties:

20 (3) To adopt rules and regulations for the performance of delegated medical
21 functions that are recognized jointly by the State Board of Physicians and the State Board
22 of Nursing, under [§ 14–306(d)] § **14–503(D)** of this article;

23 11–404.2.

24 (h) A therapeutically certified optometrist shall be:

25 (1) Held to the same standard of care as an ophthalmologist who is licensed
26 under Title 14 of this article and who is providing similar services; and

27 (2) Required to comply with the notice requirement under [§ 14–508] §
28 **14–520** of this article.

29 12–102.

30 (c) (2) This title does not prohibit:

31 (i) A licensed veterinarian from:

- 1 1. Personally preparing and dispensing the veterinarian's
2 prescriptions; or
- 3 2. Dispensing, in accordance with § 2–313(c) of the
4 Agriculture Article, compounded nonsterile preparations or compounded sterile
5 preparations provided by a pharmacy;
- 6 (ii) A licensed dentist, physician, or podiatrist from personally
7 preparing and dispensing the dentist's, physician's, or podiatrist's prescriptions when:
- 8 1. The dentist, physician, or podiatrist:
- 9 A. Has applied to the board of licensure in this State which
10 licensed the dentist, physician, or podiatrist;
- 11 B. Has demonstrated to the satisfaction of that board that the
12 dispensing of prescription drugs or devices by the dentist, physician, or podiatrist is in the
13 public interest;
- 14 C. Has received a written permit from that board to dispense
15 prescription drugs or devices except that a written permit is not required in order to
16 dispense starter dosages or samples without charge; and
- 17 D. Posts a sign conspicuously positioned and readable
18 regarding the process for resolving incorrectly filled prescriptions or includes written
19 information regarding the process with each prescription dispensed;
- 20 2. The person for whom the drugs or devices are prescribed
21 is a patient of the prescribing dentist, physician, or podiatrist;
- 22 3. The dentist, physician, or podiatrist does not have a
23 substantial financial interest in a pharmacy; and
- 24 4. The dentist, physician, or podiatrist:
- 25 A. Complies with the dispensing and labeling requirements
26 of this title;
- 27 B. Records the dispensing of the prescription drug or device
28 on the patient's chart;
- 29 C. Allows the Office of Controlled Substances Administration
30 to enter and inspect the dentist's, physician's, or podiatrist's office at all reasonable hours
31 and in accordance with § 12–102.1 of this subtitle;

1 D. On inspection by the Office of Controlled Substances
2 Administration, signs and dates an acknowledgment form provided by the Office of
3 Controlled Substances Administration relating to the requirements of this section;

4 E. Except for starter dosages or samples without charge,
5 provides the patient with a written prescription, maintains prescription files in accordance
6 with § 12–403(c)(13) of this title, and maintains a separate file for Schedule II prescriptions;

7 F. Does not direct patients to a single pharmacist or
8 pharmacy in accordance with § 12–403(c)(8) of this title;

9 G. Does not receive remuneration for referring patients to a
10 pharmacist or pharmacy;

11 H. Complies with the child resistant packaging requirements
12 regarding prescription drugs under Title 22, Subtitle 3 of the Health – General Article;

13 I. Complies with drug recalls;

14 J. Maintains biennial inventories and complies with any
15 other federal and State record-keeping requirements relating to controlled dangerous
16 substances;

17 K. Purchases prescription drugs from a pharmacy or
18 wholesale distributor who holds a permit issued by the Board of Pharmacy, as verified by
19 the Board of Pharmacy;

20 L. Annually reports to the respective board of licensure
21 whether the dentist, physician, or podiatrist has personally prepared and dispensed
22 prescription drugs within the previous year; and

23 M. Completes ten continuing education credits over a 5-year
24 period relating to the preparing and dispensing of prescription drugs, offered by the
25 Accreditation Council for Pharmacy Education (ACPE) or as approved by the Secretary, in
26 consultation with each respective board of licensure, as a condition of permit renewal;

27 (iii) A licensed physician from dispensing a topical medication
28 without obtaining the permit required under item (ii)1C of this paragraph or completing
29 the continuing education required under item (ii)4M of this paragraph when the physician:

30 1. Otherwise complies with item (ii) of this paragraph; and

31 2. Has obtained a special written permit under [§ 14–509] §
32 **14–522** of this article;

33 (iv) A licensed physician who complies with the requirements of item
34 (ii) of this paragraph from personally preparing and dispensing a prescription written by:

1 1. A physician assistant in accordance with a delegation
2 agreement that complies with Title [15] **14**, Subtitle [3] **5H** of this article; or

3 2. A nurse practitioner who is authorized to practice under
4 Title 8, Subtitle 3 of this article and is working with the physician in the same office setting;
5 or

6 (v) A hospital-based clinic from dispensing prescriptions to its
7 patients.

8 14–101.

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

10 (a–1) “Allied health professional” means an individual licensed by the Board under
11 Subtitle 5A, 5B, 5C, 5D, 5E, [or] 5F, **5G, OR 5H** of this title [or Title 15 of this article].

12 **(A–2) “APPLICANT” MEANS AN INDIVIDUAL APPLYING FOR INITIAL**
13 **LICENSURE AS A PHYSICIAN OR ALLIED HEALTH PROFESSIONAL IN THE STATE.**

14 (g) “License” means, unless the context requires otherwise, a license issued by the
15 Board to practice medicine **OR AN ALLIED HEALTH PROFESSION REGULATED BY THE**
16 **BOARD.**

17 (i) “Licensee” means an individual to whom **THE BOARD ISSUES** a license [is
18 issued], including an individual practicing medicine within or as a professional corporation
19 or professional association.

20 **(N) “PHYSICIAN ASSISTANT” MEANS AN INDIVIDUAL WHO IS LICENSED**
21 **UNDER SUBTITLE 5H OF THIS TITLE TO PRACTICE MEDICINE WITH PHYSICIAN**
22 **SUPERVISION.**

23 (o) (1) “Practice medicine” means to engage, with or without compensation, in
24 medical:

25 (i) Diagnosis;

26 (ii) Healing;

27 (iii) Treatment; or

28 (iv) Surgery.

29 (2) “Practice medicine” includes doing, undertaking, professing to do, and
30 attempting any of the following:

1 (i) Diagnosing, healing, treating, preventing, prescribing for, or
2 removing any physical, mental, or emotional ailment or supposed ailment of an individual:

3 1. By physical, mental, emotional, or other process that is
4 exercised or invoked by the practitioner, the patient, or both; or

5 2. By appliance, test, drug, operation, or treatment;

6 (ii) Ending of a human pregnancy; and

7 (iii) Performing acupuncture as provided under [§ 14–504] § 14–526
8 of this title.

9 (3) “Practice medicine” does not include:

10 (i) Selling any nonprescription drug or medicine;

11 (ii) Practicing as an optician; or

12 (iii) Performing a massage or other manipulation by hand, but by no
13 other means.

14 (P–1) “REHABILITATION PROGRAM” MEANS THE PROGRAM OF THE BOARD
15 OR THE NONPROFIT ENTITY WITH WHICH THE BOARD CONTRACTS UNDER §
16 14–401.1(D) OF THIS TITLE THAT EVALUATES AND PROVIDES ASSISTANCE TO
17 IMPAIRED PHYSICIANS AND OTHER HEALTH PROFESSIONALS REGULATED BY THE
18 BOARD WHO ARE DIRECTED BY THE BOARD TO RECEIVE TREATMENT AND
19 REHABILITATION FOR ALCOHOLISM, CHEMICAL DEPENDENCY, OR OTHER
20 PHYSICAL, EMOTIONAL, OR MENTAL CONDITIONS.

21 14–102.

22 (a) This title does not limit the right of:

23 (1) An individual to practice a health occupation that the individual is
24 authorized to practice under this article; [or]

25 (2) A Christian Science practitioner, who is accredited by the First Church
26 of Christ, Scientist, in Boston, Massachusetts, from:

27 (i) Dealing with human ills in accordance with the tenets of
28 Christian Science; and

29 (ii) Charging for services[.];

1 **(3) A LICENSED HOME MEDICAL EQUIPMENT PROVIDER TO PROVIDE**
2 **HOME MEDICAL EQUIPMENT SERVICES AS DEFINED UNDER TITLE 19, SUBTITLE 4A**
3 **OF THE HEALTH – GENERAL ARTICLE; OR**

4 **(4) A LICENSED RESPIRATORY CARE PRACTITIONER TO PRACTICE**
5 **RESPIRATORY CARE WITHIN THE SCOPE OF PRACTICE OF THE RESPIRATORY CARE**
6 **PRACTITIONER’S LICENSE, INCLUDING PRACTICING RESPIRATORY CARE IN A SLEEP**
7 **LABORATORY.**

8 14–205.

9 (a) In addition to the powers and duties set forth in this title [and in Title 15 of
10 this article], the Board shall:

11 (1) Enforce this title [and Title 15 of this article];

12 (2) Adopt regulations to carry out the provisions of this title [and Title 15
13 of this article];

14 (3) Establish policies for Board operations;

15 (4) Maintain the rules, regulations, and policies of the Board so that the
16 rules, regulations, and policies reflect the current practices of the Board;

17 (5) Oversee:

18 (i) The licensing requirements for physicians and the allied health
19 professionals; and

20 (ii) The issuance and renewal of licenses;

21 (6) Maintain secure and complete records;

22 (7) Review and preliminarily investigate complaints, including
23 acknowledging receipt of complaints and informing complainants of the final disposition of
24 complaints;

25 (8) Develop and implement methods to:

26 (i) Assess and improve licensee practices; and

27 (ii) Ensure the ongoing competence of licensees;

28 (9) Ensure that an opportunity for a hearing is provided to an individual,
29 in accordance with law, before any action is taken against the individual;

- 1 (10) Adjudicate nondisciplinary matters within the Board's jurisdiction;
- 2 (11) Report on all disciplinary actions, license denials, and license
3 surrenders;
- 4 (12) Establish appropriate fees that are adequate to fund the effective
5 regulation of physicians and allied health professionals;
- 6 (13) Make recommendations that benefit the health, safety, and welfare of
7 the public;
- 8 (14) Provide ongoing education and training for Board members to ensure
9 that the Board members can competently discharge their duties;
- 10 (15) Direct educational outreach to and communicate with licensees and the
11 public;
- 12 (16) Develop and adopt a budget that reflects revenues and supports the
13 costs associated with each allied health profession regulated by the Board;
- 14 (17) Develop and approve an annual report and other required reports for
15 submission to the Secretary, the Governor, the General Assembly, and the public;
- 16 (18) Approve contracts as needed and within budgetary limits;
- 17 (19) Appoint standing and ad hoc committees from among Board members
18 as necessary;
- 19 (20) Delegate to the executive director of the Board the authority to
20 discharge Board or disciplinary panel duties, as deemed appropriate and necessary by the
21 Board or disciplinary panel, and hold the executive director accountable to the Board; and
- 22 (21) Appoint members of the disciplinary panels.
- 23 (b) (1) In addition to the powers set forth elsewhere in this title, the Board
24 may:
- 25 (i) Adopt regulations to regulate the performance of acupuncture,
26 but only to the extent authorized by [§ 14-504] § 14-526 of this title;
- 27 (ii) After consulting with the State Board of Pharmacy, adopt rules
28 and regulations regarding the dispensing of prescription drugs by a licensed physician;
- 29 (iii) On receipt of a written and signed complaint, including a referral
30 from the Commissioner of Labor and Industry, conduct an unannounced inspection of the
31 office of a physician or acupuncturist, other than an office of a physician or acupuncturist
32 in a hospital, related institution, freestanding medical facility, or a freestanding birthing

1 center, to determine compliance at that office with the Centers for Disease Control and
2 Prevention's guidelines on universal precautions; and

3 (iv) Contract with others for the purchase of administrative and
4 examination services to carry out the provisions of this title.

5 (2) The Board or a disciplinary panel may investigate an alleged violation
6 of this title.

7 [(3) Subject to the Administrative Procedure Act and the hearing provisions
8 of § 14-405 of this title, a disciplinary panel may deny a license to an applicant or, if an
9 applicant has failed to renew the applicant's license, refuse to renew or reinstate an
10 applicant's license for:

11 (i) Any of the reasons that are grounds for action under § 14-404, §
12 14-5A-17, § 14-5B-14, § 14-5C-17, § 14-5D-14, § 14-5E-16, or § 14-5F-18 of this title,
13 as applicable; or

14 (ii) Failure to complete a criminal history records check in
15 accordance with § 14-308.1 of this title.]

16 (c) (1) In addition to the duties set forth elsewhere in this title, the Board
17 shall:

18 (i) Issue, for use in other jurisdictions, a certificate of professional
19 standing to any [licensed physician] LICENSEE; and

20 (ii) Keep a list of all PENDING license applicants.

21 (2) (i) The Board shall keep a list of all [physicians] LICENSEES who
22 are currently licensed.

23 (ii) The list shall include each [physician's] LICENSEE'S designated
24 public address.

25 (iii) A [physician's] LICENSEE'S designated public address may be a
26 post office box only if the [physician] LICENSEE provides to the Board a nonpublic address,
27 under paragraph (3) of this subsection, that is not a post office box.

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

30 (v) The list of [currently licensed physicians] CURRENT
31 LICENSEES is a public record.

1 (3) (i) The Board shall maintain on file a [physician's] LICENSEE'S
2 designated nonpublic address, if provided by the [physician] LICENSEE, to facilitate
3 communication between the [physician] LICENSEE and the Board.

4 (ii) The Board shall offer a [physician] LICENSEE the opportunity to
5 designate a nonpublic address, in addition to the [physician's] LICENSEE'S public address,
6 at the time of initial licensure and license renewal.

7 (iii) A [physician] LICENSEE shall designate an address where the
8 Board may send the [physician] LICENSEE mail.

9 (iv) A [physician's] LICENSEE'S designated nonpublic address is not
10 a public record and may not be released by the Board.

11 **(D) THE BOARD MAY NOT RELEASE A LIST OF APPLICANTS FOR LICENSURE.**

12 **(E) THE BOARD MAY ADOPT REGULATIONS REGARDING COMMITTEES**
13 **ESTABLISHED UNDER THIS TITLE GOVERNING:**

14 **(1) THE TERM OF OFFICE FOR MEMBERS;**

15 **(2) THE PROCEDURE FOR FILLING VACANCIES ON A COMMITTEE;**

16 **(3) THE REMOVAL OF MEMBERS; AND**

17 **(4) THE DUTIES OF EACH OFFICER.**

18 14-207.

19 (b) (1) The Board [may] **SHALL** set reasonable fees for the issuance and
20 renewal of licenses and its other services **PROVIDED TO PHYSICIANS AND ALLIED**
21 **HEALTH PROFESSIONALS.**

22 (2) The fees charged shall be set [so as] to **GENERATE SUFFICIENT**
23 **FUNDS TO** approximate the cost of maintaining the Board, **THE LICENSURE PROGRAMS**
24 **UNDER THIS TITLE, AND THE OTHER SERVICES IT PROVIDES TO PHYSICIANS AND**
25 **ALLIED HEALTH PROFESSIONALS**, including the cost of providing a rehabilitation
26 program for physicians **AND ALLIED HEALTH PROFESSIONALS** under [§ 14-401.1(g)] §
27 **14-401.1(D)** of this title.

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

1 **(4) FEES GENERATED BY PHYSICIAN OR ALLIED HEALTH**
2 **PROFESSIONAL LICENSES SHALL BE USED TO MAINTAIN THE LICENSING PROGRAM**
3 **AND SERVICES PROVIDED TO THAT PARTICULAR PROFESSION.**

4 **(5) THE FEES GENERATED SHALL BE USED TO COVER THE ACTUAL**
5 **DOCUMENTED DIRECT AND INDIRECT COSTS OF FULFILLING THE STATUTORY AND**
6 **REGULATORY DUTIES OF THE BOARD AS PROVIDED BY THE PROVISIONS OF THIS**
7 **TITLE.**

8 **(6) (I) IN ADDITION TO THE FEE SET BY THE BOARD UNDER THIS**
9 **SECTION FOR THE RENEWAL OF A LICENSE, THE BOARD SHALL ASSESS A SEPARATE**
10 **\$15 FEE FOR A RENEWAL OF EACH LICENSE FOR A PHYSICIAN ASSISTANT.**

11 **(II) THE BOARD SHALL PAY THE FEE COLLECTED UNDER**
12 **SUBPARAGRAPH (I) OF THIS PARAGRAPH TO THE PHYSICIAN ASSISTANT**
13 **PRECEPTORSHIP TAX CREDIT FUND ESTABLISHED UNDER § 10-752 OF THE TAX –**
14 **GENERAL ARTICLE.**

15 **(c) [The] EXCEPT AS PROVIDED IN SUBSECTION (B)(6) OF THIS SECTION,**
16 **THE Board shall pay all fees collected under the provisions of this title to the Comptroller**
17 **of the State.**

18 **(d) (1) [In each of fiscal years 2019 through 2021, if the Governor does not**
19 **include in the State budget at least \$400,000 for the operation of the Maryland Loan**
20 **Assistance Repayment Program for Physicians and Physician Assistants under Title 24,**
21 **Subtitle 17 of the Health – General Article, as administered by the Department, the**
22 **Comptroller shall distribute:**

23 **(i) \$400,000 of the fees received from the Board to the Department**
24 **to be used to make grants under the Maryland Loan Assistance Repayment Program for**
25 **Physicians and Physician Assistants under Title 24, Subtitle 17 of the Health – General**
26 **Article to physicians and physician assistants engaged in primary care or to medical**
27 **residents specializing in primary care who agree to practice for at least 2 years as primary**
28 **care physicians in a geographic area of the State that has been designated by the Secretary**
29 **as being medically underserved; and**

30 **(ii) The balance of the fees to the Board of Physicians Fund.**

31 **(2) In fiscal year 2022, if the Governor does not include in the State budget**
32 **at least \$1,000,000 for the operation of the Maryland Loan Assistance Repayment Program**
33 **for Physicians and Physician Assistants under Title 24, Subtitle 17 of the Health – General**
34 **Article, as administered by the Department, the Comptroller shall distribute:**

35 **(i) \$1,000,000 of the fees received from the Board to the Department**
36 **to be used to make grants under the Maryland Loan Assistance Repayment Program for**

1 Physicians and Physician Assistants under Title 24, Subtitle 17 of the Health – General
2 Article to physicians and physician assistants engaged in primary care or to medical
3 residents specializing in primary care who agree to practice for at least 2 years as primary
4 care physicians in a geographic area of the State that has been designated by the Secretary
5 as being medically underserved; and

6 (ii) The balance of the fees to the Board of Physicians Fund.

