

HOUSE BILL 507

J2

EMERGENCY BILL

3lr1116

By: ~~Delegate R. Lewis~~ Delegates R. Lewis, Alston, Bagnall, Bhandari, Chisholm, Cullison, Guzzone, Hill, S. Johnson, Kaiser, Kerr, Lopez, Martinez, M. Morgan, Pena-Melnyk, Reilly, Rosenberg, Szeliga, Taveras, White, and Woods

Introduced and read first time: January 30, 2023

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 5, 2023

CHAPTER _____

1 AN ACT concerning

2 **State Board of Physicians – ~~Graduate Registered Physicians – Licensure~~**
3 **Supervised Medical Graduates**

4 FOR the purpose of ~~establishing a licensing and regulatory system for graduate registered~~
5 ~~physicians under the State Board of Physicians; providing that an individual who,~~
6 ~~without authorization, practices, attempts to practice, or offers to practice as a~~
7 ~~graduate registered physician is guilty of a misdemeanor and subject to certain~~
8 ~~penalties~~ authorizing a supervised medical graduate to provide delegated duties
9 under direct supervision in accordance with regulations adopted by the State Board
10 of Physicians; and generally relating to the ~~licensure of graduate registered~~
11 physicians supervised medical graduates.

12 ~~BY repealing and reenacting, without amendments,~~
13 ~~Article – Health Occupations~~
14 ~~Section 14-101(a)~~
15 ~~Annotated Code of Maryland~~
16 ~~(2021 Replacement Volume and 2022 Supplement)~~

17 BY repealing and reenacting, with amendments,
18 Article – Health Occupations
19 Section ~~14-101(a-1)~~ 14-306
20 Annotated Code of Maryland

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.



(2021 Replacement Volume and 2022 Supplement)

~~BY adding to~~

~~Article – Health Occupations~~

~~Section 14-5H-01 through 14-5H-29 to be under the new subtitle “Subtitle 5H,~~

~~Graduate Registered Physicians”~~

~~Annotated Code of Maryland~~

~~(2021 Replacement Volume and 2022 Supplement)~~

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

Article – Health Occupations

~~14-101.~~

~~(a) In this title the following words have the meanings indicated:~~

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

~~SUBTITLE 5H. GRADUATE REGISTERED PHYSICIANS.~~

~~14-5H-01.~~

~~(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
INDICATED:~~

~~(B) “COMMITTEE” MEANS THE GRADUATE REGISTERED PHYSICIAN
ADVISORY COMMITTEE.~~

~~(C) “LICENSE” MEANS A LICENSE ISSUED BY THE BOARD TO PRACTICE AS A
GRADUATE REGISTERED PHYSICIAN.~~

~~(D) “LICENSED GRADUATE REGISTERED PHYSICIAN” MEANS AN~~

~~14-306.~~

(a) To the extent permitted by the rules, regulations, and orders of the Board, an
individual to whom duties are delegated by a licensed physician may perform those duties
without a license as provided in this section.

(b) The individuals to whom duties may be delegated under this section include
any individual authorized to practice any other health occupation regulated under this
article or § 13-516 of the Education Article.

1 (c) The Board shall adopt rules and regulations to delineate the scope of this
2 section. Before it adopts any rule or regulation under this section, the Board shall invite
3 and consider proposals from any individual or health group that could be affected by the
4 rule or regulation.

5 (d) (1) If a duty that is to be delegated under this section is a part of the
6 practice of a health occupation that is regulated under this article by another board, any
7 rule or regulation concerning that duty shall be adopted jointly by the Board of Physicians
8 and the board that regulates the other health occupation.

9 (2) If the two boards cannot agree on a proposed rule or regulation, the
10 proposal shall be submitted to the Secretary for a final decision.

