

HOUSE BILL 581

J2

7lr2367
CF 7lr2932

By: **Delegates Hill and Lam**

Introduced and read first time: January 30, 2017

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Medical Practice Act – Individuals Exempt From Licensure – Repeal**
3 **of Criminal History Records Check Requirement**

4 FOR the purpose of repealing the requirement that, in order to practice medicine without
5 a license while performing certain duties, a medical student or an individual in a
6 certain postgraduate medical training program must submit to a criminal history
7 records check in accordance with a certain provision of law; making a stylistic
8 change; making a conforming change; and generally relating to individuals exempt
9 from licensure under the Maryland Medical Practice Act.

10 BY repealing and reenacting, with amendments,
11 Article – Health Occupations
12 Section 14–302
13 Annotated Code of Maryland
14 (2014 Replacement Volume and 2016 Supplement)

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

17 **Article – Health Occupations**

18 14–302.

19 (a) Subject to the rules, regulations, and orders of the Board, the following
20 individuals may practice medicine without a license if the individuals submit to a criminal
21 history records check in accordance with § 14–308.1 of this subtitle:

22 [(1) A medical student or an individual in a postgraduate medical training
23 program that is approved by the Board, while doing the assigned duties at any office of a
24 licensed physician, hospital, clinic, or similar facility;]

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **[(2)] (1)** A physician licensed by and residing in another jurisdiction, if
2 the physician:

3 (i) Is engaged in consultation with a physician licensed in the State
4 about a particular patient and does not direct patient care; or

5 (ii) Meets the requirements of § 14–302.1 of this subtitle;

6 **[(3)] (2)** A physician employed in the service of the federal government
7 while performing the duties incident to that employment;

8 **[(4)] (3)** A physician who resides in and is authorized to practice medicine
9 by any state adjoining this State and whose practice extends into this State, if:

10 (i) The physician does not have an office or other regularly
11 appointed place in this State to meet patients; and

12 (ii) The same privileges are extended to licensed physicians of this
13 State by the adjoining state; and

14 **[(5)] (4)** An individual while under the supervision of a licensed physician
15 who has specialty training in psychiatry, and whose specialty training in psychiatry has
16 been approved by the Board, if the individual submits an application to the Board on or
17 before October 1, 1993, and either:

18 (i) 1. Has a master's degree from an accredited college or
19 university; and

20 2. Has completed a graduate program accepted by the Board
21 in a behavioral science that includes 1,000 hours of supervised clinical psychotherapy
22 experience; or

23 (ii) 1. Has a baccalaureate degree from an accredited college or
24 university; and

25 2. Has 4,000 hours of supervised clinical experience that is
26 approved by the Board.

27 (b) **THE FOLLOWING INDIVIDUALS MAY PRACTICE MEDICINE WITHOUT A**
28 **LICENSE AND WITHOUT SUBMITTING TO A CRIMINAL HISTORY RECORDS CHECK:**

29 **(1) SUBJECT TO THE RULES, REGULATIONS, AND ORDERS OF THE**
30 **BOARD, A MEDICAL STUDENT OR AN INDIVIDUAL IN A POSTGRADUATE MEDICAL**
31 **TRAINING PROGRAM THAT IS APPROVED BY THE BOARD, WHILE PERFORMING THE**

1 ASSIGNED DUTIES AT ANY OFFICE OF A LICENSED PHYSICIAN, HOSPITAL, CLINIC, OR
2 SIMILAR FACILITY; AND

3 (2) A physician licensed by and residing in another jurisdiction [may
4 practice medicine without a license and without submitting to a criminal history records
5 check] if the physician:

6 [(1)] (I) Has an active, unrestricted license to practice medicine in the
7 jurisdiction where the physician regularly engages in the practice of medicine;

8 [(2)] (II) Is employed by or has a written agreement with an athletic team
9 or a sports team based outside the State;

10 [(3)] (III) Is designated as the team physician by the athletic or sports team
11 to provide medical care to the team's members, band members, cheerleading squad, mascot,
12 coaches, and other staff who travel to a specified sporting event taking place in the State;

13 [(4)] (IV) While in the State, provides medical care only to individuals
14 listed in item [(3)] (III) of this [subsection] ITEM;

15 [(5)] (V) Does not provide medical care in the State for more than 45 days
16 in a calendar year; and

17 [(6)] (VI) Does not engage in the practice of medicine at a hospital, related
18 institution, or other health care facility, including an acute care facility, located within the
19 State.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2017.