7 (3) In fiscal year 2023 and each fiscal year thereafter, if the Department
8 does not implement a permanent funding structure under § 24–1702(b)(1) of the Health –
9 General Article and the Governor does not include in the State budget at least \$400,000 for
10 the operation of the Maryland Loan Assistance Repayment Program for Physicians and
11 Physician Assistants under Title 24, Subtitle 17 of the Health – General Article, as
12 administered by the Department, the Comptroller shall distribute:

13 (i) \$400,000 of the fees received from the Board to the Department
14 to be used to make grants under the Maryland Loan Assistance Repayment Program for
15 Physicians and Physician Assistants under Title 24, Subtitle 17 of the Health – General
16 Article to physicians and physician assistants engaged in primary care or to medical
17 residents specializing in primary care who agree to practice for at least 2 years as primary
18 care physicians in a geographic area of the State that has been designated by the Secretary
19 as being medically underserved; and

20 (ii) The balance of the fees to the Board of Physicians Fund.

21 [(4)] (2) If the Governor includes in the State budget at least the amount
22 specified in paragraph (1) [or (2)] of this subsection for the operation of the Maryland Loan
23 Assistance Repayment Program for Physicians and Physician Assistants under Title 24,
24 Subtitle 17 of the Health – General Article, as administered by the Department, the
25 Comptroller shall distribute the fees to the Board of Physicians Fund.

26 (f) (1) In addition to the requirements of subsection (e) of this section, the
27 Board shall fund the budget of the [Physician] Rehabilitation Program with fees set,
28 collected, and distributed to the Fund under this title.

29 (2) After review and approval by the Board of a budget submitted by the
30 [Physician] Rehabilitation Program, the Board may allocate money from the Fund to the
31 [Physician] Rehabilitation Program.

32 14–301.

33 (a) [To] **IN ADDITION TO ANY OTHER REQUIREMENTS UNDER THIS TITLE, TO**
34 qualify for a license, an applicant shall be an individual who meets the requirements of this
35 section.

36 (b) The applicant shall be of good moral character.

1 (c) **[The] EXCEPT AS PROVIDED IN § 14-5F-11 OF THIS TITLE, THE** applicant
2 shall be at least 18 years old.

3 **[(d) Except as provided in § 14-308 of this subtitle, the applicant shall:**

4 (1) (i) Have a degree of doctor of medicine from a medical school that is
5 accredited by an accrediting organization that the Board recognizes in its regulations; and

6 (ii) Submit evidence acceptable to the Board of successful completion
7 of 1 year of training in a postgraduate medical training program that is accredited by an
8 accrediting organization that the Board recognizes in its regulations; or

9 (2) (i) Have a degree of doctor of osteopathy from a school of osteopathy
10 in the United States, its territories or possessions, Puerto Rico, or Canada that has
11 standards for graduation equivalent to those established by the American Osteopathic
12 Association; and

13 (ii) Submit evidence acceptable to the Board of successful completion
14 of 1 year of training in a postgraduate medical training program accredited by an
15 accrediting organization that the Board recognizes in its regulations.]

16 **(D) THE APPLICANT SHALL COMPLETE A CRIMINAL HISTORY RECORDS**
17 **CHECK IN ACCORDANCE WITH § 14-302 OF THIS SUBTITLE.**

18 (e) Except as otherwise provided in this [subtitle] **TITLE**, the applicant shall
19 **[pass an examination required] MEET ANY EDUCATIONAL, CERTIFICATION, TRAINING,**
20 **OR EXAMINATION REQUIREMENTS ESTABLISHED** by the Board.

21 (f) The applicant shall meet any other qualifications that the Board establishes
22 in its regulations for license applicants.

23 **[(g) An otherwise qualified applicant who passes the examination after having**
24 **failed the examination or any part of the examination 3 or more times may qualify for a**
25 **license only if the applicant:**

26 (1) Has successfully completed 2 or more years of a residency or fellowship
27 accredited by the Accreditation Council on Graduate Medical Education or the American
28 Osteopathic Association;

29 (2) (i) Has a minimum of 5 years of clinical practice of medicine:

30 1. In the United States or in Canada;

31 2. With at least 3 of the 5 years having occurred within 5
32 years of the date of the application; and

1 (ii) The jurisdiction in which the applicant is licensed or certified
2 offers a similar reciprocal licensing process for individuals licensed to practice medicine by
3 the Board.

4 (2) The Board shall adopt regulations to implement this subsection.]
5 14-303.

6 [(a) To apply for a license UNDER THIS TITLE, an applicant shall:

7 (1) Complete a criminal history records check in accordance with [§
8 14-308.1] § 14-302 of this subtitle;

9 (2) Submit an application to the Board on the form that the Board requires;
10 and

11 (3) Pay to the Board the application fee set by the Board.

12 [(b) The Board may not release a list of applicants for licensure.]

13 14-304.

14 (b) (1) On receipt of the criminal history record information of an applicant for
15 licensure forwarded to the Board in accordance with [§ 14-308.1] § 14-302 of this subtitle,
16 in determining whether to issue a license, the Board shall consider:

17 (i) The age at which the crime was committed;

18 (ii) The nature of the crime;

19 (iii) The circumstances surrounding the crime;

20 (iv) The length of time that has passed since the crime;

21 (v) Subsequent work history;

22 (vi) Employment and character references; and

23 (vii) Other evidence that demonstrates whether the applicant poses a
24 threat to the public health or safety.

25 (2) The Board may not issue a license if the criminal history record
26 information required under [§ 14-308.1] § 14-302 of this subtitle has not been received.

27 14-305.

1 (a) Except as otherwise provided in this title, a license authorizes the licensee to
2 practice [medicine] **IN THIS STATE THE HEALTH OCCUPATION STATED ON THE**
3 **LICENSE ISSUED BY THE BOARD** while the license is effective.

4 (b) A licensee may practice [medicine] **THE HEALTH OCCUPATION STATED ON**
5 **THE LICENSE ISSUED BY THE BOARD** using only the name in which the license is issued.
6 14–306.

7 (a) (1) The term of a license issued by the Board may not exceed 3 years.

8 (2) A license expires on a date set by the Board, unless the license is
9 renewed for [a] **AN ADDITIONAL** term as provided in this section.

10 (b) (1) Subject to paragraph (2) of this subsection, at least 1 month before the
11 license expires, the Board shall send to the licensee, by electronic or first-class mail to the
12 last known electronic or physical address of the licensee[:

13 (i) **A] A** renewal notice that states:

14 [1.] **(I)** The date on which the current license expires;

15 [2.] **(II)** The date by which the renewal application must be
16 received by the Board for the renewal to be issued and mailed before the license expires;
17 and

18 [3.] **(III)** The amount of the renewal fee[; and

19 (ii) A blank panel data sheet supplied by the Health Care
20 Alternative Dispute Resolution Office].

21 (2) If the Board chooses to send renewal notices exclusively by electronic
22 mail under paragraph (1) of this subsection, the Board shall send a renewal notice by
23 first-class mail to a licensee on request of the licensee.

24 (c) (1) Before the license expires, the licensee periodically may renew it for an
25 additional term, if the licensee:

26 (i) Otherwise is entitled to be licensed;

27 (ii) Is of good moral character;

28 (iii) Pays to the Board a renewal fee set by the Board; [and]

29 (iv) Submits to the Board:

1 1. A renewal application on the form that the Board requires;
2 and

3 2. Satisfactory evidence of compliance with any continuing
4 education **OR COMPETENCY** requirements set under this section for license renewal; **AND**

5 **(V) MEETS ANY ADDITIONAL LICENSE RENEWAL**
6 **REQUIREMENTS ESTABLISHED BY THE BOARD.**

7 (2) Within 30 days after a license renewal under Section 7 of the Interstate
8 Medical Licensure Compact established under § 14-3A-01 of this title, a compact physician
9 shall submit to the Board the information required under paragraph (1)(iv) of this
10 subsection.

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

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

17 (3) The Board shall adopt regulations that allow a licensee seeking renewal
18 to receive up to 5 continuing education credits per renewal period for providing
19 uncompensated, voluntary medical services during each renewal period.

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

23 **[(5)] (2)** The Board may not establish a continuing education requirement
24 that every licensee complete a specific course or program as a condition to the renewal of a
25 license under this section.

26 **[(6)** A disciplinary panel may impose a civil penalty of up to \$100 per
27 continuing medical education credit in lieu of a sanction under § 14-404 of this title, for a
28 first offense, for the failure of a licensee to obtain the continuing medical education credits
29 required by the Board.]

30 (e) The Board shall renew the license of each licensee who meets the
31 requirements of this section **AND ANY ADDITIONAL REQUIREMENTS ESTABLISHED**
32 **UNDER SUBTITLE 5, 5A, 5B, 5C, 5D, 5E, 5F, 5G, OR 5H OF THIS TITLE, AS**
33 **APPLICABLE.**

1 [(f) (1) Each licensee shall notify the secretary of the Board in writing of any
2 change in the licensee's name or address within 60 days after the change.

3 (2) If a licensee fails to notify the secretary of the Board within the time
4 required under this section, the licensee is subject to an administrative penalty of \$100.]

5 [(g) (F) (1) Beginning October 1, 2016, the Board shall require a criminal
6 history records check in accordance with [§ 14-308.1] § 14-302 of this subtitle for:

7 (i) Renewal applicants as determined by regulations adopted by the
8 Board; and

9 (ii) Each former licensee who files for reinstatement under [§ 14-317
10 of this subtitle] **THIS TITLE**.

11 (2) On receipt of the criminal history record information of a licensee
12 forwarded to the Board in accordance with [§ 14-308.1] § 14-302 of this subtitle, in
13 determining whether disciplinary action should be taken, based on the criminal record
14 information, against a licensee who renewed or reinstated a license, the Board shall
15 consider:

16 (i) The age at which the crime was committed;

17 (ii) The nature of the crime;

18 (iii) The circumstances surrounding the crime;

19 (iv) The length of time that has passed since the crime;

20 (v) Subsequent work history;

21 (vi) Employment and character references; and

22 (vii) Other evidence that demonstrates whether the licensee poses a
23 threat to the public health or safety.

24 (3) The Board may renew or reinstate a license only if the licensee or
25 applicant attests that the licensee or applicant has submitted to a criminal history records
26 check under [§ 14-308.1] § 14-302 of this subtitle.

27 14-307.

28 The Board shall reinstate the license of [a physician] **AN INDIVIDUAL** who has failed
29 to renew the license for any reason if the [physician] **INDIVIDUAL**:

1 (1) Meets the renewal requirements of [~~§ 14-316~~] **§ 14-306** of this subtitle
 2 **AND THE APPLICABLE RENEWAL REQUIREMENTS IN SUBTITLE 5, 5A, 5B, 5C, 5D,**
 3 **5E, 5F, 5G, OR 5H OF THIS TITLE;**

4 **(2) SUBMITS A REINSTATEMENT APPLICATION ON THE FORM THAT**
 5 **THE BOARD REQUIRES;**

6 ~~[(2)]~~ **(3)** Pays to the Board a reinstatement fee set by the Board; ~~[and]~~

7 ~~[(3)]~~ **(4)** Submits to the Board satisfactory evidence of compliance with
 8 the qualifications and requirements established under this title for license reinstatements;
 9 **AND**

10 **(5) MEETS ANY ADDITIONAL LICENSE REINSTATEMENT**
 11 **REQUIREMENTS ESTABLISHED BY THE BOARD.**

12 14-401.1.

13 (a) ~~(5)~~ (i) If a complaint proceeds to a hearing under § 14-405 of this
 14 subtitle, [~~§ 14-5A-17, § 14-5B-14, § 14-5C-17, § 14-5D-15, § 14-5E-16, or § 14-5F-21 of~~
 15 ~~this title or § 15-315 of this article,~~] the chair of the disciplinary panel that was assigned
 16 the complaint under paragraph (2)(i) of this subsection shall refer the complaint to the other
 17 disciplinary panel.

18 (ii) If the complaint proceeds to a hearing and is referred to the other
 19 disciplinary panel under subparagraph (i) of this paragraph, the disciplinary panel that
 20 was assigned the complaint under paragraph (2)(i) of this subsection, or any of its members,
 21 may not:

22 1. Continue to handle the complaint;

23 2. Participate in any disciplinary proceedings regarding the
 24 complaint; or

25 3. Determine the final disposition of the complaint.

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

29 (2) A peer reviewer shall:

30 (i) Be board certified;

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

1 (iii) Have received a specified amount of medical experience and
2 training;

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

4 (v) Receive training in peer review;

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

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

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

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

13 (5) (2) The hearing of charges may not be stayed or challenged because
14 of the selection of peer reviewers under this subsection before the filing of charges.

15 (f) (C) (1) The entity or individual peer reviewer with which the Board
16 contracts under subsection (e) (B) of this section OR § 14–514 OF THIS TITLE shall have
17 90 days for completion of peer review.

18 (2) The entity or individual peer reviewer may apply to the Board for an
19 extension of up to 30 days to the time limit imposed under [paragraph (1) of this subsection]
20 § 14–515(D)(1) OF THIS TITLE.

21 (3) If an extension is not granted, and 90 days have elapsed, the Board may
22 contract with any other entity or individual who meets the requirements of [subsection
23 (e)(2) of this section] § 14–515(D)(2) OF THIS TITLE for the services of peer review.

24 (4) If an extension has been granted, and 120 days have elapsed, the Board
25 may contract with any other entity or individual who meets the requirements of [subsection
26 (e)(2) of this section] § 14–515(D)(2) OF THIS TITLE for the services of peer review.

27 (g) (D) The Board shall issue a request for proposals and enter into a written
28 contract with a nonprofit entity to provide rehabilitation services for physicians or other
29 allied health professionals directed by the Board to receive rehabilitation services.

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

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

- 3 (i) Investigators;
- 4 (ii) Attorneys;
- 5 (iii) Accountants;
- 6 (iv) Expert witnesses;
- 7 (v) Consultants; and
- 8 (vi) Mediators.

9 [(i)] (F) The Board or a disciplinary panel may issue subpoenas and administer
10 oaths in connection with any investigation under this section and any hearing or proceeding
11 before it.

12 [(j)] (G) (1) It is the intent of this section that the disposition of every
13 complaint against a licensee that sets forth allegations of grounds for disciplinary action
14 filed with the Board shall be completed as expeditiously as possible and, in any event,
15 within 18 months after the complaint was received by the Board.

16 (2) If a disciplinary panel is unable to complete the disposition of a
17 complaint within 1 year, the Board shall include in the record of that complaint a detailed
18 explanation of the reason for the delay.

19 [(k)] (H) A disciplinary panel, in conducting a meeting with a physician or allied
20 health professional to discuss the proposed disposition of a complaint, shall provide an
21 opportunity to appear before the disciplinary panel to both the licensee who has been
22 charged and the individual who has filed the complaint against the licensee giving rise to
23 the charge.

24 14-401.2.

25 (e) A disciplinary panel may issue a cease and desist order or obtain injunctive
26 relief against an individual for:

27 (1) Practicing a profession regulated under this title [or Title 15 of this
28 article] without a license **OR WITH AN UNAUTHORIZED PERSON**;

29 (2) Representing to the public, by title, description of services, methods,
30 procedures, or otherwise, that the individual is authorized to practice:

- 1 (i) Medicine in this State, in violation of [§ 14-602] **§ 14-528** of this
2 title;
- 3 (ii) Respiratory care in this State, in violation of § 14-5A-21 of this
4 title;
- 5 (iii) Radiation therapy, radiography, nuclear medicine technology, or
6 radiation assistance in this State, in violation of § 14-5B-18 of this title;
- 7 (iv) Polysomnography in this State, in violation of § 14-5C-21 of this
8 title;
- 9 (v) Athletic training in this State, in violation of § 14-5D-17(3) of
10 this title;
- 11 (vi) Perfusion in this State, in violation of § 14-5E-21 of this title;
- 12 (vii) Naturopathic medicine in this State, in violation of § 14-5F-30
13 of this title; [or]
- 14 (viii) **GENETIC COUNSELING IN THIS STATE, IN VIOLATION OF §**
15 **14-5G-24 OF THIS TITLE; OR**
- 16 **(IX)** As a physician assistant in this State, in violation of [§ 15-402 of
17 this article] **§ 14-5H-19 OF THIS TITLE; or**
- 18 (3) Taking any action:
- 19 (i) For which a disciplinary panel determines there is a
20 preponderance of evidence of grounds for discipline under [§ 14-404] **§ 14-515** of this title;
21 and
- 22 (ii) That poses a serious risk to the health, safety, and welfare of a
23 patient.
- 24 14-402.
- 25 (a) In reviewing an application for licensure or in investigating an allegation
26 brought against a licensed physician or any allied health professional regulated by the
27 Board under this title, the [Physician] Rehabilitation Program may request the Board to
28 direct, or the Board or a disciplinary panel on its own initiative may direct, the licensed
29 physician or any allied health professional regulated by the Board under this title to submit
30 to an appropriate examination.
- 31 (c) The unreasonable failure or refusal of the licensed individual **OR APPLICANT**
32 to submit to an examination is prima facie evidence of the licensed individual's **OR**

1 **APPLICANT'S** inability to practice medicine or the respective discipline competently, unless
2 the Board or disciplinary panel finds that the failure or refusal was beyond the control of
3 the licensed individual **OR APPLICANT**.