11 (e) Except as otherwise provided in this section, an individual may perform
12 X-ray duties without a license only if the duties:

13 (1) Do not include:

14 (i) Computerized or noncomputerized tomography;

15 (ii) Fluoroscopy;

16 (iii) Invasive radiology;

17 (iv) Mammography;

18 (v) Nuclear medicine;

19 (vi) Radiation therapy; or

20 (vii) Xerography;

21 (2) Are limited to X-ray procedures of the:

22 (i) Chest, anterior-posterior and lateral;

23 (ii) Spine, anterior-posterior and lateral; or

24 (iii) Extremities, anterior-posterior and lateral, not including the
25 head; and

26 (3) Are performed:

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

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

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

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

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

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

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

B. Are performed pursuant to a Board-approved delegation
agreement that includes a request to perform advanced duties under § 15-302(c)(2) of this
article.

(f) (1) In accordance with regulations adopted by the Board, a licensed
physician may delegate duties to a registered cardiovascular invasive specialist assisting
in the physician's performance of fluoroscopy if:

(i) The delegated duties are limited to a cardiac catheterization
procedure performed in a hospital cardiac catheterization laboratory;

(ii) The physician is physically present and personally directs each
act performed by the registered cardiovascular invasive specialist;

(iii) The registered cardiovascular invasive specialist has completed
the training and education and has the experience required by regulations adopted by the
Board; and

(iv) The hospital in which the cardiac catheterization laboratory is
located has verified and documented that the registered cardiovascular invasive specialist
has completed the training and education and has the experience required by regulations
adopted by the Board.

(2) The hospital in which the cardiac catheterization laboratory is located
and the physician delegating duties to a registered cardiovascular invasive specialist under

this subsection are responsible for ensuring that all requirements of this subsection are met for each procedure.

(3) A disciplinary panel may impose a civil penalty of up to \$5,000 for each instance of a hospital's failure to comply with the requirements of this subsection.

(G) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(II) "DIRECT SUPERVISION" MEANS OVERSIGHT EXERCISED BY A DELEGATING PHYSICIAN WHO IS:

1. PERSONALLY TREATING THE PATIENT; AND

2. IN THE PRESENCE OF THE PATIENT AND THE SUPERVISED MEDICAL GRADUATE.

(III) "SUPERVISED MEDICAL GRADUATE" MEANS AN INDIVIDUAL WHO ~~IS LICENSED UNDER THIS SUBTITLE TO PRACTICE AS A GRADUATE REGISTERED PHYSICIAN.~~

~~(E) "LICENSEE" MEANS A LICENSED GRADUATE REGISTERED PHYSICIAN.~~

~~(F) "MEDICAL DEGREE" MEANS:~~

~~(1) A DEGREE OF DOCTOR:~~

1. HAS A DEGREE OF:

A. DOCTOR OF MEDICINE FROM A MEDICAL SCHOOL THAT IS ACCREDITED BY AN ACCREDITING ORGANIZATION THAT THE BOARD RECOGNIZES IN ITS REGULATIONS; OR

~~(2) B. A DEGREE OF DOCTOR~~ DOCTOR OF OSTEOPATHY FROM A SCHOOL OF OSTEOPATHY IN THE UNITED STATES, ITS TERRITORIES OR POSSESSIONS, PUERTO RICO, OR CANADA THAT HAS STANDARDS FOR GRADUATION EQUIVALENT TO THOSE ESTABLISHED BY THE AMERICAN OSTEOPATHIC ASSOCIATION; AND

2. HAS PASSED PARTS 1 AND 2 OF THE UNITED STATES MEDICAL LICENSING EXAMINATION.

(2) IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE BOARD, A SUPERVISED MEDICAL GRADUATE MAY PERFORM DELEGATED DUTIES UNDER DIRECT SUPERVISION.

~~(C) "PRACTICE AS A GRADUATE REGISTERED PHYSICIAN" MEANS TO:~~

~~(1) PROVIDE HEALTH CARE SERVICES UNDER THE SUPERVISION OF A LICENSED PHYSICIAN; AND~~

~~(2) PERFORM DUTIES AND RESPONSIBILITIES DELEGATED BY THE LICENSEE'S SUPERVISING PHYSICIAN IN A SUPERVISION PROTOCOL APPROVED BY THE BOARD, INCLUDING:~~

~~(i) PRESCRIBING, ORDERING, AND ADMINISTERING DRUGS AND MEDICAL DEVICES; AND~~

~~(ii) ORDERING DIAGNOSTIC, THERAPEUTIC, AND OTHER MEDICAL SERVICES.~~

~~(H) "SUPERVISION" MEANS THE CONTINUOUS OVERSIGHT OF A LICENSED GRADUATE REGISTERED PHYSICIAN BY A LICENSED PHYSICIAN PHYSICALLY PRESENT AT THE PLACE THAT THE LICENSED GRADUATE REGISTERED PHYSICIAN PRACTICES AS A GRADUATE REGISTERED PHYSICIAN.~~

~~14-5H-02.~~

~~THIS SUBTITLE DOES NOT LIMIT THE RIGHT OF AN INDIVIDUAL TO PRACTICE A HEALTH OCCUPATION THAT THE INDIVIDUAL IS AUTHORIZED TO PRACTICE UNDER THIS ARTICLE.~~

~~14-5H-03.~~

~~THE BOARD SHALL ADOPT REGULATIONS FOR THE LICENSURE OF AND PRACTICE AS A GRADUATE REGISTERED PHYSICIAN.~~

~~14-5H-04.~~

~~(A) (1) THE BOARD SHALL SET REASONABLE FEES FOR THE ISSUANCE AND RENEWAL OF LICENSES AND THE OTHER SERVICES THE BOARD PROVIDES TO GRADUATE REGISTERED PHYSICIANS.~~

~~(2) THE FEES CHARGED SHALL BE SET SO AS TO PRODUCE FUNDS TO APPROXIMATE THE COST OF MAINTAINING THE LICENSURE PROGRAM AND THE OTHER SERVICES PROVIDED TO GRADUATE REGISTERED PHYSICIANS.~~

~~(B) (1) THE BOARD SHALL PAY ALL FEES COLLECTED UNDER THE PROVISIONS OF THIS SUBTITLE TO THE COMPTROLLER.~~

~~(2) THE COMPTROLLER SHALL DISTRIBUTE ALL FEES TO THE BOARD.~~

~~(C) THE FEES SHALL BE USED TO COVER THE ACTUAL DOCUMENTED DIRECT AND INDIRECT COSTS OF FULFILLING THE STATUTORY AND REGULATORY DUTIES OF THE BOARD AS PROVIDED BY THIS SUBTITLE.~~

~~14-5H-05.~~

~~THERE IS A GRADUATE REGISTERED PHYSICIAN ADVISORY COMMITTEE WITHIN THE BOARD.~~

~~14-5H-06.~~

~~(A) THE COMMITTEE CONSISTS OF MEMBERS APPOINTED BY THE BOARD AS FOLLOWS:~~

~~(1) THREE SHALL BE INDIVIDUALS WHO:~~

~~(I) ON OR BEFORE SEPTEMBER 30, 2024, HAVE A MEDICAL DEGREE BUT ARE NOT LICENSED TO PRACTICE AS A HEALTH CARE PRACTITIONER UNDER THIS ARTICLE; AND~~

~~(H) ON OR AFTER OCTOBER 1, 2024, ARE LICENSED GRADUATE REGISTERED PHYSICIANS;~~

~~(2) THREE SHALL BE PRACTICING LICENSED PHYSICIANS; AND~~

~~(3) ONE SHALL BE A CONSUMER MEMBER.~~

~~(B) EACH MEMBER OF THE COMMITTEE APPOINTED UNDER SUBSECTION (A)(1)(H) OF THIS SECTION MUST BE:~~

~~(1) IN GOOD STANDING WITH THE BOARD; AND~~

~~(2) A RESIDENT OF THE STATE WHO, BEGINNING ON OCTOBER 1, 2025, HAS AT LEAST 1 YEAR OF ACTIVE EXPERIENCE PRACTICING AS A GRADUATE REGISTERED PHYSICIAN WITHIN THE 5-YEAR PERIOD IMMEDIATELY PRECEDING THE DATE OF THE APPOINTMENT.~~