4 (e) (1) The Board or the entity or entities with which the Board contracts shall
5 appoint the members of the [Physician] Rehabilitation Program.

6 (2) The chair of the Board shall appoint one member of the Board to serve
7 as a liaison to the [Physician] Rehabilitation Program.

8 (f) The [Physician] Rehabilitation Program is subject to audit by the Legislative
9 Auditor as provided in § 2-1220 of the State Government Article.

10 **14-404.**

11 **SUBJECT TO THE ADMINISTRATIVE PROCEDURE ACT AND THE HEARING**
12 **PROVISIONS OF § 14-405 OF THIS SUBTITLE, A DISCIPLINARY PANEL MAY DENY A**
13 **LICENSE TO AN APPLICANT OR, IF AN APPLICANT HAS FAILED TO RENEW THE**
14 **APPLICANT'S LICENSE, REFUSE TO RENEW OR REINSTATE AN APPLICANT'S LICENSE**
15 **FOR ANY OF THE REASONS THAT ARE GROUNDS FOR ACTION UNDER § 14-515, §**
16 **14-5A-17, § 14-5B-14, § 14-5C-17, § 14-5D-14, § 14-5E-16, § 14-5F-18, §**
17 **14-5G-18, OR § 14-5H-16 OF THIS TITLE, AS APPLICABLE.**

18 **14-405.**

19 (a) Except as otherwise provided in the Administrative Procedure Act, before the
20 Board or a disciplinary panel takes any action under [§ 14-404(a)] **§ 14-404** of this subtitle
21 or [§ 14-205(b)(3),] **§ 14-515(A)**, § 14-5A-17(a), § 14-5B-14(a), § 14-5C-17(a), §
22 14-5D-14(a), § 14-5E-16(a), [or] § 14-5F-18, **§ 14-5G-18, OR § 14-5H-16** of this title,
23 it shall give the individual against whom the action is contemplated an opportunity for a
24 hearing before a hearing officer.

25 [(g)] **(F)** The hearing of charges may not be stayed or challenged by any
26 procedural defects alleged to have occurred prior to the filing of charges.

27 **14-406.**

28 (a) Following the filing of charges, if a majority of the quorum of a disciplinary
29 panel finds that there are grounds for action under [§ 14-404] **§ 14-515, § 14-5A-17, §**
30 **14-5B-14, § 14-5C-17, § 14-5D-14, § 14-5E-16, § 14-5F-18, § 14-5G-18, OR §**
31 **14-5H-16** of this [subtitle] **TITLE**, the disciplinary panel shall pass an order in accordance
32 with the Administrative Procedure Act.

33 (b) After the charges are filed, if a disciplinary panel finds, on an affirmative vote
34 of a majority of its quorum, that there are no grounds for action under [§ 14-404] **§**

1 14-515, § 14-5A-17, § 14-5B-14, § 14-5C-17, § 14-5D-14, § 14-5E-16, § 14-5F-18,
2 § 14-5G-18, OR § 14-5H-16 of this [subtitle] TITLE, the disciplinary panel:

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

4 (2) (i) Except as provided in item (ii) of this item, shall expunge all
5 records of the charges 3 years after the charges are dismissed; or

6 (ii) If the physician **OR ALLIED HEALTH PROFESSIONAL** executes
7 a document releasing the Board from any liability related to the charges, shall immediately
8 expunge all records of the charges; and

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

10 14-409.

11 (a) (1) Except as provided in subsection (b) of this section, a disciplinary panel,
12 **ON THE AFFIRMATIVE VOTE OF A MAJORITY OF THE QUORUM OF THE DISCIPLINARY**
13 **PANEL**, may reinstate the license of an individual whose license has been surrendered or
14 revoked under this title only in accordance with:

15 (i) The terms and conditions of the order of revocation or letter of
16 surrender;

17 (ii) An order of reinstatement issued by the disciplinary panel; or

18 (iii) A final judgment in any proceeding for review.

19 (2) If a license is surrendered or revoked for a period of more than 1 year,
20 the Board **OR A DISCIPLINARY PANEL** may reinstate the license after 1 year if the licensee:

21 (i) Meets the requirements for reinstatement as established by the
22 Board; and

23 (ii) Completes a criminal history records check in accordance with [§
24 14-308.1] § 14-302 of this title.

25 (c) If an order of revocation is based on [§ 14-404(b)] § 14-515(B), §
26 14-5A-17(B), § 14-5B-14(B), § 14-5C-17(B), § 14-5D-14(B), § 14-5E-16(B), §
27 14-5F-18(B), § 14-5G-18(B), OR § 14-5H-16(B) of this [subtitle] TITLE, and the
28 conviction or plea subsequently is overturned at any stage of an appeal or other
29 postconviction proceeding, the revocation ends when the conviction or plea is overturned.

30 14-411.

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

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

3 (i) The committee of a medical hospital staff concerned with
4 **[physician] LICENSEE** discipline or other committee of a hospital, health maintenance
5 organization, or related institution requests the information in writing;

6 (ii) A disciplinary panel has issued an order as to a **[licensed**
7 **physician] LICENSEE** on whom the information is requested; and

8 (iii) The Board determines that the information requested is
9 necessary for an investigation or action of the committee as to a medical privilege of a
10 **[licensed physician] LICENSEE**; or

11 (2) The Secretary, the Office of Health Care Quality in the Department,
12 the Maryland Health Care Commission, or the Health Services Cost Review Commission
13 for the purpose of investigating quality or utilization of care in any entity regulated by the
14 Office of Health Care Quality or the Health Services Cost Review Commission.

15 (g) (1) The Board shall notify all hospitals, health maintenance organizations,
16 or other health care facilities where a **[physician or an allied health professional]**
17 **LICENSEE** regulated by the Board has privileges, has a provider contract with a health
18 maintenance organization, or is employed of a complaint or report filed against that
19 **[physician] LICENSEE**, if:

20 (i) The Board determines, in its discretion, that the hospital, health
21 maintenance organization, or health care facility should be informed about the report or
22 complaint;

23 (ii) The nature of the complaint suggests a reasonable possibility of
24 an imminent threat to patient safety; or

25 (iii) The complaint or report was as a result of a claim filed in the
26 Health Care Alternative Dispute Resolution Office and a certificate of a qualified expert is
27 filed in accordance with § 3-2A-04(b)(1) of the Courts Article.

28 (2) The Board shall disclose any information pertaining to a **[physician's]**
29 **LICENSEE'S** competency to practice **[medicine] UNDER THE LICENSE** contained in record
30 to a committee of a hospital, health maintenance organization, or other health care facility
31 if:

32 (i) The committee is concerned with **[physician] LICENSEE**
33 discipline and requests the information in writing; and

1 (ii) The Board has received a complaint or report pursuant to
2 paragraph (1)(i) and (ii) of this subsection on the [licensed physician] LICENSEE on whom
3 the information is requested.

4 (3) The Board shall, after formal action is taken pursuant to § 14–406 of
5 this subtitle, notify those hospitals, health maintenance organizations, or health care
6 facilities where the [physician] LICENSEE has privileges, has a provider contract with a
7 health maintenance organization, or is employed of its formal action within 10 days after
8 the action is taken and shall provide the hospital, health maintenance organization, or
9 health care facility with periodic reports as to enforcement or monitoring of a formal
10 disciplinary order against a [physician] LICENSEE within 10 days after receipt of those
11 reports.

12 (h) On the request of a person who has made a complaint to the Board regarding
13 a [physician] LICENSEE, the Board shall provide the person with information on the status
14 of the complaint.

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

17 (1) The licensing or disciplinary authority of another state that regulates
18 [licensed physicians] LICENSEES in that state requests the information in writing; and

19 (2) The disclosure of any information is limited to the pendency of an
20 allegation of a ground for disciplinary or other action by a disciplinary panel until:

21 (i) The disciplinary panel has passed an order under § 14–406 of
22 this subtitle; or

23 (ii) A [licensed physician] LICENSEE on whom the information is
24 requested authorizes a disclosure as to the facts of an allegation or the results of an
25 investigation before the Board.

26 (k) The Board may disclose any information contained in a record to a person if:

27 (1) A [licensed physician] LICENSEE on whom any information is
28 requested authorizes the person to receive the disclosure;

29 (2) The person requests the information in writing; and

30 (3) The authorization for the disclosure is in writing.

31 (p) (1) The Board may publish a summary of any allegations of grounds for
32 disciplinary or other action.

33 (2) A summary may not identify:

1 (i) Any person who makes an allegation to the Board or any of its
2 investigatory bodies;

3 (ii) A [licensed physician] LICENSEE about whom an allegation is
4 made; or

5 (iii) A witness in an investigation or a proceeding before the Board or
6 any of its investigatory bodies.

7 14-411.1.

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

10 (1) A summary of charges filed against the licensee, including a copy of the
11 charging document, until a disciplinary panel has taken action under [§ 14-404] § 14-515
12 of this subtitle based on the charges or has rescinded the charges;

13 (2) A description of any disciplinary action taken by the Board or a
14 disciplinary panel against the licensee within the most recent 10-year period that includes
15 a copy of the public order;

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

19 (4) A description of a conviction or entry of a plea of guilty or nolo
20 contendere by the licensee for a crime involving moral turpitude reported to the Board
21 under § 14-416 of this subtitle; and

22 [(5) As reported to the Board by the licensee, education and practice
23 information about the licensee including:

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

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

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

30 (iv) The name of any hospital where the licensee has medical
31 privileges;

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

1 (vi) Whether the licensee participates in the Maryland Medical
2 Assistance Program;

3 (vii) Whether the licensee maintains medical professional liability
4 insurance; and

5 (viii) The number of medical malpractice final court judgments and
6 arbitration awards against the licensee within the most recent 10-year period.]

7 **(5) FOR A PHYSICIAN, THE INFORMATION REQUIRED UNDER § 14-516**
8 **OF THIS TITLE.**

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

11 (1) **FOLLOWING THE FILING OF CHARGES OR NOTICE OF INITIAL**
12 **DENIAL OF A LICENSE APPLICATION, DISCLOSE THE FILING TO THE PUBLIC ON THE**
13 **BOARD'S WEBSITE;**

14 (2) Provide appropriate and accessible Internet links from the Board's
15 [Internet site] WEBSITE:

16 (i) To the extent available, to the appropriate portion of the
17 [Internet site] WEBSITE of each health maintenance organization licensed in this State
18 which will allow the public to ascertain the names of the physicians affiliated with the
19 health maintenance organization; and

20 (ii) To the appropriate portion of the [Internet site] WEBSITE of the
21 American Medical Association;

22 [(2)] (3) Include a statement on each licensee's profile of information to
23 be taken into consideration by a consumer when viewing a licensee's profile, including
24 factors to consider when evaluating a licensee's malpractice data, and a disclaimer stating
25 that a charging document does not indicate a final finding of guilt by a disciplinary panel;
26 and

27 [(3)] (4) Provide on the Board's [Internet site] WEBSITE:

28 (i) Notification that a person may contact the Board by telephone,
29 electronic mail, or written request to find out whether the number of medical malpractice
30 settlements involving a particular licensee totals three or more with a settlement amount
31 of \$150,000 or greater within the most recent 5-year period as reported to the Board; and

1 (ii) A telephone number, electronic mail address, and physical
2 address through which a person may contact the Board to request the information required
3 to be provided under item (i) of this item.

4 (d) The Board:

5 (1) On receipt of a written request for a licensee's profile from any person,
6 shall forward a written copy of the profile to the person;

7 (2) Shall maintain a website that serves as a single point of entry where
8 all physician **AND ALLIED HEALTH PROFESSIONAL** profile information is available to the
9 public on the Internet; and

10 (3) On receipt of a verbal, electronic, or written request in accordance with
11 subsection [(c)(3)] **(C)(4)** of this section, shall provide the information within 2 business
12 days of the request.

13 14-413.

14 **(A)** A person may not make any false statement, report, or representation to the
15 Board or a disciplinary panel.

16 **(B) (1) A PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE IS**
17 **GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT**
18 **EXCEEDING \$5,000 OR IMPRISONMENT NOT EXCEEDING 5 YEARS OR BOTH.**

19 **(2) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER THIS**
20 **SECTION INTO THE BOARD OF PHYSICIANS FUND.**

21 14-416.

22 (a) Each court shall report to the Board each conviction of or entry of a plea of
23 guilty or nolo contendere by a [physician] **LICENSEE** for any crime involving moral
24 turpitude.

25 14-417.

26 **(A) (1) EACH LICENSEE SHALL NOTIFY THE SECRETARY OF THE BOARD**
27 **IN WRITING OF ANY CHANGE IN THE LICENSEE'S NAME OR ADDRESS WITHIN 60 DAYS**
28 **AFTER THE CHANGE.**

29 **(2) IF A LICENSEE FAILS TO NOTIFY THE SECRETARY OF THE BOARD**
30 **WITHIN THE TIME REQUIRED UNDER THIS SECTION, THE LICENSEE IS SUBJECT TO**
31 **AN ADMINISTRATIVE PENALTY OF \$100.**

1 **(B) A DISCIPLINARY PANEL MAY IMPOSE A CIVIL PENALTY OF UP TO \$100**
2 **PER CONTINUING MEDICAL EDUCATION CREDIT IN LIEU OF A SANCTION FOR A FIRST**
3 **OFFENSE FOR THE FAILURE OF A LICENSEE TO OBTAIN THE CONTINUING MEDICAL**
4 **EDUCATION CREDITS REQUIRED BY THE BOARD.**

5 Subtitle 5. [Miscellaneous Provisions] **PHYSICIANS.**

6 14–503.

7 (c) **(1)** The Board shall adopt rules and regulations to delineate the scope of
8 this section.

9 **(2)** Before it adopts any rule or regulation under this section, the Board
10 shall invite and consider proposals from any individual or health group that could be
11 affected by the rule or regulation.

12 (e) Except as otherwise provided in this section, an individual may perform
13 X–ray duties without a license **TO PRACTICE MEDICINE** only if the duties:

14 (1) Do not include:

15 (i) Computerized or noncomputerized tomography;

16 (ii) Fluoroscopy;

17 (iii) Invasive radiology;

18 (iv) Mammography;

19 (v) Nuclear medicine;

20 (vi) Radiation therapy; or

21 (vii) Xerography;

22 (2) Are limited to X–ray procedures of the:

23 (i) Chest, anterior–posterior and lateral;

24 (ii) Spine, anterior–posterior and lateral; or

25 (iii) Extremities, anterior–posterior and lateral, not including the
26 head; and

27 (3) Are performed:

1 (i) By an individual who is not employed primarily to perform
2 X-ray duties;

3 (ii) In the medical office of the physician who delegates the duties;
4 and

5 (iii) 1. By an individual who, before October 1, 2002, has:

6 A. Taken a course consisting of at least 30 hours of training
7 in performing X-ray procedures approved by the Maryland Radiological Society in
8 consultation with the Maryland Society of Radiologic Technologists; and

9 B. Successfully passed an examination based on that course
10 that has been approved by the Maryland Radiological Society in consultation with the
11 Maryland Society of Radiologic Technologists; or

12 2. By a licensed physician assistant who has completed a
13 course that includes anterior-posterior and lateral radiographic studies of extremities on
14 at least 20 separate patients under the direct supervision of the delegating physician or
15 radiologist using a mini C-arm or similar low-level radiation machine to perform
16 nonfluoroscopic X-ray procedures, if the duties:

17 A. Include only the X-ray procedures described in paragraph
18 (2)(iii) of this subsection; and

19 B. Are performed pursuant to a Board-approved delegation
20 agreement that includes a request to perform advanced duties under [§ 15-302(c)(2)] §
21 14-5H-08(C)(2) of this [article] TITLE.

22 14-504.

23 (A) TO QUALIFY FOR A LICENSE TO PRACTICE MEDICINE AS A PHYSICIAN IN
24 THE STATE, AN APPLICANT SHALL BE AN INDIVIDUAL WHO MEETS THE
25 REQUIREMENTS OF § 14-301 OF THIS TITLE AND THIS SECTION.