~~(C) THE LICENSED PHYSICIAN MEMBERS OF THE COMMITTEE MUST:~~

~~(1) BE IN GOOD STANDING WITH THE BOARD; AND~~

~~(2) BEGINNING ON OCTOBER 1, 2025, HAVE EXPERIENCE WORKING WITH GRADUATE REGISTERED PHYSICIANS.~~

~~(D) THE CONSUMER MEMBER OF THE COMMITTEE:~~

~~(1) MUST BE A MEMBER OF THE GENERAL PUBLIC;~~

~~(2) MAY NOT BE OR EVER HAVE BEEN:~~

~~(I) A STUDENT IN MEDICAL SCHOOL;~~

~~(II) A HEALTH CARE PROFESSIONAL; OR~~

~~(III) IN TRAINING TO BE A HEALTH CARE PROFESSIONAL; AND~~

~~(3) MAY NOT:~~

~~(I) PARTICIPATE OR EVER HAVE PARTICIPATED IN A COMMERCIAL OR PROFESSIONAL FIELD RELATED TO THE PRACTICE OF MEDICINE;~~

~~(II) HAVE A HOUSEHOLD MEMBER WHO PARTICIPATES IN A COMMERCIAL OR PROFESSIONAL FIELD RELATED TO THE PRACTICE OF MEDICINE; OR~~

~~(III) HAVE HAD WITHIN 2 YEARS BEFORE APPOINTMENT A FINANCIAL INTEREST IN A PERSON REGULATED BY THE BOARD.~~

~~(E) (1) THE TERM OF A MEMBER IS 3 YEARS.~~

~~(2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE COMMITTEE ON OCTOBER 1, 2023.~~

~~(3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.~~

~~(4) A MEMBER MAY NOT SERVE MORE THAN TWO CONSECUTIVE FULL TERMS.~~

~~(5) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.~~

~~(F) FROM AMONG ITS MEMBERS, THE COMMITTEE SHALL ELECT A CHAIR EVERY 2 YEARS.~~

~~(G) A QUORUM OF THE COMMITTEE CONSISTS OF FIVE MEMBERS.~~

~~14-5H-07.~~

~~(A) IN ADDITION TO THE POWERS SET FORTH ELSEWHERE IN THIS SUBTITLE, THE COMMITTEE SHALL:~~

~~(1) DEVELOP AND RECOMMEND TO THE BOARD REGULATIONS TO CARRY OUT THIS SUBTITLE;~~

~~(2) DEVELOP AND RECOMMEND TO THE BOARD A CODE OF ETHICS FOR PRACTICE AS A GRADUATE REGISTERED PHYSICIAN;~~

~~(3) DEVELOP AND RECOMMEND TO THE BOARD CONTINUING EDUCATION REQUIREMENTS FOR LICENSE RENEWAL;~~

~~(4) DEVELOP AND RECOMMEND TO THE BOARD CRITERIA FOR INDIVIDUALS WHO ARE LICENSED TO PRACTICE AS A GRADUATE REGISTERED PHYSICIAN IN ANOTHER STATE OR TERRITORY OF THE UNITED STATES TO BECOME LICENSED IN THIS STATE;~~

~~(5) EVALUATE THE CREDENTIALS OF APPLICANTS AS NECESSARY AND RECOMMEND LICENSURE OF APPLICANTS WHO FULFILL THE REQUIREMENTS FOR A LICENSE TO PRACTICE AS A GRADUATE REGISTERED PHYSICIAN;~~

~~(6) ON REQUEST, DEVELOP AND RECOMMEND TO THE BOARD STANDARDS OF CARE FOR PRACTICE AS A GRADUATE REGISTERED PHYSICIAN;~~

~~(7) PROVIDE THE BOARD WITH RECOMMENDATIONS CONCERNING PRACTICE AS A GRADUATE REGISTERED PHYSICIAN;~~

~~(8) KEEP A RECORD OF ITS PROCEEDINGS; AND~~

~~(9) SUBMIT AN ANNUAL REPORT TO THE BOARD.~~

~~(B) THE BOARD SHALL:~~

~~(1) CONSIDER ALL RECOMMENDATIONS OF THE COMMITTEE; AND~~

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

~~14-5H-08.~~

~~(A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, ON OR AFTER OCTOBER 1, 2024, AN INDIVIDUAL SHALL BE LICENSED BY THE BOARD BEFORE THE INDIVIDUAL MAY PRACTICE AS A GRADUATE REGISTERED PHYSICIAN IN THE STATE.~~

~~(B) THIS SECTION DOES NOT APPLY TO:~~

~~(1) AN INDIVIDUAL WHO IS EMPLOYED BY THE U.S. GOVERNMENT TO PRACTICE AS A GRADUATE REGISTERED PHYSICIAN WHILE PRACTICING WITHIN THE SCOPE OF THAT EMPLOYMENT; OR~~

~~(2) A GRADUATE REGISTERED PHYSICIAN WHO IS LICENSED IN ANOTHER STATE AND PRACTICES AS A GRADUATE REGISTERED PHYSICIAN IN THE STATE FOR A PERIOD OF LESS THAN 30 DAYS EACH YEAR.~~

~~14-5H-09.~~

~~(A) A LICENSED GRADUATE REGISTERED PHYSICIAN SHALL FILE A SUPERVISION PROTOCOL EXECUTED IN ACCORDANCE WITH SUBSECTIONS (B) AND (C) OF THIS SECTION WITH THE BOARD WITHIN 6 MONTHS AFTER INITIAL LICENSURE UNDER § 14-5H-12 OF THIS SUBTITLE.~~

~~(B) A LICENSEE SHALL EXECUTE A SUPERVISION PROTOCOL WITH A SUPERVISING PHYSICIAN THAT IDENTIFIES THE LICENSEE'S SCOPE OF PRACTICE AND INCLUDES:~~

~~(1) AN ATTESTATION BY THE SUPERVISING PHYSICIAN OF THE PHYSICIAN'S ACCEPTANCE OF RESPONSIBILITY FOR ANY CARE GIVEN BY THE LICENSEE;~~

~~(2) A DESCRIPTION OF HOW THE LICENSEE AND THE SUPERVISING PHYSICIAN WILL WORK TOGETHER, INCLUDING HOW ACCESS TO THE SUPERVISING PHYSICIAN BY THE LICENSEE WILL BE ENSURED;~~

~~(3) AN ATTESTATION THAT ALL DUTIES AND RESPONSIBILITIES TO BE DELEGATED TO THE LICENSEE ARE WITHIN THE SCOPE OF PRACTICE OF THE SUPERVISING PHYSICIAN AND APPROPRIATE TO THE LICENSEE'S EDUCATION, TRAINING, AND LEVEL OF COMPETENCE;~~

~~(4) ANY PRACTICE GUIDELINES REQUIRED BY THE SUPERVISING PHYSICIAN;~~

~~(5) THE SETTING IN WHICH THE LICENSEE IS AUTHORIZED TO PROVIDE HEALTH CARE SERVICES;~~

~~(6) A REQUIREMENT THAT THE SUPERVISING PHYSICIAN BE IDENTIFIED ON ALL PRESCRIPTIONS AND ORDERS MADE BY THE LICENSEE;~~

~~(7) A REQUIREMENT THAT:~~

~~(I) THE LICENSEE BE INCLUDED IN THE SUPERVISING PHYSICIAN'S MEDICAL PROFESSIONAL LIABILITY INSURANCE; OR~~

~~(II) IF THE SUPERVISING PHYSICIAN DOES NOT MAINTAIN MEDICAL PROFESSIONAL LIABILITY INSURANCE, THE NOTIFICATION REQUIRED UNDER § 14-508 OF THIS TITLE BE PROVIDED TO ANY PATIENT SEEN BY THE LICENSEE; AND~~