26 (B) EXCEPT AS PROVIDED IN § 14-505 OF THIS SUBTITLE, THE APPLICANT
27 SHALL:

28 (1) (I) HAVE A DEGREE OF DOCTOR OF MEDICINE FROM A
29 MEDICAL SCHOOL THAT IS ACCREDITED BY AN ACCREDITING ORGANIZATION THAT
30 THE BOARD RECOGNIZES IN ITS REGULATIONS; AND

31 (II) SUBMIT EVIDENCE ACCEPTABLE TO THE BOARD OF
32 SUCCESSFUL COMPLETION OF 1 YEAR OF TRAINING IN A POSTGRADUATE MEDICAL

1 TRAINING PROGRAM THAT IS ACCREDITED BY AN ACCREDITING ORGANIZATION
2 THAT THE BOARD RECOGNIZES IN ITS REGULATIONS; OR

3 (2) (I) HAVE A DEGREE OF DOCTOR OF OSTEOPATHY FROM A
4 SCHOOL OF OSTEOPATHY IN THE UNITED STATES, ITS TERRITORIES OR
5 POSSESSIONS, PUERTO RICO, OR CANADA THAT HAS STANDARDS FOR GRADUATION
6 EQUIVALENT TO THOSE ESTABLISHED BY THE AMERICAN OSTEOPATHIC
7 ASSOCIATION; AND

8 (II) SUBMIT EVIDENCE ACCEPTABLE TO THE BOARD OF
9 SUCCESSFUL COMPLETION OF 1 YEAR OF TRAINING IN A POSTGRADUATE MEDICAL
10 TRAINING PROGRAM ACCREDITED BY AN ACCREDITING ORGANIZATION THAT THE
11 BOARD RECOGNIZES IN ITS REGULATIONS.

12 (C) IF AN EXAMINATION IS REQUIRED FOR A LICENSE TO PRACTICE
13 MEDICINE, AN OTHERWISE QUALIFIED APPLICANT WHO PASSES THE EXAMINATION
14 AFTER HAVING FAILED THE EXAMINATION OR ANY PART OF THE EXAMINATION
15 THREE OR MORE TIMES MAY QUALIFY FOR A LICENSE ONLY IF THE APPLICANT:

16 (1) HAS SUCCESSFULLY COMPLETED 2 OR MORE YEARS OF A
17 RESIDENCY OR FELLOWSHIP ACCREDITED BY THE ACCREDITATION COUNCIL ON
18 GRADUATE MEDICAL EDUCATION OR THE AMERICAN OSTEOPATHIC ASSOCIATION;

19 (2) (I) HAS A MINIMUM OF 5 YEARS OF CLINICAL PRACTICE OF
20 MEDICINE:

21 1. IN THE UNITED STATES OR IN CANADA;

22 2. WITH AT LEAST 3 OF THE 5 YEARS HAVING OCCURRED
23 WITHIN 5 YEARS OF THE DATE OF THE APPLICATION; AND

24 3. THAT OCCURRED UNDER A FULL UNRESTRICTED
25 LICENSE TO PRACTICE MEDICINE; AND

26 (II) HAS NO DISCIPLINARY ACTION PENDING AND HAS HAD NO
27 DISCIPLINARY ACTION TAKEN AGAINST THE APPLICANT THAT WOULD BE GROUNDS
28 FOR DISCIPLINE UNDER § 14-515 OF THIS SUBTITLE; OR

29 (3) IS BOARD CERTIFIED.

30 (D) (1) THE BOARD SHALL LICENSE AN APPLICANT TO PRACTICE
31 MEDICINE IF:

1 **(I) THE APPLICANT:**

2 1. **BECAME LICENSED OR CERTIFIED AS A PHYSICIAN IN**
3 **ANOTHER JURISDICTION UNDER REQUIREMENTS THAT THE BOARD DETERMINES**
4 **ARE SUBSTANTIALLY EQUIVALENT TO THE LICENSING REQUIREMENTS OF THIS**
5 **TITLE;**

6 2. **IS IN GOOD STANDING UNDER THE LAWS OF THE**
7 **OTHER JURISDICTION;**

8 3. **SUBMITS AN APPLICATION TO THE BOARD ON A FORM**
9 **THAT THE BOARD REQUIRES; AND**

10 4. **PAYS TO THE BOARD AN APPLICATION FEE SET BY**
11 **THE BOARD; AND**

12 **(II) THE JURISDICTION IN WHICH THE APPLICANT IS LICENSED**
13 **OR CERTIFIED OFFERS A SIMILAR RECIPROCAL LICENSING PROCESS FOR**
14 **INDIVIDUALS LICENSED TO PRACTICE MEDICINE BY THE BOARD.**

15 **(2) THE BOARD SHALL ADOPT REGULATIONS TO IMPLEMENT THIS**
16 **SUBSECTION.**

17 **(E) (1) IN ESTABLISHING ANY CONTINUING EDUCATION REQUIREMENTS**
18 **FOR THE RENEWAL OF A LICENSE, THE BOARD SHALL EVALUATE EXISTING**
19 **METHODS, DEVICES, AND PROGRAMS IN USE AMONG THE VARIOUS MEDICAL**
20 **SPECIALTIES AND OTHER RECOGNIZED MEDICAL GROUPS.**

21 **(2) THE BOARD SHALL ADOPT REGULATIONS THAT ALLOW A**
22 **LICENSEE SEEKING RENEWAL TO RECEIVE UP TO FIVE CONTINUING EDUCATION**
23 **CREDITS PER RENEWAL PERIOD FOR PROVIDING UNCOMPENSATED, VOLUNTARY**
24 **MEDICAL SERVICES DURING EACH RENEWAL PERIOD.**

25 **(3) THE BOARD MAY NOT ESTABLISH OR ENFORCE THESE**
26 **REQUIREMENTS IF THEY WOULD SO REDUCE THE NUMBER OF PHYSICIANS IN A**
27 **COMMUNITY AS TO JEOPARDIZE THE AVAILABILITY OF ADEQUATE MEDICAL CARE IN**
28 **THAT COMMUNITY.**

29 14-505.

30 (b) An applicant for a license **TO PRACTICE MEDICINE** is exempt from the
31 educational requirements of **[§ 14-307] § 14-301 OF THIS TITLE AND § 14-504** of this
32 subtitle, if the applicant:

1 (1) Has studied medicine at a foreign medical school;

2 (2) Is certified by the Educational Commission for Foreign Medical
3 Graduates or by its successor as approved by the Board;

4 (3) Passes a qualifying examination for foreign medical school graduates
5 required by the Board;

6 (4) Meets any other qualifications for foreign medical school graduates that
7 the Board establishes in its regulation for licensing of applicants;

8 (5) Submits acceptable evidence to the Board of the requirements set in the
9 Board's regulations; and

10 (6) Meets one of the following requirements:

11 (i) The applicant graduated from any foreign medical school and
12 submits evidence acceptable to the Board of successful completion of 2 years of training in
13 a postgraduate medical education program accredited by an accrediting organization
14 recognized by the Board; or

15 (ii) The applicant successfully completed a fifth pathway program
16 and submits evidence acceptable to the Board that the applicant:

17 1. Has a document issued by the foreign medical school
18 certifying that the applicant completed all of the formal requirements of that school for the
19 study of medicine, except for the postgraduate or social service components as required by
20 the foreign country or its medical school;

21 2. Has successfully completed a fifth pathway program; and

22 3. Has successfully completed 2 years of training in a
23 postgraduate medical education program following completion of a Board approved fifth
24 pathway program.

25 14-506.

26 (a) An applicant who otherwise qualifies for a license **TO PRACTICE MEDICINE**
27 under this title is entitled to sit for an examination as provided under this section or any
28 regulations adopted to carry out this section.

29 14-510.

30 (a) The Board may:

31 (1) License **TO PRACTICE MEDICINE** an applicant by virtue of the
32 conceded eminence and authority of the applicant in the profession if the applicant:

- 1 (i) Is recommended to the Board by:
- 2 1. The dean of a school of medicine in the State; or
- 3 2. The Director of the National Institutes of Health;
- 4 (ii) Is to receive an appointment at the institution making the
5 recommendation under item (i) of this paragraph; and
- 6 (iii) Meets any other requirement the Board may adopt by regulation
7 under this section;
- 8 (2) Define by regulation the term “conceded eminence and authority in the
9 profession” and, for this purpose, shall consider such criteria as:
- 10 (i) Academic appointments;
- 11 (ii) Length of time in the profession;
- 12 (iii) Scholarly publications; and
- 13 (iv) Professional accomplishments;
- 14 (3) Adopt regulations concerning the further qualifications of an applicant
15 for licensure, including conditions of employment, application procedures, and fees under
16 this section;
- 17 (4) Allow an exception to the general education and examination
18 requirements of [§ 14–307(d) and (e)] **§ 14–301(E) OF THIS TITLE AND § 14–504(B)** of
19 this subtitle, but may not permit waiver of the requirements of [§ 14–307(a) through (c)] **§**
20 **14–301(A) THROUGH (C)** of this [subtitle] **TITLE**;
- 21 (5) Qualify, restrict, or otherwise limit a license granted under this section;
22 and
- 23 (6) Require a 6–month probationary period during which the medical
24 services performed by the applicant granted a license under this section are supervised by
25 another licensed physician.
- 26 14–511.
- 27 (b) The Board shall issue a license to an individual who is on inactive status if the
28 individual:
- 29 (1) Submits to the Board:

1 (i) Satisfactory evidence of compliance with [§ 14-308.1] § 14-302
2 of this [subtitle] TITLE;

3 (ii) Satisfactory evidence of compliance with the continuing
4 education requirements the Board adopts for this purpose; and

5 (iii) A reinstatement fee set by the Board; and

6 (2) Is otherwise entitled to be licensed.

7 14-513.

8 (C) A PERSON WHO VIOLATES ANY PROVISION OF THIS SECTION IS GUILTY
9 OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING
10 \$500.

11 (D) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER THIS
12 SECTION INTO THE BOARD OF PHYSICIANS FUND.

13 14-514.

14 (A) IF AN ALLEGATION OF GROUNDS FOR DISCIPLINARY OR OTHER ACTION
15 IS MADE BY A PATIENT OR A FAMILY MEMBER OF A PATIENT BASED ON §
16 14-515(A)(22) OF THIS SUBTITLE AND A FULL INVESTIGATION RESULTS FROM THAT
17 ALLEGATION, THE FULL INVESTIGATION SHALL INCLUDE AN OFFER OF AN
18 INTERVIEW WITH THE PATIENT OR A FAMILY MEMBER OF THE PATIENT WHO WAS
19 PRESENT AT OR ABOUT THE TIME THAT THE INCIDENT THAT GAVE RISE TO THE
20 ALLEGATION OCCURRED.

21 (B) (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, AFTER
22 BEING ASSIGNED A COMPLAINT UNDER § 14-401.1 OF THIS TITLE, THE
23 DISCIPLINARY PANEL MAY:

24 (I) REFER AN ALLEGATION FOR FURTHER INVESTIGATION TO
25 THE ENTITY THAT HAS CONTRACTED WITH THE BOARD UNDER SUBSECTION (D) OF
26 THIS SECTION; OR

27 (II) TAKE ANY APPROPRIATE AND IMMEDIATE ACTION AS
28 NECESSARY.

29 (2) (I) IF, AFTER BEING ASSIGNED A COMPLAINT AND
30 COMPLETING THE PRELIMINARY INVESTIGATION, THE DISCIPLINARY PANEL FINDS
31 THAT THE LICENSEE MAY HAVE VIOLATED § 14-515(A)(22) OF THIS SUBTITLE, THE
32 DISCIPLINARY PANEL SHALL REFER THE ALLEGATION TO THE ENTITY OR ENTITIES

1 THAT HAVE CONTRACTED WITH THE BOARD UNDER SUBSECTION (D) OF THIS
2 SECTION FOR FURTHER INVESTIGATION AND PHYSICIAN PEER REVIEW WITHIN THE
3 INVOLVED MEDICAL SPECIALTY OR SPECIALTIES.

4 (II) A DISCIPLINARY PANEL SHALL OBTAIN TWO PEER REVIEW
5 REPORTS FROM THE ENTITY OR INDIVIDUAL WITH WHOM THE BOARD CONTRACTED
6 UNDER SUBSECTION (D) OF THIS SECTION FOR EACH ALLEGATION THE
7 DISCIPLINARY PANEL REFERS FOR PEER REVIEW.

8 (3) IF, AFTER BEING ASSIGNED A COMPLAINT, THE DISCIPLINARY
9 PANEL DETERMINES THAT AN ALLEGATION INVOLVING FEES FOR PROFESSIONAL OR
10 ANCILLARY SERVICES DOES NOT CONSTITUTE GROUNDS FOR DISCIPLINARY OR
11 OTHER ACTION, THE DISCIPLINARY PANEL SHALL OFFER THE COMPLAINANT AND
12 THE LICENSEE AN OPPORTUNITY TO MEDIATE THE DISPUTE.

13 (C) COUNTY MEDICAL SOCIETIES SHALL REFER TO THE BOARD ALL
14 COMPLAINTS THAT SET FORTH ALLEGATIONS OF GROUNDS FOR DISCIPLINARY
15 ACTION UNDER § 14-515 OF THIS SUBTITLE.

16 (D) (1) IN ACCORDANCE WITH § 14-401.1(C) OF THIS TITLE, THE BOARD
17 SHALL ENTER INTO A WRITTEN CONTRACT WITH AN ENTITY OR INDIVIDUAL FOR
18 CONFIDENTIAL PHYSICIAN PEER REVIEW OF ALLEGATIONS BASED ON §
19 14-515(A)(22) OF THIS SUBTITLE.

20 (2) A PEER REVIEWER SHALL:

21 (I) BE BOARD CERTIFIED;

22 (II) HAVE SPECIAL QUALIFICATIONS TO JUDGE THE MATTER AT
23 HAND;

24 (III) HAVE RECEIVED A SPECIFIED AMOUNT OF MEDICAL
25 EXPERIENCE AND TRAINING;

26 (IV) HAVE NO FORMAL ACTIONS AGAINST THE PEER REVIEWER'S
27 OWN LICENSE;

28 (V) RECEIVE TRAINING IN PEER REVIEW;

29 (VI) HAVE A STANDARD FORMAT FOR PEER REVIEW REPORTS;
30 AND

1 **(VII) TO THE EXTENT PRACTICABLE, BE LICENSED AND ENGAGED**
2 **IN THE PRACTICE OF MEDICINE IN THE STATE.**

3 **(3) THE BOARD MAY CONSULT WITH THE APPROPRIATE SPECIALTY**
4 **HEALTH CARE PROVIDER SOCIETIES IN THE STATE TO OBTAIN A LIST OF PHYSICIANS**
5 **QUALIFIED TO PROVIDE PEER REVIEW SERVICES.**

6 14–515.

7 (a) Subject to the hearing provisions of § 14–405 of this [subtitle] **TITLE**, a
8 disciplinary panel, on the affirmative vote of a majority of the quorum of the disciplinary
9 panel, may reprimand any licensee, place any licensee on probation, or suspend or revoke
10 a license if the licensee:

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

13 (2) Fraudulently or deceptively uses a license;

14 (3) Is guilty of:

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

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

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

18 (5) Solicits or advertises in violation of [§ 14–503] **§ 14–513** of this [title]
19 **SUBTITLE**;

20 (6) Abandons a patient;

21 (7) Habitually is intoxicated;

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

24 (9) Provides professional services:

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

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

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

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

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

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

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

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

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

19 (i) The name of the laboratory;

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

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

23 (17) Makes a willful misrepresentation in treatment;

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

26 (19) Grossly overutilizes health care services;

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

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

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

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

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

9 (i) Surrendered the license issued by the state or country to the
10 state or country; or

11 (ii) Allowed the license issued by the state or country to expire or
12 lapse;

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

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

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

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

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

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

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

27 (ii) Employs a pharmacist for the purpose of operating a pharmacy;
28 or

29 (iii) Contracts with a pharmacist for the purpose of operating a
30 pharmacy;

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

1 (32) Fails to display the notice required under [§ 14–415] § 14–519 of this
2 subtitle;

3 (33) Fails to cooperate with a lawful investigation conducted by the Board
4 or a disciplinary panel;

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

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

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

11 (37) By corrupt means, threats, or force, intimidates or influences, or
12 attempts to intimidate or influence, for the purpose of causing any person to withhold or
13 change testimony in hearings or proceedings before the Board or a disciplinary panel or
14 those otherwise delegated to the Office of Administrative Hearings;

15 (38) By corrupt means, threats, or force, hinders, prevents, or otherwise
16 delays any person from making information available to the Board or a disciplinary panel
17 in furtherance of any investigation of the Board or a disciplinary panel;

18 (39) Intentionally misrepresents credentials for the purpose of testifying or
19 rendering an expert opinion in hearings or proceedings before the Board or a disciplinary
20 panel or those otherwise delegated to the Office of Administrative Hearings;

21 (40) Fails to keep adequate medical records as determined by appropriate
22 peer review;

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

25 (i) Accredited by:

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

28 2. The Accreditation Association for Ambulatory Health
29 Care; or

30 3. The Joint Commission on the Accreditation of Healthcare
31 Organizations; or

1 (ii) Certified to participate in the Medicare program, as enacted by
2 Title XVIII of the Social Security Act;

3 (42) Fails to complete a criminal history records check under [§ 14–308.1] §
4 **14–302** of this title;

5 (43) Except for the licensure process described under Subtitle 3A of this title,
6 violates any provision of this title, any rule or regulation adopted by the Board, or any State
7 or federal law pertaining to the practice of medicine;

8 (44) Fails to meet the qualifications for licensure under **THIS SUBTITLE**
9 **AND** Subtitle 3 of this title;

10 (45) Fails to comply with § 1–223 of this article; or

11 (46) Fails to comply with the requirements of the Prescription Drug
12 Monitoring Program under Title 21, Subtitle 2A of the Health – General Article.