~~(8) A PROCESS FOR EVALUATING THE LICENSEE'S PERFORMANCE.~~

~~(C) (1) A SUPERVISION PROTOCOL EXECUTED UNDER SUBSECTION (B) OF THIS SECTION MAY INCLUDE:~~

~~(I) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE DELEGATION OF PRESCRIPTIVE AUTHORITY BY THE SUPERVISING PHYSICIAN TO A LICENSEE TO PRESCRIBE, ORDER, AND ADMINISTER CONTROLLED DANGEROUS SUBSTANCES; AND~~

~~(II) IDENTIFICATION OF ALTERNATE PHYSICIANS WHO AGREE TO SUPERVISE A LICENSEE DURING THE ABSENCE OF THE SUPERVISING PHYSICIAN.~~

~~(2) THE PRESCRIPTIVE AUTHORITY OF A LICENSEE UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION MAY NOT EXCEED THE AUTHORITY OF THE SUPERVISING PHYSICIAN.~~

~~(D) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A SUPERVISING PHYSICIAN MAY DELEGATE DUTIES AND RESPONSIBILITIES TO A LICENSEE ONLY AFTER A SUPERVISION PROTOCOL HAS BEEN EXECUTED AND APPROVED BY THE BOARD.~~

~~(2) A LICENSEE MAY ASSUME THE DUTIES UNDER A SUPERVISION PROTOCOL THAT HAS NOT YET BEEN APPROVED BY THE BOARD ON THE DATE THAT THE BOARD ACKNOWLEDGES RECEIPT OF THE COMPLETED SUPERVISION PROTOCOL.~~

~~(E) (1) SUBJECT TO THE NOTICE REQUIREMENTS OF PARAGRAPH (2) OF THIS SUBSECTION, A SUPERVISING PHYSICIAN OR LICENSEE MAY TERMINATE A SUPERVISION PROTOCOL AT ANY TIME.~~

~~(2) A SUPERVISING PHYSICIAN AND A LICENSEE SHALL NOTIFY THE BOARD WITHIN 10 DAYS OF THE TERMINATION OF A SUPERVISION PROTOCOL FOR ANY REASON.~~

~~(F) A SUPERVISING PHYSICIAN MAY NOT DELEGATE DUTIES OR RESPONSIBILITIES UNDER A SUPERVISION PROTOCOL TO MORE THAN TWO LICENSEES AT ANY ONE TIME.~~

~~(G) A LICENSEE MAY PRACTICE ONLY IN ACCORDANCE WITH A SUPERVISION PROTOCOL FILED WITH THE BOARD UNDER THIS SECTION.~~

~~14-5H-10.~~

~~(A) TO QUALIFY FOR A LICENSE TO PRACTICE AS A GRADUATE REGISTERED PHYSICIAN, AN APPLICANT MUST:~~

~~(1) BE OF GOOD MORAL CHARACTER;~~

~~(2) BE AT LEAST 18 YEARS OLD;~~

~~(3) HAVE A MEDICAL DEGREE;~~

~~(4) SUBMIT TO THE BOARD SATISFACTORY EVIDENCE OF SUCCESSFUL COMPLETION, WITHIN THE 2 YEAR PERIOD IMMEDIATELY PRECEDING THE SUBMISSION OF THE APPLICATION FOR LICENSURE AND NOT MORE THAN 2 YEARS AFTER OBTAINING A MEDICAL DEGREE, OF:~~