13 **14–516.**

14 **THE PUBLIC INDIVIDUAL PROFILE FOR A LICENSED PHYSICIAN CREATED AND**
15 **MAINTAINED UNDER § 14–411.1 OF THIS TITLE SHALL INCLUDE, AS REPORTED TO**
16 **THE BOARD BY THE LICENSEE, EDUCATION AND PRACTICE INFORMATION ABOUT**
17 **THE LICENSEE INCLUDING:**

18 (1) **THE NAME OF ANY MEDICAL SCHOOL THAT THE LICENSEE**
19 **ATTENDED AND THE DATE ON WHICH THE LICENSEE GRADUATED FROM THE**
20 **SCHOOL;**

21 (2) **A DESCRIPTION OF ANY INTERNSHIP AND RESIDENCY TRAINING;**

22 (3) **A DESCRIPTION OF ANY SPECIALTY BOARD CERTIFICATION BY A**
23 **RECOGNIZED BOARD OF THE AMERICAN BOARD OF MEDICAL SPECIALTIES OR THE**
24 **AMERICAN OSTEOPATHIC ASSOCIATION;**

25 (4) **THE NAME OF ANY HOSPITAL WHERE THE LICENSEE HAS MEDICAL**
26 **PRIVILEGES;**

27 (5) **THE LOCATION OF THE LICENSEE’S PRIMARY PRACTICE SETTING;**

28 (6) **WHETHER THE LICENSEE PARTICIPATES IN THE MARYLAND**
29 **MEDICAL ASSISTANCE PROGRAM;**

1 **(7) WHETHER THE LICENSEE MAINTAINS MEDICAL PROFESSIONAL**
2 **LIABILITY INSURANCE; AND**

3 **(8) THE NUMBER OF MEDICAL MALPRACTICE FINAL COURT**
4 **JUDGMENTS AND ARBITRATION AWARDS AGAINST THE LICENSEE WITHIN THE MOST**
5 **RECENT 10-YEAR PERIOD.**

6 14-517.

7 (a) (1) Each hospital and related institution shall submit to the Board a report
8 within 10 days after:

9 (i) The hospital or related institution denied the application of a
10 physician for staff privileges or limited, reduced, otherwise changed, or terminated the staff
11 privileges of a physician, or the physician resigned whether or not under formal accusation,
12 if the denial, limitation, reduction, change, termination, or resignation is for reasons that
13 might be grounds for disciplinary action under [§ 14-404] **§ 14-515** of this subtitle;

14 (ii) The hospital or related institution took any disciplinary action
15 against a salaried, licensed physician without staff privileges, including termination of
16 employment, suspension, or probation, for reasons that might be grounds for disciplinary
17 action under [§ 14-404] **§ 14-515** of this subtitle;

18 (iii) A licensed physician voluntarily resigned from the staff, employ,
19 or training program of the hospital or related institution for reasons that might be grounds
20 for disciplinary action under [§ 14-404] **§ 14-515** of this subtitle; or

21 (iv) The hospital or related institution placed any other restrictions
22 or conditions on any of the licensed physicians as listed in items (i) through (iii) of this
23 paragraph for any reasons that might be grounds for disciplinary action under [§ 14-404]
24 **§ 14-515** of this subtitle.

25 14-518.

26 (a) (1) Each alternative health system as defined in § 1-401 of this article shall
27 submit to the Board a report within 10 days after:

28 (i) The alternative health system denied the formal application of a
29 physician to contract with the alternative health system or limited, reduced, otherwise
30 changed, or terminated the contract of a physician, or the physician resigned whether or
31 not under formal accusation, if the denial, limitation, reduction, change, termination, or
32 resignation is for reasons that might be grounds for disciplinary action under [§ 14-404] **§**
33 **14-515** of this subtitle; or

1 (ii) The alternative health system placed any other restrictions or
2 conditions on any licensed physician for any reasons that might be grounds for disciplinary
3 action under [§ 14-404] **§ 14-515** of this subtitle.

4 14-521.

5 (C) (1) A PERSON WHO VIOLATES ANY PROVISION OF THIS SECTION IS
6 GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT
7 EXCEEDING \$5,000 OR IMPRISONMENT NOT EXCEEDING 5 YEARS OR BOTH.

8 (2) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER THIS
9 SECTION INTO THE BOARD OF PHYSICIANS FUND.

10 14-524.

11 (B) (1) A PERSON WHO VIOLATES ANY PROVISION OF THIS SECTION IS
12 GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT
13 EXCEEDING \$5,000 OR IMPRISONMENT NOT EXCEEDING 5 YEARS OR BOTH.

14 (2) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER THIS
15 SECTION INTO THE BOARD OF PHYSICIANS FUND.

16 [(b)] (C) (1) The Board shall investigate any alleged violation of this section
17 or [§ 14-507] **§ 14-523** of this [title] SUBTITLE and may enforce any provision of this title
18 by injunction or other appropriate proceedings.

19 [(c)] (2) An action under this [section] SUBSECTION is in addition to and not
20 instead of criminal prosecution under [§ 14-606 of this subtitle] SUBSECTION (B) OF THIS
21 SECTION.

22 14-525.

23 (D) (1) A PERSON WHO VIOLATES ANY PROVISION OF THIS SECTION IS
24 GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT
25 EXCEEDING \$5,000 OR IMPRISONMENT NOT EXCEEDING 5 YEARS OR BOTH.

26 (2) A PERSON WHO IS REQUIRED TO GIVE NOTICE UNDER THIS
27 SECTION, AND WHO FAILS TO GIVE THE REQUIRED NOTICE, IS LIABLE FOR A CIVIL
28 PENALTY OF NOT MORE THAN \$100.

29 (3) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER THIS
30 SECTION INTO THE BOARD OF PHYSICIANS FUND.

31 14-527.

1 (A) Except as otherwise provided in this title, a person may not practice, attempt
2 to practice, or offer to practice medicine in this State unless licensed by the Board.

3 **(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A**
4 **PERSON WHO VIOLATES THIS SECTION IS:**

5 **(I) GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO A**
6 **FINE NOT EXCEEDING \$10,000 OR IMPRISONMENT NOT EXCEEDING 5 YEARS OR**
7 **BOTH; AND**

8 **(II) SUBJECT TO A CIVIL FINE OF NOT MORE THAN \$50,000 TO**
9 **BE LEVIED BY A DISCIPLINARY PANEL.**

10 **(2) THE PROVISIONS OF PARAGRAPH (1) OF THIS SUBSECTION DO**
11 **NOT APPLY TO A FORMER LICENSEE WHO HAS FAILED TO RENEW A LICENSE UNDER**
12 **§ 14–306 OF THIS TITLE IF:**

13 **(I) LESS THAN 60 DAYS HAVE ELAPSED SINCE THE EXPIRATION**
14 **OF THE LICENSE; AND**

15 **(II) THE FORMER LICENSEE HAS APPLIED FOR LICENSE**
16 **REINSTATEMENT, INCLUDING PAYMENT OF THE REINSTATEMENT FEE.**

17 **(3) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER THIS**
18 **SECTION INTO THE BOARD OF PHYSICIANS FUND.**

19 14–528.

20 (c) An unlicensed individual who acts under [§ 14–302 or § 14–306] **§ 14–502 OR**
21 **§ 14–503** of this [title] SUBTITLE may use the word “physician” together with another
22 word to describe the occupation of the individual as in phrases such as “physician’s
23 assistant” or “physician’s aide”.

24 **(D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A**
25 **PERSON WHO VIOLATES THIS SECTION IS:**

26 **(I) GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO A**
27 **FINE NOT EXCEEDING \$10,000 OR IMPRISONMENT NOT EXCEEDING 5 YEARS OR**
28 **BOTH; AND**

29 **(II) SUBJECT TO A CIVIL FINE OF NOT MORE THAN \$50,000 TO**
30 **BE LEVIED BY A DISCIPLINARY PANEL.**

1 **(2) THE PROVISIONS OF PARAGRAPH (1) OF THIS SUBSECTION DO**
2 **NOT APPLY TO A FORMER LICENSEE WHO HAS FAILED TO RENEW A LICENSE UNDER**
3 **§ 14-306 OF THIS TITLE IF:**

4 **(I) LESS THAN 60 DAYS HAVE ELAPSED SINCE THE EXPIRATION**
5 **OF THE LICENSE; AND**

6 **(II) THE FORMER LICENSEE HAS APPLIED FOR LICENSE**
7 **REINSTATEMENT, INCLUDING PAYMENT OF THE REINSTATEMENT FEE.**

8 **(3) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER THIS**
9 **SECTION INTO THE BOARD OF PHYSICIANS FUND.**

10 14-5A-01.

11 (a) In this subtitle the following words have the meanings indicated.

12 (c) “Committee” means the Respiratory Care [Professional Standards]
13 **ADVISORY** Committee established under § 14-5A-05 of this subtitle.

14 14-5A-05.

15 There is a Respiratory Care [Professional Standards] **ADVISORY** Committee within
16 the Board.

17 14-5A-06.

18 **(E) A QUORUM OF THE COMMITTEE CONSISTS OF FOUR MEMBERS.**

19 14-5A-09.

20 [(a) To qualify for a license, an applicant shall be an individual who meets the
21 requirements of this section.

22 (b) The applicant shall be of good moral character.

23 (c) The applicant shall be at least 18 years old.

24 (d) The applicant] **TO QUALIFY FOR A LICENSE, IN ADDITION TO THE**
25 **REQUIREMENTS UNDER § 14-301 OF THIS TITLE, AN APPLICANT shall[:**

26 (1) Meet] **MEET** any educational, training, or examination requirements
27 established by the Board including:

1 [(i)] (1) Graduation from an appropriate educational program as
2 determined by the Board; and

3 [(ii)] (2) Certification by a national certifying board approved by
4 the Board[; and

5 (2) Demonstrate oral and written competency in English as required by the
6 Board].

7 [(e) The applicant shall complete a criminal history records check in accordance
8 with § 14–308.1 of this title.]

9 14–5A–17.

10 (a) Subject to the hearing provisions of § 14–405 of this title, a disciplinary panel,
11 on the affirmative vote of a majority of a quorum of the disciplinary panel, may [deny a
12 license to any applicant,] reprimand any licensee, place any licensee on probation, or
13 suspend or revoke a license, if the [applicant or] licensee:

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

16 (2) Fraudulently or deceptively uses a license;

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

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

20 (5) Abandons a patient;

21 (6) Is habitually intoxicated;

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

24 (8) Provides professional services while:

25 (i) Under the influence of alcohol; or

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

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

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

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

6 (12) Breaches patient confidentiality;

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

11 (14) Knowingly makes a misrepresentation while practicing respiratory
12 care;

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

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

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

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

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

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

29 (ii) Has:

30 1. Surrendered the license issued by the state or country; or

31 2. Allowed the license issued by the state or country to expire
32 or lapse;

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

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

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

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

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

13 (26) Fails to cooperate with a lawful investigation conducted by the Board
14 or a disciplinary panel;

15 (27) Fails to practice under the supervision of a physician or violates a
16 supervisory order of a supervising physician; or

17 (28) Fails to complete a criminal history records check under [§ 14–308.1] §
18 **14–302** of this title.

19 14–5B–05.

20 **(F) A QUORUM OF THE COMMITTEE CONSISTS OF FIVE MEMBERS.**

21 14–5B–07.

22 (a) (2) The failure of a licensed physician to properly supervise a licensee is
23 unprofessional conduct in the practice of medicine under [§ 14–404(a)(3)] § **14–515(A)(3)**
24 of this title.

25 14–5B–09.

26 (a) [To qualify for a license, an applicant shall be an individual who meets the
27 requirements of this section.

28 (b)] Except as provided in subsection [(c)] **(B)** of this section, [the] **TO QUALIFY**
29 **FOR A LICENSE, IN ADDITION TO THE REQUIREMENTS UNDER § 14–301 OF THIS**
30 **TITLE, AN** applicant shall[:

31 (1) Be of good moral character;

1 (2) Be at least 18 years old;

2 (3) Demonstrate oral and written competency in English as required by the
3 Board;

4 (4) ~~Meet~~ **MEET** any educational, training, or examination requirements
5 established by the Board, including:

6 [(i)] **(1)** Graduation from an appropriate educational program as
7 determined by the Board; and

8 [(ii)] **(2)** Certification; and

9 (5) Complete a criminal history records check in accordance with §
10 14–308.1 of this title].

11 [(c)] **(B)** To qualify for a license to practice as a radiologist assistant, an
12 applicant shall:

13 (1) Be issued a general license to perform radiography;

14 (2) Complete an advanced academic program with a nationally recognized
15 radiology curriculum that results in a baccalaureate degree, post baccalaureate certificate,
16 or graduate degree and incorporates a radiologist–directed clinical preceptorship;

17 (3) Be certified in advanced cardiac life support; and

18 (4) Be certified as a radiologist assistant by the American Registry of
19 Radiologic Technologists.

20 [(d)] **(C)** Except for requirements adopted by the Board for license renewal under
21 [§ 14–5B–12 of this subtitle] **§ 14–306 OF THIS TITLE**, nothing in this subtitle may be
22 construed to require an individual who is certified by the Board as a radiation
23 oncology/therapy technologist, medical radiation technologist, or nuclear medicine
24 technologist as of October 1, 2008, to meet additional education, training, or examination
25 requirements.

26 14–5B–11.

27 (a) Licensure as a radiation therapist authorizes an individual to practice
28 radiation therapy **IN THE STATE** while the license is effective.

29 (b) Licensure as a radiographer authorizes an individual to practice radiography
30 **IN THE STATE** while the license is effective.

1 (c) Licensure as a nuclear medicine technologist authorizes an individual to
2 practice nuclear medicine technology **IN THE STATE** while the license is effective.

3 (d) Licensure as a radiologist assistant authorizes an individual to practice
4 radiology assistance **IN THE STATE** while the license is effective.

5 14-5B-14.

6 (a) Subject to the hearing provisions of § 14-405 of this title, a disciplinary panel,
7 on the affirmative vote of a majority of the quorum of the disciplinary panel, may [deny a
8 license to any applicant,] reprimand any licensee, place any licensee on probation, or
9 suspend or revoke a license, if the [applicant or] licensee:

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

12 (2) Fraudulently or deceptively uses a license;

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

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

16 (5) Abandons a patient;

17 (6) Is habitually intoxicated;

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

20 (8) Provides professional services while:

21 (i) Under the influence of alcohol; or

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

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

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

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

1 (12) Breaches patient confidentiality;

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

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

8 (15) Knowingly practices radiation therapy, radiography, nuclear medicine
9 technology, or radiology assistance with an unauthorized individual or aids an
10 unauthorized individual in the practice of radiation therapy, radiography, nuclear medicine
11 technology, or radiology assistance;

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

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

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

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

24 (20) (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 would
26 be grounds for disciplinary action under the Board's disciplinary statutes; and

27 (ii) Has:

28 1. Surrendered the license issued by the state or country; or

29 2. Allowed the license issued by the state or country to expire
30 or lapse;

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

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

3 (23) Practices or attempts to practice beyond the authorized scope of
4 practice;

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

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

13 (26) Fails to cooperate with a lawful investigation conducted by the Board
14 or a disciplinary panel;

15 (27) Fails to practice under the supervision of a physician or violates a
16 supervisory order of a supervising physician; or

17 (28) Fails to complete a criminal history records check under [§ 14–308.1] §
18 **14–302** of this title.

19 14–5C–01.

20 (a) In this subtitle the following words have the meanings indicated.

21 (c) “Committee” means the Polysomnography [Professional Standards]
22 **ADVISORY** Committee established under § 14–5C–05 of this subtitle.

23 14–5C–05.

24 There is a Polysomnography [Professional Standards] **ADVISORY** Committee within
25 the Board.

26 14–5C–06.

27 **(E) A QUORUM OF THE COMMITTEE CONSISTS OF FOUR MEMBERS.**

28 14–5C–08.

29 (b) This section does not apply to a student enrolled in an education program
30 under [§ 14–5C–09(c)(3)] § **14–5C–09(3)** of this subtitle while practicing polysomnography
31 in that program.

1 14-5C-09.

2 [(a) To qualify for a license, an applicant shall be an individual who meets the
3 requirements of this section.

4 (b) The applicant shall:

5 (1) Be of good moral character;

6 (2) Be at least 18 years old; and

7 (3) Complete a criminal history records check in accordance with §
8 14-308.1 of this title.

9 (c) **An] TO QUALIFY FOR A LICENSE, IN ADDITION TO THE REQUIREMENTS**
10 **SET FORTH IN § 14-301 OF THIS TITLE, AN** applicant for a polysomnographic technologist
11 license shall:

12 (1) Have passed the national certifying examination given by the Board of
13 Registered Polysomnographic Technologists or another examination approved by the
14 Board;

15 (2) Submit to the Board proof of certification as a registered
16 polysomnographic technologist or other national certification approved by the Board;

17 (3) (i) 1. Have graduated from a polysomnographic educational
18 program that is accredited by the Commission on Accreditation of Allied Health Education
19 Programs; or

20 2. A. Have graduated from a sleep technologist
21 educational program that is accredited by the American Academy of Sleep Medicine; and

22 B. Have completed a clinical component of an educational
23 program as established by the Committee and approved by the Board;

24 (ii) 1. Have graduated from a respiratory care educational
25 program that is accredited by the Commission on Accreditation of Allied Health Education
26 Programs; and

27 2. Have completed the Committee on Accreditation for
28 Respiratory Care's curriculum for a polysomnography certificate that is accredited by the
29 Commission on Accreditation of Allied Health Education Programs; or

30 (iii) 1. Have graduated from an electroneuro-diagnostic
31 educational program that is accredited by the Commission on Accreditation of Allied Health
32 Education Programs; and

1 2. Have completed additional units, modules, and courses of
2 instruction focused on polysomnographic technology that are accredited by the Commission
3 on Accreditation of Allied Health Education Programs; and

4 (4) Meet any other educational or clinical requirements established by the
5 Committee and approved by the Board.

6 14-5C-10.

7 **[(a)]** The Board shall waive the education requirement under **[§ 14-5C-09(c)(3)] §**
8 **14-5C-09(3)** of this subtitle if on or before September 30, 2013, an individual:

9 (1) Has passed the national certifying examination by the Board of
10 Registered Polysomnographic Technologists or another examination approved by the
11 Board;

12 (2) Is certified by the Board of Registered Polysomnographic Technologists
13 as a registered polysomnographic technologist;

14 (3) Has submitted an application for licensure to the Board; and

15 (4) Meets all of the requirements under **[§ 14-5C-09(b) and (c)(1) and (2)]**
16 **§ 14-301(B), (C), AND (D) OF THIS TITLE AND § 14-5C-09(1) AND (2)** of this subtitle.

17 **[(b)]** (1) If an individual has not satisfied the requirements under subsection (a)
18 of this section on or before September 30, 2013, the individual may petition the Board for
19 an extension.

20 (2) The Board shall determine whether to grant an extension under this
21 subsection on a case-by-case basis.]

22 14-5C-17.

23 (a) Subject to the hearing provisions of § 14-405 of this title, a disciplinary panel,
24 on the affirmative vote of a majority of a quorum of the disciplinary panel, may **[deny a**
25 **license to any applicant,]** reprimand any licensee, place any licensee on probation, or
26 suspend or revoke a license, if the **[applicant or]** licensee:

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

29 (2) Fraudulently or deceptively uses a license;

30 (3) Is guilty of unprofessional or immoral conduct in the practice of
31 polysomnography;

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

2 (5) Abandons a patient;

3 (6) Is habitually intoxicated;

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

6 (8) Provides professional services while:

7 (i) Under the influence of alcohol; or

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

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

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

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

18 (12) Breaches patient confidentiality;

19 (13) Pays or agrees to pay any sum or provide any form of remuneration or
20 material benefit to any person for bringing or referring a patient or accepts or agrees to
21 accept any sum or any form of remuneration or material benefit from an individual for
22 bringing or referring a patient;

23 (14) Knowingly makes a misrepresentation while practicing
24 polysomnography;

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

27 (16) Knowingly delegates a polysomnographic duty to an unlicensed
28 individual;

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

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

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

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

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

13 (ii) Has:

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

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

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

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

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

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

27 (26) Practices or attempts to practice a polysomnography procedure or uses
28 or attempts to use polysomnography equipment if the applicant or licensee has not received
29 education and training in the performance of the procedure or the use of the equipment;

30 (27) Fails to cooperate with a lawful investigation conducted by the Board;
31 or

32 (28) Fails to complete a criminal history records check under [§ 14-308.1] §
33 14-302 of this title.

1 14-5D-05.

2 (F) A QUORUM OF THE COMMITTEE CONSISTS OF SIX MEMBERS.

3 14-5D-07.

4 (b) This section does not apply to:

5 (1) An individual employed by the federal government as an athletic
6 trainer while the individual is practicing within the scope of that employment;

7 (2) An individual employed by or under contract with an entity located in
8 another state who represents that entity:

9 (i) At an athletic event in the State;

10 (ii) For a period of time not to exceed 45 days within a calendar year;
11 and

12 (iii) By providing athletic training services to individuals
13 representing the entity at the event; or

14 (3) A student enrolled in an education program that meets the criteria of
15 [§ 14-5D-08(c)(2)] § 14-5D-08(A)(2) of this subtitle while engaged in an unpaid, clinical
16 educational experience of athletic training.

17 14-5D-08.

18 [(a) To qualify for a license, an applicant shall be an individual who meets the
19 requirements of this section.

20 (b) The applicant shall:

21 (1) Be of good moral character;

22 (2) Be at least 18 years old; and

23 (3) Complete a criminal history records check in accordance with §
24 14-308.1 of this title.]

25 [(c) (A) [The] TO QUALIFY FOR A LICENSE, IN ADDITION TO THE
26 REQUIREMENTS UNDER § 14-301 OF THIS TITLE, AN applicant shall:

27 (1) Have a current certification by a national certifying board approved by
28 the Board; AND

1 (2) Have received a bachelor's or master's degree from an athletic training
2 educational program that is accredited by the Commission on Accreditation of Athletic
3 Training Education or its successor[;

4 (3) Demonstrate oral and written competency in English as required by the
5 Board; and

6 (4) Meet any other requirements established by the Board].

7 **[(d) (B)]** The Board shall waive the education requirements under this section if
8 an individual was certified by the National Athletic Trainers' Association Board of
9 Certification, Inc., on or before October 1, 2012, and is currently in good standing.

10 14-5D-10.

11 (a) An athletic trainer license authorizes the licensee to practice athletic training
12 services **IN THE STATE** while the license is effective.

13 14-5D-14.

14 (a) Subject to the hearing provisions of § 14-405 of this title, a disciplinary panel,
15 on the affirmative vote of a majority of a quorum of the disciplinary panel, may **[deny a**
16 **license to any applicant,]** reprimand any licensee, place any licensee on probation, or
17 suspend or revoke a license, if the **[applicant or]** licensee:

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

20 (2) Fraudulently or deceptively uses a license;

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

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

24 (5) Abandons a patient;

25 (6) Habitually is intoxicated;

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

28 (8) Provides professional services while:

29 (i) Under the influence of alcohol; or

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

4 (9) Promotes the sale of services, drugs, devices, appliances, or goods to a
5 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 athletic
7 training;

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

11 (12) Breaches patient confidentiality;

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

16 (14) Knowingly makes a misrepresentation while practicing athletic
17 training;

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

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

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

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

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

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

33 (ii) Has:

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

2 2. Allowed the license issued by the state or country to expire

3 or lapse;

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

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

8 (23) Practices or attempts to practice beyond the authorized scope of
9 practice;

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

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

16 (26) Fails to cooperate with a lawful investigation conducted by the Board
17 or a disciplinary panel;

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

20 (28) Violates an order of the Board or a disciplinary panel, including any
21 condition of probation; or

22 (29) Fails to complete a criminal history records check under [§ 14–308.1] §
23 **14–302** of this title.

24 14–5E–01.

25 (a) In this subtitle the following words have the meanings indicated.

26 (g) “Student” means an individual who, in accordance with [§ 14–5E–09(c)] §
27 **14–5E–09** of this subtitle, is:

28 (1) Enrolled in an accredited educational program to qualify for a license
29 under this subtitle; and

30 (2) Performing perfusion services within the accredited program under the
31 supervision of a licensed perfusionist and without compensation.

1 14-5E-06.

2 (E) A QUORUM OF THE COMMITTEE CONSISTS OF FOUR MEMBERS.

3 14-5E-08.

4 (b) This section does not apply to a student enrolled in an education program
5 under [§ 14-5E-09(c)(2)] § 14-5E-09(2) of this subtitle while practicing perfusion in that
6 program.

7 14-5E-09.

8 [(a) To qualify for a license, an applicant shall be an individual who meets the
9 requirements of this section.

10 (b) The applicant shall:

11 (1) Be of good moral character;

12 (2) Be at least 18 years old; and

13 (3) Complete a criminal history records check in accordance with §
14 14-308.1 of this title.

15 (c) An] **TO QUALIFY FOR A LICENSE, IN ADDITION TO THE REQUIREMENTS**
16 **UNDER § 14-301 OF THIS TITLE, AN** applicant for a license to practice perfusion shall:

17 (1) (i) Submit to the Board satisfactory evidence of certification as a
18 certified perfusionist or other national certification approved by the Board; and

19 (ii) Meet any other educational or clinical requirements established
20 by the Committee and approved by the Board; or

21 (2) (i) Submit to the Board satisfactory evidence of graduation from a
22 perfusion educational program that is accredited by the Commission on Accreditation of
23 Allied Health Education Programs, or the Commission's predecessor or successor; and

24 (ii) Meet any other educational or clinical requirements established
25 by the Committee and approved by the Board.

26 14-5E-10.

27 (a) Except as provided in subsection (b) of this section, an applicant who
28 otherwise qualifies for a license under [§ 14-5E-09(c)(2)] § 14-5E-09(2) of this subtitle is
29 entitled to be licensed for a single 2-year term before taking the national certifying

1 examination given by the American Board of Cardiovascular Perfusion or its successor
2 organization or another examination given or approved by the Board.

3 14-5E-13.

4 [(a) (1) A license expires on a date set by the Board, unless the license is
5 renewed for an additional term as provided in this section.

6 (2) The term of a license issued by the Board may not exceed 3 years.

7 (b) At least 1 month before a license expires, the Board shall send to the licensed
8 perfusionist a renewal notice that states:

9 (1) The date on which the current license expires;

10 (2) The date by which the renewal application must be received by the
11 Board for the renewal to be issued and sent before the license expires;

12 (3) The amount of the renewal fee; and]

13 [(4) (A) For licensees who qualified for an initial license under [§
14 14-5E-09(c)(2)] § 14-5E-09(2) of this subtitle, **THE NOTIFICATION SENT TO**
15 **LICENSEES UNDER § 14-306(B) OF THIS TITLE SHALL INCLUDE A STATEMENT** that
16 the licensee must submit satisfactory evidence of a passing score on the examination as
17 required under subsection [(c)(2)] (B) of this section.

18 [(c) (1) Except as otherwise provided in this subtitle, before a license expires,
19 the licensed perfusionist periodically may renew it for an additional term, if the licensee:

20 (i) Otherwise is entitled to be licensed;

21 (ii) Is of good moral character;

22 (iii) Pays to the Board a renewal fee set by the Board; and

23 (iv) Except as provided in paragraph (2) of this subsection, submits
24 to the Board:

25 1. A renewal application on the form that the Board requires;
26 and

27 2. Satisfactory evidence of compliance with any continuing
28 education or competency requirements and other requirements set under this section for
29 license renewal.]

1 ~~[(2)] (B)~~ A licensee who qualified for an initial license under ~~[\S~~
2 ~~14-5E-09(c)(2)] § 14-5E-09(2)~~ of this subtitle shall submit to the Board satisfactory
3 evidence of a passing score on the national certifying examination given by the American
4 Board of Cardiovascular Perfusion or its successor organization or another examination
5 given or approved by the Board.

6 ~~[(d)~~ In addition to any other qualifications and requirements established by the
7 Board, the Board shall establish continuing education or competency requirements as a
8 condition of the renewal of a license under this section.]

9 ~~[(e)] (C)~~ (1) The Board shall renew the license of each licensee who meets the
10 requirements of this section **AND § 14-306 OF THIS TITLE.**

11 (2) The Board may not renew the license of a licensee who fails to submit
12 satisfactory evidence of a passing score on the examination as required under subsection
13 ~~[(c)(2)] (B)~~ of this section.

14 ~~[(f)~~ The Board shall reinstate the license of an individual who has failed to renew
15 the license for any reason if the individual:

16 (1) Applies for reinstatement after the date the license expires;

17 (2) Meets the renewal requirements of this section; and

18 (3) Pays to the Board the reinstatement fee set by the Board.

19 (g) (1) Beginning October 1, 2016, the Board shall require a criminal history
20 records check in accordance with § 14-308.1 of this title for:

21 (i) Renewal applicants as determined by regulations adopted by the
22 Board; and

23 (ii) Each former licensee who files for reinstatement under
24 subsection (f) of this section.

25 (2) On receipt of the criminal history record information of a licensee
26 forwarded to the Board in accordance with § 14-308.1 of this title, in determining whether
27 disciplinary action should be taken, based on the criminal history record information,
28 against a licensee who renewed or reinstated a license, the Board shall consider:

29 (i) The age at which the crime was committed;

30 (ii) The nature of the crime;

31 (iii) The circumstances surrounding the crime;

- 1 (iv) The length of time that has passed since the crime;
- 2 (v) Subsequent work history;
- 3 (vi) Employment and character references; and
- 4 (vii) Other evidence that demonstrates whether the licensee poses a
5 threat to the public health or safety.

6 (3) The Board may renew or reinstate a license only if the licensee or
7 applicant attests that the licensee or applicant has submitted to a criminal history records
8 check under § 14-308.1 of this title.

9 (h) A disciplinary panel may impose a civil penalty of up to \$100 per continuing
10 education credit in lieu of a sanction under § 14-5E-16 of this subtitle, for a first offense
11 for failure of a licensee to obtain the continuing education credits required by the Board.]

12 14-5E-14.

13 [(a) (1) A licensed perfusionist shall notify the Board in writing of a change in
14 name or address within 60 days after the change.

15 (2) A licensed perfusionist who fails to comply with the requirements of
16 paragraph (1) of this subsection is subject to an administrative penalty of \$100.]

17 [(b)] Each licensed perfusionist shall:

18 (1) Keep a copy of the license in the licensee's employment file; and

19 (2) Make the license available for inspection on request.

20 14-5E-16.

21 (a) Subject to the hearing provisions of § 14-405 of this title, a disciplinary panel,
22 on the affirmative vote of a majority of the quorum of the disciplinary panel, may [deny a
23 license to any applicant,] reprimand any licensee, place any licensee on probation, or
24 suspend or revoke a license, if the [applicant or] licensee:

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

27 (2) Fraudulently or deceptively uses a license;

28 (3) Is guilty of unprofessional or immoral conduct in the practice of
29 perfusion;

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

1 States uniformed services or the U.S. Department of Veterans Affairs for an act that would
2 be grounds for disciplinary action under the Board's disciplinary statutes;

3 (19) Fails to meet appropriate standards for the delivery of perfusion
4 services;

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

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

10 (ii) Has:

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

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

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

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

19 (24) Practices or attempts to practice beyond the authorized scope of
20 practice;

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

24 (26) Practices or attempts to practice a perfusion procedure or uses or
25 attempts to use perfusion equipment if the applicant or licensee has not received education
26 and training in the performance of the procedure or the use of the equipment;

27 (27) Fails to cooperate with a lawful investigation of the Board or a
28 disciplinary panel; or

29 (28) Fails to complete a criminal history records check under [§ 14–308.1] §
30 **14–302** of this title.

31 14–5F–07.

32 (G) **A QUORUM OF THE COMMITTEE CONSISTS OF THREE MEMBERS.**

1 14-5F-11.

2 (a) **[To] IN ADDITION TO THE REQUIREMENTS UNDER § 14-301 OF THIS**
3 **TITLE, TO** qualify for a license, an [applicant shall be an individual who meets the
4 requirements of this section.

5 (b) The applicant shall be of good moral character.

6 (c) The] applicant shall be at least 21 years old.

7 **[(d)] (B)** Except as provided in § 14-5F-12 of this subtitle, the applicant shall:

8 (1) Have a doctorate in naturopathic medicine from an approved
9 naturopathic medical program; and

10 (2) Pass the competency-based national naturopathic licensing
11 examination Part I and Part II administered by the North American Board of Naturopathic
12 Examiners, or its successor agency that has been nationally recognized to administer a
13 naturopathic examination that represents federal standards of education and training.

14 **[(e)] (C)** An applicant shall be physically and mentally capable of safely
15 practicing naturopathic medicine with or without reasonable accommodation.

16 **[(f)] (D)** If an applicant is licensed, certified, or registered to practice
17 naturopathic medicine or any other health occupation in another state, the applicant shall
18 be in good standing with the applicable state licensing, certification, or registration
19 authority.

20 **[(g)]** An applicant shall complete a criminal history records check in accordance
21 with § 14-308.1 of this title.]

22 14-5F-12.

23 To apply for a license, an applicant shall:

24 **[(1)]** Complete a criminal history records check in accordance with §
25 14-308.1 of this title;

26 (2) Submit an application to the Board on a form that the Board requires;

27 (3) Pay to the Board an application fee set by the Board;]

28 **[(4)] (1)** If the applicant has been licensed, certified, or registered to
29 practice naturopathic medicine in another state, submit all evidence relating to:

1 (i) Any disciplinary action taken or any administrative penalties
2 assessed against the applicant by the appropriate state licensing, certification, or
3 registration authority; and

4 (ii) Any consent agreements the applicant entered into that contain
5 conditions placed on the applicant's professional conduct and practice, including any
6 voluntary surrender of a license;

7 ~~[(5)] (2)~~ Complete and submit to the Board a Board-approved written
8 attestation that:

9 (i) States that the applicant has a collaboration and consultation
10 agreement with a physician licensed under this article;

11 (ii) Includes the name and license number of the physician with
12 whom the applicant has a collaboration and consultation agreement;

13 (iii) States that the applicant will refer patients to and consult with
14 physicians and other health care providers licensed or certified under this article as needed;
15 and

16 (iv) States that the applicant will require patients to sign a consent
17 form that states that the applicant's practice of naturopathic medicine is limited to the
18 scope of practice identified in § 14-5F-14 of this subtitle; and

19 ~~[(6)] (3)~~ Inform the physician named in the attestation that the physician
20 has been named.

21 14-5F-15.

22 [(a) (1) The term of a license issued by the Board may not exceed 3 years.

23 (2) A license expires on a date set by the Board, unless the license is
24 renewed as provided in this section.

25 (b) At least 1 month before the license expires, the Board shall send to the licensee
26 a renewal notice that states:

27 (1) The date on which the current license expires;

28 (2) The date by which the renewal application must be received by the
29 Board for the renewal to be issued and mailed before the license expires; and

30 (3) The amount of the renewal fee.

31 (c) The Board shall renew the license of a licensee who:

- 1 (1) Submits a renewal application on the form that the Board requires;
- 2 (2) Is of good moral character;
- 3 (3) Pays a renewal fee set by the Board;
- 4 (4) Is otherwise entitled to be licensed;
- 5 (5) Meets the continuing education requirements adopted by the Board;

6 and

7 (6) Provides] **IN ADDITION TO MEETING THE LICENSE RENEWAL**
8 **REQUIREMENTS UNDER § 14-306 OF THIS TITLE, THE LICENSEE SHALL PROVIDE**
9 evidence of biennial cardiopulmonary resuscitation certification.

10 [(d) (1) Beginning October 1, 2016, the Board shall require a criminal history
11 records check in accordance with § 14-308.1 of this title for:

12 (i) Renewal applicants as determined by regulations adopted by the
13 Board; and

14 (ii) Each former licensee who files for reinstatement under §
15 14-5F-16(b) of this subtitle.

16 (2) On receipt of the criminal history record information of a licensee
17 forwarded to the Board in accordance with § 14-308.1 of this title, in determining whether
18 disciplinary action should be taken, based on the criminal history record information,
19 against a licensee who renewed or reinstated a license, the Board shall consider:

20 (i) The age at which the crime was committed;

21 (ii) The nature of the crime;

22 (iii) The circumstances surrounding the crime;

23 (iv) The length of time that has passed since the crime;

24 (v) Subsequent work history;

25 (vi) Employment and character references; and

26 (vii) Other evidence that demonstrates whether the licensee poses a
27 threat to the public health or safety.

28 (3) The Board may renew or reinstate a license only if the licensee or
29 applicant attests that the licensee or applicant has submitted to a criminal history records
30 check under § 14-308.1 of this title.

1 (e) A disciplinary panel may impose a civil penalty of up to \$100 per continuing
2 education credit in lieu of a sanction under § 14-5F-18 of this subtitle, for a first offense
3 for failure of a licensee to obtain the continuing education credits required by the Board.]

4 14-5F-16.

5 (a) [(1)] The Board may place a licensee on inactive status if the licensee
6 submits to the Board:

7 [(i)] (1) An application for inactive status on the form required by
8 the Board; and

9 [(ii)] (2) The inactive status fee set by the Board.

10 [(2)] (B) The Board shall issue a license to a naturopathic doctor who is
11 on inactive status if the individual is otherwise entitled to be licensed under this subtitle
12 and submits to the Board:

13 [(i)] (1) Satisfactory evidence of compliance with the requirements
14 of [§ 14-308.1] § 14-302 of this title;

15 [(ii)] (2) Satisfactory evidence of compliance with the continuing
16 education requirements the Board adopts for this purpose; and

17 [(iii)] (3) A reinstatement fee set by the Board.

18 [(b)] The Board shall reinstate the license of a naturopathic doctor who has failed
19 to renew the license for any reason if the naturopathic doctor:

20 (1) Meets the renewal requirements of § 14-5F-15 of this subtitle;

21 (2) Pays to the Board a reinstatement fee set by the Board; and

22 (3) Submits to the Board satisfactory evidence of compliance with the
23 qualifications and requirements adopted by the Board under this subtitle for license
24 reinstatements.]

25 14-5F-18.

26 (a) Subject to the hearing provisions of § 14-405 of this title, a disciplinary panel,
27 on the affirmative vote of a majority of a quorum of the disciplinary panel, may [deny a
28 license to any applicant,] reprimand any licensee, place any licensee on probation, or
29 suspend or revoke a license of any licensee if the [applicant or] licensee:

1 (1) Is habitually intoxicated, or is addicted to or habitually abuses any
2 narcotic or controlled dangerous substance, as defined in § 5–101 of the Criminal Law
3 Article, or any drug without a valid prescription or indication, or provides professional
4 services while under the influence of alcohol or using any narcotic or controlled dangerous
5 substance, as defined in § 5–101 of the Criminal Law Article;

6 (2) Has been found to be mentally incompetent by a physician if the mental
7 incompetence impairs the ability of the applicant or licensee to undertake the practice of
8 naturopathic medicine in a manner consistent with the safety of the public;

9 (3) Has entered into a consent agreement with or has been assessed an
10 administrative penalty by a licensing authority in another state;

11 (4) Fraudulently or deceptively obtains, attempts to obtain, or uses a
12 license for the applicant, the licensee, or another;

13 (5) Has a license revoked or suspended, or was otherwise acted against,
14 including the denial of licensure, by the licensing authority of another state;

15 (6) Uses false, deceptive, or misleading advertising;

16 (7) Advertises, practices, or attempts to practice under a name other than
17 the applicant's or licensee's own name;

18 (8) Aids, assists, employs, or advises any unlicensed individual to practice
19 naturopathic medicine in violation of this subtitle;

20 (9) Willfully makes or files a false report or record in the practice of
21 naturopathic medicine;

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

25 (11) Pays or receives any commission, bonus, kickback, or rebate, or engages
26 in any split-fee arrangement in any form with a licensed physician, organization, agency,
27 or other person, either directly or indirectly, for patients referred to health care providers;

28 (12) Exercises influence within a patient–doctor relationship for purposes of
29 engaging a patient in sexual activity;

30 (13) Engages in sexual misconduct with a patient;

31 (14) Fails to keep written medical records justifying the course of treatment
32 of a patient;

1 (15) Engages in an act or omission that does not meet generally accepted
2 standards of practice of naturopathic medicine or of safe care of patients, whether or not
3 actual injury to a patient is established;

4 (16) Delegates professional responsibilities to an individual when the
5 licensee delegating the responsibilities knows or has reason to know that the individual is
6 not qualified by training, experience, or licensure to perform the responsibilities;

7 (17) Promotes the sale of services, drugs, devices, appliances, or goods to a
8 patient so as to exploit the patient for financial gain;

9 (18) Breaches patient confidentiality;

10 (19) Is guilty of unprofessional or immoral conduct in the practice of
11 naturopathic medicine;

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

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

16 (22) Sells, prescribes, gives away, or administers drugs for illegal or
17 illegitimate purposes;

18 (23) Denies or discriminates against an individual with regard to the
19 provision of professional services for which the licensee is licensed and qualified to render
20 because the individual is HIV positive;

21 (24) Fails to cooperate with a lawful investigation of the Board;

22 (25) Abandons a patient;

23 (26) Violates any provision of this title or any regulation adopted by the
24 Board; or

25 (27) Fails to complete a criminal history records check under [§ 14–308.1] §
26 **14–302** of this title.

27 14–5F–21.

28 [(a) The Board shall give notice and hold a hearing in accordance with the
29 Administrative Procedure Act.

30 (b) The individual may be represented at the hearing by counsel.

1 (c) Over the signature of an officer or the administrator of the Board, the Board
2 or a disciplinary panel may issue subpoenas and administer oaths in connection with any
3 investigation under this subtitle and any hearings or proceedings before the Board or a
4 disciplinary panel.

5 (d) If, without lawful excuse, a person disobeys a subpoena from the Board or a
6 disciplinary panel or an order by the Board or a disciplinary panel to take an oath or to
7 testify or answer a question, then, on petition of the Board, a court of competent jurisdiction
8 may punish the person as for contempt of court.

9 (e) If, after due notice, the individual against whom the action is contemplated
10 fails or refuses to appear, the Board or a disciplinary panel may hear and determine the
11 matter.

12 (f) If, after a hearing **IN ACCORDANCE WITH THE ADMINISTRATIVE**
13 **PROCEDURE ACT**, an individual is found in violation of § 14-5F-18 of this subtitle, the
14 individual shall pay the costs of the hearing as specified in a regulation adopted by the
15 Board.

16 14-5F-24.

17 (c) A disciplinary panel may not reinstate a surrendered or revoked license that
18 has been surrendered or revoked for a period of more than 1 year unless the licensee:

19 (1) Meets the requirements for reinstatement as established under this
20 title; and

21 (2) Completes a criminal history records check in accordance with [§
22 14-308.1] **§ 14-302** of this title.

23 14-5G-09.

24 (a) To qualify for a license to practice genetic counseling, an applicant shall be an
25 individual who meets the requirements of this section **AND § 14-301 OF THIS TITLE**.

26 (b) [The applicant must be of good moral character.

27 (c) The applicant must be at least 18 years old.

28 (d) The applicant must be a graduate of an appropriate education program
29 approved by the Board.

30 [(e)] (C) Except as provided in subsection [(f)] (D) of this section, the applicant
31 shall submit to the Board satisfactory evidence of certification by a national certifying
32 organization approved by the Board.

1 [(f)] (D) If an applicant does not meet the requirement under subsection [(e)]
2 (C) of this section, the applicant may qualify for licensure if the applicant:

3 (1) Has worked as a genetic counselor for:

4 (i) At least 10 years before January 1, 2024; and

5 (ii) At least 5 consecutive years immediately preceding the date on
6 which the applicant submits the application for licensure;

7 (2) Has graduated from an education program approved by the Board;

8 (3) Submits to the Board three letters of recommendation from licensed
9 physicians who have been licensed for at least 5 years or certified genetic counselors eligible
10 for licensure and who:

11 (i) Have worked with the applicant in an employment or
12 professional setting for 3 years before the applicant submits the application for licensure;
13 and

14 (ii) Can attest to the applicant's competency in providing genetic
15 counseling services; and

16 (4) Applies for initial licensure on or before December 31, 2024.

17 [(g) The applicant shall complete a criminal history records check in accordance
18 with § 14-308.1 of this title.]

19 [(h)] (E) The applicant shall meet any additional education, training, or
20 examination requirements established by the Board.

21 14-5G-14.

22 (h) A supervised genetic counselor is subject to discipline under [§ 14-5G-19] §
23 ~~14-5G-18~~ of this subtitle to the same extent as a genetic counselor.

24 14-5G-17.

25 A disciplinary panel may issue a cease and desist order for[:

26 (1) Practicing genetic counseling without a license or with an unauthorized
27 person; or

28 (2) Supervising] SUPERVISING or aiding an unauthorized person in the
29 practice of genetic counseling.

1 14-5G-18.

2 (a) Subject to the hearing provisions of § 14-405 of this title, a disciplinary panel,
3 on the affirmative vote of a majority of the quorum of the disciplinary panel, may [deny a
4 license to any applicant,] reprimand any licensee, place any licensee on probation, or
5 suspend or revoke a license, if the [applicant or] licensee:

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

8 (2) Fraudulently or deceptively uses a license;

9 (3) Is guilty of unprofessional or immoral conduct while practicing genetic
10 counseling;

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

12 (5) Abandons a patient;

13 (6) Is habitually intoxicated;

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

16 (8) Provides professional services while:

17 (i) Under the influence of alcohol; or

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

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

23 (10) Willfully makes or files a false report or record in the practice of genetic
24 counseling;

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

28 (12) Breaches patient confidentiality;

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

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

3 (14) Knowingly makes a misrepresentation while practicing genetic
4 counseling;

5 (15) Knowingly practices genetic counseling with an unauthorized
6 individual or aids an unauthorized individual in practicing genetic counseling;

7 (16) Knowingly delegates a genetic counseling duty to an unlicensed
8 individual;

9 (17) Grossly overutilizes health care services;

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

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

16 (20) Fails to meet appropriate standards for the delivery of genetic
17 counseling services;

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

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

23 (ii) Has:

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

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

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

30 (24) Practices or attempts to practice beyond the authorized scope of
31 practice;

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

4 (26) Practices or attempts to practice genetic counseling procedures or uses
5 or attempts to use genetic assessments if the applicant or licensee has not received
6 education and training in the performance of the procedure or the use of the genetic
7 assessment;

8 (27) Fails to cooperate with a lawful investigation of the Board or a
9 disciplinary panel;

10 (28) Fails to complete a criminal history records check under [§ 14–308.1] §
11 **14–302** of this title; or

12 (29) Violates any provision of this title or any rule or regulation pertaining
13 to genetic counseling that is adopted by the Board, the State, or the federal government.

14 **SUBTITLE 5H. PHYSICIAN ASSISTANTS.**

15 14–5H–01.

16 (a) In this [title] **SUBTITLE** the following words have the meanings indicated.

17 [(d) “Board” means the State Board of Physicians, established under § 14–201 of
18 this article.]

19 [(e)] **(D)** “Committee” means the Physician Assistant Advisory Committee.

20 [(f)] **(E)** “Controlled dangerous substances” has the meaning stated in § 5–101
21 of the Criminal Law Article.

22 [(g)] **(F)** “Correctional facility” includes a State or local correctional facility.

23 [(h)] **(G)** “Delegated medical acts” means activities that constitute the practice
24 of medicine delegated by a physician under [Title 14 of this article] **THIS TITLE**.

25 [(i)] **(H)** “Delegation agreement” means a document that is executed by a
26 primary supervising physician and a physician assistant containing the requirements of [§
27 15–302] **§ 14–5H–08** of this [title] **SUBTITLE**.

28 [(i–1) “Disciplinary panel” means a disciplinary panel of the Board established
29 under § 14–401 of this article.]

1 **[(j)] (I)** “Dispense” or “dispensing” has the meaning stated in § 12–101 of this
2 article.

3 **[(k)] (J)** “Drug sample” means a unit of a prescription drug that is intended to
4 promote the sale of the drug and is not intended for sale.

5 **[(l)] (K)** “Hospital” means:

6 (1) A hospital as defined under § 19–301 of the Health – General Article;

7 (2) A comprehensive care facility that:

8 (i) Meets the requirements of a hospital–based skilled nursing
9 facility under federal law; and

10 (ii) Offers acute care in the same building; and

11 (3) An emergency room that is physically connected to a hospital or a
12 freestanding medical facility that is licensed under Title 19, Subtitle 3A of the Health –
13 General Article.

14 **[(m)] (L)** “License” means a license issued by the Board to a physician assistant
15 under this title.

16 **[(n)] (M)** “National certifying examination” means the Physician Assistant
17 National Certifying Examination administered by the National Commission on
18 Certification of Physician Assistants or its successor.

19 **[(o)] (N)** “Physician assistant” means an individual who is licensed under this
20 title to practice medicine with physician supervision.

21 **[(p)] (O)** “Practice as a physician assistant” means the performance of medical
22 acts that are:

23 (1) Delegated by a supervising physician to a physician assistant;

24 (2) Within the supervising physician’s scope of practice; and

25 (3) Appropriate to the physician assistant’s education, training, and
26 experience.

27 **[(q)] (P)** “Prescriptive authority” means the authority delegated by a primary or
28 alternate supervising physician to a physician assistant to:

29 (1) Prescribe and administer controlled dangerous substances, prescription
30 drugs, medical devices, and the oral, written, or electronic ordering of medications; and

1 (2) Dispense as provided under [§ 15–302.2(b), (c), and (d)] §
2 14–5H–10(B), (C), AND (D) of this [title] SUBTITLE.

3 [(r)] (Q) “Primary supervising physician” means a physician who:

4 (1) Completes a delegation agreement that meets the requirements under
5 [§§ 15–301(d) and (e) and 15–302] §§ 14–5H–07(D) AND (E) AND 14–5H–08 of this [title]
6 SUBTITLE and files a copy with the Board;

7 (2) Acts as the physician responsible to ensure that a physician assistant
8 practices medicine in accordance with this title and the regulations adopted under this title;

9 (3) Ensures that a physician assistant practices within the scope of practice
10 of the primary supervising physician or any designated alternate supervising physician;
11 and

12 (4) Ensures that a list of alternate supervising physicians is maintained at
13 the practice setting.

14 [(s)] (R) “Public health facility” means a site where clinical public health
15 services are rendered under the auspices of the Department, a local health department in
16 a county, or the Baltimore City Health Department.

17 [(t)] (S) “Starter dosage” means an amount of a drug sufficient to begin therapy:

18 (1) Of short duration of 72 hours or less; or

19 (2) Prior to obtaining a larger quantity of the drug to complete therapy.

20 [(u)] (T) (1) “Supervision” means the responsibility of a physician to exercise
21 on–site supervision or immediately available direction for physician assistants performing
22 delegated medical acts.

23 (2) “Supervision” includes physician oversight of and acceptance of direct
24 responsibility for the patient services and care rendered by a physician assistant, including
25 continuous availability to the physician assistant in person, through written instructions,
26 or by electronic means and by designation of one or more alternate supervising physicians.

27 14–5H–02.

28 [(a)] A physician assistant may not practice within the scope of practice of any of
29 the following health occupations authorized under this article:

30 (1) Nursing;

- 1 (2) Optometry;
- 2 (3) Physical therapy; or
- 3 (4) Psychology.

4 [(b) This title does not limit the right of an individual to practice a health
5 occupation that the individual is authorized to practice under this article.]

6 14-5H-03.

7 (c) Except as otherwise provided under subsections (b) and (d) of this section, a
8 hospital, a related institution, an alternative health care system, or an employer of a
9 physician assistant shall report to the Board any limitation, reduction, or other change of
10 the terms of employment of the physician assistant or any termination of employment of
11 the physician assistant for any reason that might be grounds for disciplinary action under
12 ~~§ 15-314~~ **§ 14-5H-16** of this [title] SUBTITLE.

13 (d) A hospital, related institution, alternative health care system, or employer
14 that has reason to know that a physician assistant has committed an action or has a
15 condition that might be grounds for reprimand or probation of the physician assistant or
16 suspension or revocation of the license of the physician assistant under ~~§ 15-314~~ **§**
17 **14-5H-16** of this [title] SUBTITLE because the physician assistant is alcohol- or
18 drug-impaired is not required to report to the Board if:

19 (1) The hospital, related institution, alternative health care system, or
20 employer knows that the physician assistant is:

21 (i) In an alcohol or drug treatment program that is accredited by the
22 Joint Commission [on the Accreditation of Healthcare Organizations] or is certified by the
23 Department; or

24 (ii) Under the care of a health care practitioner who is competent
25 and capable of dealing with alcoholism and drug abuse;

26 (2) The hospital, related institution, alternative health care system, or
27 employer is able to verify that the physician assistant remains in the treatment program
28 until discharge; and

29 (3) The action or condition of the physician assistant has not caused injury
30 to any person while the physician assistant is practicing as a licensed physician assistant.

31 (e) (1) If the physician assistant enters, or is considering entering, an alcohol
32 or drug treatment program that is accredited by the Joint Commission [on Accreditation of
33 Healthcare Organizations] or that is certified by the Department, the physician assistant

1 shall notify the hospital, related institution, alternative health care system, or employer of
2 the physician assistant's decision to enter the treatment program.

3 14-5H-06.

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

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

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

10 (3) Report to the Board any conduct of a supervising physician or a
11 physician assistant that may be cause for disciplinary action under this [title] **SUBTITLE**
12 or under [§ 14-404 of this article] **§ 14-515 OF THIS TITLE**; and

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

15 14-5H-07.

16 (c) Patient services that may be provided by a physician assistant include:

17 (1) (i) Taking complete, detailed, and accurate patient histories; and

18 (ii) Reviewing patient records to develop comprehensive medical
19 status reports;

20 (2) Performing physical examinations and recording all pertinent patient
21 data;

22 (3) Interpreting and evaluating patient data as authorized by the primary
23 or alternate supervising physician for the purpose of determining management and
24 treatment of patients;

25 (4) Initiating requests for or performing diagnostic procedures as indicated
26 by pertinent data and as authorized by the supervising physician;

27 (5) Providing instructions and guidance regarding medical care matters to
28 patients;

29 (6) Assisting the primary or alternate supervising physician in the delivery
30 of services to patients who require medical care in the home and in health care institutions,
31 including:

- 1 (i) Recording patient progress notes;
- 2 (ii) Issuing diagnostic orders; and
- 3 (iii) Transcribing or executing specific orders at the direction of the
4 primary or alternate supervising physician; and
- 5 (7) Exercising prescriptive authority under a delegation agreement and in
6 accordance with [§ 15–302.2] **§ 14–5H–10** of this subtitle.

7 14–5H–08.

8 (c) (2) (ii) 1. Before a physician assistant may perform X–ray duties
9 authorized under [§ 14–306(e)] **§ 14–503(E)** of this [article] **TITLE** in the medical office of
10 the physician delegating the duties, a primary supervising physician shall obtain the
11 Board’s approval of a delegation agreement that includes advanced duties in accordance
12 with subparagraph 2 of this subparagraph.

13 (g) If the Board determines that a primary or alternate supervising physician or
14 physician assistant is practicing in a manner inconsistent with the requirements of this
15 title [or Title 14 of this article], the Board on its own initiative or on the recommendation
16 of the Committee may demand modification of the practice, withdraw the approval of the
17 delegation agreement, or refer the matter to a disciplinary panel for the purpose of taking
18 other disciplinary action under [§ 14–404 or § 15–314] **§ 14–5H–16 OF THIS SUBTITLE**
19 **OR § 14–515** of this [article] **TITLE**.

20 (k) Subject to the [notice] **NOTIFICATION** required under [§ 15–103] **§**
21 **14–5H–03** of this [title] **SUBTITLE**, a physician assistant may terminate a delegation
22 agreement filed with the Board under this subtitle at any time.

23 (l) (2) If there is no designated alternate supervising physician or the
24 designated alternate supervising physician does not agree to supervise the physician
25 assistant, the physician assistant may not practice until the physician assistant receives
26 approval of a new delegation agreement under [§ 15–302.1] **§ 14–5H–09** of this subtitle.

27 (m) A physician assistant whose delegation agreement is terminated may not
28 practice as a physician assistant until the physician assistant receives preliminary
29 approval of a new delegation agreement under [§ 15–302.1] **§ 14–5H–09** of this subtitle.

30 14–5H–09.

31 (a) If a delegation agreement does not include advanced duties or the advanced
32 duties have been approved under [§ 15–302(c)(1)] **§ 14–5H–08(C)(1)** of this subtitle, a
33 physician assistant may assume the duties under a delegation agreement on the date that
34 the Board acknowledges receipt of the completed delegation agreement.

1 (b) In this section, “pending” means that a delegation agreement that includes
2 delegation of advanced duties in a setting that does not meet the requirements under [§
3 15–302(c)(1)] **§ 14–5H–08(C)(1)** of this subtitle has been executed and submitted to the
4 Board for its approval, but:

5 (1) The Committee has not made a recommendation to the Board; or

6 (2) The Board has not made a final decision regarding the delegation
7 agreement.

8 14–5H–10.

9 (e) Before a physician assistant may renew a license for an additional 2–year
10 term under [§ 15–307] **§ 14–306** of this [subtitle] **TITLE**, the physician assistant shall
11 submit evidence to the Board of successful completion of 8 category 1 hours of pharmacology
12 education within the previous 2 years.

13 14–5H–12.

14 (a) **[To] IN ADDITION TO THE REQUIREMENTS UNDER § 14–301 OF THIS**
15 **TITLE, TO** qualify for a license, an applicant shall:

16 **[(1)] (1)** Complete a criminal history records check in accordance with §
17 14–308.1 of this article;

18 (2) Be of good moral character;

19 (3) Demonstrate oral and written competency in the English language as
20 required by the Board;

21 (4) Be at least 18 years old; and

22 (5) **(i) (1)** Be a graduate of a physician assistant training program
23 approved by the Board; or

24 **[(ii)] (2)** Have passed the physician assistant national certifying
25 examination administered by the National Commission on Certification of Physician
26 Assistants prior to 1986, maintained all continuing education and recertification
27 requirements, and been in continuous practice since passage of the examination.

28 14–5H–14.

29 **[(a)]** Each licensee shall keep a license and delegation agreement for inspection at
30 the primary place of business of the licensee.

1 **[(b) (1)]** Each licensee shall give the Board written notice of any change of name
2 or address within 60 days of the date of the change.

3 **(2)** A licensee who fails to comply with this subsection is subject to an
4 administrative penalty of \$100.]

5 14–5H–15.

6 **(a) [(1)]** Except as otherwise provided under § 10–226 of the State Government
7 Article, before the Board takes any action to reject or modify a delegation agreement or
8 advanced duty, the Board shall give the licensee the opportunity for a hearing before the
9 Board.

10 **[(2)] (B)** The Board shall give notice and hold the hearing under Title 10,
11 Subtitle 2 of the State Government Article.

12 **[(3)] (C)** The Board may administer oaths in connection with any
13 proceeding under this section.

14 **[(4)] (D)** At least 14 days before the hearing, the hearing notice shall be
15 sent to the last known address of the applicant or licensee.

16 **[(b)]** Any licensee aggrieved under this subtitle by a final decision of the Board
17 rejecting or modifying a delegation agreement or advanced duty may petition for judicial
18 review as allowed by the Administrative Procedure Act.]

19 14–5H–16.

20 **(a)** Subject to the hearing provisions of **[[§ 15–315] § 14–405]** of this **[subtitle]**
21 **TITLE**, a disciplinary panel, on the affirmative vote of a majority of the quorum, may
22 reprimand any physician assistant, place any physician assistant on probation, or suspend
23 or revoke a license if the physician assistant:

24 **(1)** Fraudulently or deceptively obtains or attempts to obtain a license for
25 the applicant or licensee or for another;

26 **(2)** Fraudulently or deceptively uses a license;

27 **(3)** Is guilty of:

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

29 **(ii)** Unprofessional conduct in the practice of medicine;

30 **(4)** Is professionally, physically, or mentally incompetent;

- 1 (5) Solicits or advertises in violation of [§ 14–503] § 14–5H–13 of this
2 [article] SUBTITLE;
- 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, as
10 defined in § 5–101 of the Criminal Law Article, or other drug that is in excess of therapeutic
11 amounts or without valid medical indication;
- 12 (10) Promotes the sale of drugs, devices, appliances, or goods to a patient so
13 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 law,
17 willfully impedes or obstructs the filing or recording of the report, or induces another to fail
18 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 referring a
25 patient or accepts or agrees to accept any sum from any person for bringing or referring a
26 patient;
- 27 (16) Agrees with a clinical or bioanalytical laboratory to make payments to
28 the laboratory for a test or test series for a patient, unless the licensed physician assistant
29 discloses on the bill to the patient or third–party payor:
- 30 (i) The name of the laboratory;
- 31 (ii) The amount paid to the laboratory for the test or test series; and

- 1 (iii) The amount of procurement or processing charge of the licensed
2 physician, if any, for each specimen taken;
- 3 (17) Makes a willful misrepresentation in treatment;
- 4 (18) Practices medicine with an unauthorized person or aids an
5 unauthorized person in the practice of medicine;
- 6 (19) Grossly overutilizes health care services;
- 7 (20) Offers, undertakes, or agrees to cure or treat disease by a secret
8 method, treatment, or medicine;
- 9 (21) Is disciplined by a licensing or disciplinary authority or convicted or
10 disciplined by a court of any state or country or disciplined by any branch of the United
11 States uniformed services or the Veterans' Administration for an act that would be grounds
12 for disciplinary action under this section;
- 13 (22) Fails to meet appropriate standards for the delivery of quality medical
14 and surgical care performed in an outpatient surgical facility, office, hospital, or any other
15 location in this State;
- 16 (23) Willfully submits false statements to collect fees for which services are
17 not provided;
- 18 (24) Was subject to investigation or disciplinary action by a licensing or
19 disciplinary authority or by a court of any state or country for an act that would be grounds
20 for disciplinary action under this section and the licensee:
- 21 (i) Surrendered the license issued by the state or country to the
22 state or country; or
- 23 (ii) Allowed the license issued by the state or country to expire or
24 lapse;
- 25 (25) Knowingly fails to report suspected child abuse in violation of § 5–704
26 of the Family Law Article;
- 27 (26) Fails to educate a patient being treated for breast cancer of alternative
28 methods of treatment as required by § 20–113 of the Health – General Article;
- 29 (27) Sells, prescribes, gives away, or administers drugs for illegal or
30 illegitimate medical purposes;
- 31 (28) Fails to comply with the provisions of § 12–102 of this article;

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

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

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

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

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

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

15 (32) Fails to display the notice required under [§ 14-415] § 14-519 of this
16 [article] TITLE;

17 (33) Fails to cooperate with a lawful investigation conducted by the Board
18 or a disciplinary panel;

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

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

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

29 (38) By corrupt means, threats, or force, hinders, prevents, or otherwise
30 delays any person from making information available to the Board or a disciplinary panel
31 in furtherance of any investigation of the Board or a disciplinary panel;

32 (39) Intentionally misrepresents credentials for the purpose of testifying or
33 rendering an expert opinion in hearings or proceedings before the Board or a disciplinary
34 panel or those otherwise delegated to the Office of Administrative Hearings;

1 (40) Fails to keep adequate medical records;

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

5 (42) Performs delegated medical acts without the supervision of a physician;

6 (43) Fails to complete a criminal history records check under [§ 14–308.1] §
7 **14–302** of this [article] TITLE;

8 (44) Fails to comply with the requirements of the Prescription Drug
9 Monitoring Program in Title 21, Subtitle 2A of the Health – General Article;

10 (45) Fails to comply with the requirements of the Prescription Drug
11 Monitoring Program under Title 21, Subtitle 2A of the Health – General Article; or

12 (46) Fails to comply with any State or federal law pertaining to the practice
13 as a physician assistant.

14 **(C) IF, AFTER A HEARING UNDER § 14–405 OF THIS TITLE, A DISCIPLINARY**
15 **PANEL FINDS THAT THERE ARE GROUNDS FOR DISCIPLINE UNDER SUBSECTION (A)**
16 **OF THIS SECTION TO SUSPEND OR REVOKE A LICENSE OF A PHYSICIAN ASSISTANT,**
17 **REPRIMAND A LICENSED PHYSICIAN ASSISTANT, OR PLACE THE LICENSED**
18 **PHYSICIAN ASSISTANT ON PROBATION, THE DISCIPLINARY PANEL MAY IMPOSE A**
19 **FINE SUBJECT TO THE BOARD’S REGULATIONS IN ADDITION TO SUSPENDING OR**
20 **REVOKING THE LICENSE, REPRIMANDING THE LICENSEE, OR PLACING THE**
21 **LICENSEE ON PROBATION.**

22 **(D) THE BOARD SHALL PAY ANY FINES COLLECTED UNDER THIS SECTION**
23 **INTO THE GENERAL FUND OF THE STATE.**

24 **(E) IN ADDITION TO ANY SANCTION AUTHORIZED UNDER THIS SUBTITLE, A**
25 **DISCIPLINARY PANEL MAY REQUIRE A LICENSEE TO COMPLY WITH SPECIFIED**
26 **TERMS AND CONDITIONS DETERMINED BY THE DISCIPLINARY PANEL.**

27 14–5H–21.

28 (a) A person who violates [§ 15–401 or § 15–402] § 14–5H–18 OR § 14–5H–19
29 of this subtitle:

30 (1) Is guilty of a misdemeanor and on conviction is subject to a fine not
31 exceeding \$5,000 or imprisonment not exceeding 5 years or both; and

1 (2) Shall lose licensure as a physician assistant under this title.

2 (b) (1) In addition to the penalties under subsection (a) of this section, a person
3 who violates [§ 15-401] § 14-5H-18 of this subtitle may be subject to a civil penalty
4 assessed by a disciplinary panel in an amount not exceeding \$5,000.

5 (2) In addition to the penalties under paragraph (1) of this subsection, a
6 person who violates [§ 15-309] § 14-5H-14 of this [title] SUBTITLE may be subject to a
7 civil penalty assessed by a disciplinary panel in an amount not exceeding \$100.

8 (3) The Board shall pay any civil penalty collected under this subsection
9 into the Board of Physicians Fund.

10 14-5H-22.

11 This [title] SUBTITLE may be cited as the “Maryland Physician Assistants Act”.

12 14-5H-23.

13 Subject to the evaluation and reestablishment provisions of the Maryland Program
14 Evaluation Act, this [title] SUBTITLE and all regulations adopted under this [title]
15 SUBTITLE shall terminate and be of no effect after July 1, 2030.

16 Article – Transportation

17 13-616.

18 (a) (1) In this subtitle the following words have the meanings indicated.

19 (7) “Licensed physician assistant” means an individual who is licensed
20 under Title [15] 14, SUBTITLE 5H of the Health Occupations Article to practice medicine
21 with physician supervision.

22 SECTION 4. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
23 as follows:

24 Article – Health Occupations

25 14-3A-01.

26 The Interstate Medical Licensure Compact is enacted into law and entered into with
27 all other states legally joining in it in the form substantially as it appears in this section as
28 follows:

29 SECTION 5. APPLICATION AND ISSUANCE OF EXPEDITED LICENSURE

1 (b) (3) (i) The member board within the state selected as the state of
2 principal license shall, in the course of verifying eligibility, require the applicant to obtain
3 a criminal background check as required under [§ 14–308.1] § 14–302 of this title,
4 including the use of the results of fingerprint or other biometric data checks compliant with
5 the requirements of the Federal Bureau of Investigation, with the exception of federal
6 employees who have suitability determination in accordance with U.S. C.F.R. § 731.202.

7 SECTION 5. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
8 as follows:

9 **Article – Tax – General**

10 10–752.

11 (a) (1) In this section the following words have the meanings indicated.

12 (3) “Health care practitioner” means an individual who:

13 (i) is licensed to practice medicine under Title 14 of the Health
14 Occupations Article;

15 (ii) is a physician assistant, as defined in [§ 15–101] § 14–5H–01 of
16 the Health Occupations Article; or

17 (iii) is a registered nurse practitioner, as defined in § 8–101 of the
18 Health Occupations Article.

19 (d) (7) The Fund consists of:

20 (i) revenue distributed to the Fund under [§ 15–206] § 14–207 of
21 the Health Occupations Article;

22 (ii) money appropriated in the State budget to the Fund; and

23 (iii) any other money from any other source accepted for the benefit
24 of the Fund.

25 SECTION 6. AND BE IT FURTHER ENACTED, That the publisher of the
26 Annotated Code of Maryland, in consultation with and subject to the approval of the
27 Department of Legislative Services, shall correct, with no further action required by the
28 General Assembly, cross–references and terminology rendered incorrect by this Act. The
29 publisher shall adequately describe any correction that is made in an editor’s note following
30 the section affected.

31 SECTION 7. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 2023. Section 4 of this Act shall remain effective until the taking effect of the
33 termination provision specified in Section 5 of Chapter 470 of the Acts of the General

1 Assembly of 2018. If that termination provision takes effect, Section 4 of this Act shall be
2 abrogated and of no further force and effect. Section 5 of this Act shall remain effective
3 until the taking effect of the termination provision specified in Section 6 of Chapters 153
4 and 154 of the Acts of the General Assembly of 2021. If that termination provision takes
5 effect, Section 5 of this Act shall be abrogated and of no further force and effect. This Act
6 may not be interpreted to have any effect on those termination provisions.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.