~~(I) STEP 1 AND STEP 2 OF THE UNITED STATES MEDICAL LICENSING EXAMINATION;~~

~~(II) THE COMPREHENSIVE OSTEOPATHIC MEDICAL LICENSING EXAMINATION; OR~~

~~(III) THE EQUIVALENT OF ITEM (I) OF THIS ITEM AS APPROVED BY THE BOARD;~~

~~(5) COMPLETE A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 14-308.1 OF THIS TITLE; AND~~

~~(6) MEET ANY ADDITIONAL EDUCATION, TRAINING, OR EXAMINATION REQUIREMENTS ESTABLISHED BY THE BOARD.~~

~~(B) AN APPLICANT MAY NOT:~~

~~(1) HAVE COMPLETED AN APPROVED POSTGRADUATE RESIDENCY;~~
~~OR~~

~~(2) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, HOLD
A LICENSE, CERTIFICATE, OR REGISTRATION THAT IS SUBJECT TO CURRENT
DISCIPLINE, REVOCATION, SUSPENSION, OR PROBATION RELATING TO THE
APPLICANT'S MEDICAL PRACTICE.~~

~~(C) THE BOARD MAY ISSUE A LICENSE AFTER CONSIDERING THE SPECIFIC
CIRCUMSTANCES ASSOCIATED WITH THE DISCIPLINE, REVOCATION, SUSPENSION,
OR PROBATION OF THE APPLICANT'S LICENSE, CERTIFICATE, OR REGISTRATION.~~

~~14-5H-11.~~

~~TO APPLY FOR A LICENSE, AN APPLICANT SHALL:~~

~~(1) COMPLETE A CRIMINAL HISTORY RECORDS CHECK IN
ACCORDANCE WITH § 14-308.1 OF THIS TITLE;~~

~~(2) SUBMIT AN APPLICATION TO THE BOARD ON A FORM THAT THE
BOARD REQUIRES; AND~~

~~(3) PAY TO THE BOARD AN APPLICATION FEE SET BY THE BOARD.~~

~~14-5H-12.~~

~~(A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE BOARD SHALL
ISSUE A LICENSE TO ANY APPLICANT WHO MEETS THE REQUIREMENTS OF THIS
SUBTITLE.~~

~~(B) (1) ON RECEIPT OF THE CRIMINAL HISTORY RECORD INFORMATION
OF AN APPLICANT FOR LICENSURE FORWARDED TO THE BOARD IN ACCORDANCE
WITH § 14-308.1 OF THIS TITLE, IN DETERMINING WHETHER TO ISSUE A LICENSE,
THE BOARD SHALL CONSIDER:~~

~~(I) THE AGE AT WHICH THE CRIME WAS COMMITTED;~~

~~(II) THE NATURE OF THE CRIME;~~

~~(III) THE CIRCUMSTANCES SURROUNDING THE CRIME;~~

~~(IV) THE LENGTH OF TIME THAT HAS PASSED SINCE THE CRIME;~~

~~(V) SUBSEQUENT WORK HISTORY;~~

~~(VI) EMPLOYMENT AND CHARACTER REFERENCES; AND~~

~~(VII) OTHER EVIDENCE THAT DEMONSTRATES WHETHER THE
APPLICANT POSES A THREAT TO THE PUBLIC HEALTH OR SAFETY.~~

~~(2) THE BOARD MAY NOT ISSUE A LICENSE IF THE CRIMINAL HISTORY
RECORD INFORMATION REQUIRED UNDER § 14-308.1 OF THIS TITLE HAS NOT BEEN
RECEIVED.~~

~~14-5H-13.~~

~~(A) A LICENSE AUTHORIZES A LICENSEE TO PRACTICE AS A GRADUATE
REGISTERED PHYSICIAN IN THE STATE WHILE THE LICENSE IS EFFECTIVE.~~

~~(B) IF, WHILE PRACTICING AS A GRADUATE REGISTERED PHYSICIAN, THE
LICENSED GRADUATE REGISTERED PHYSICIAN DETERMINES THAT A PATIENT
REQUIRES A DIAGNOSIS OR TREATMENT THAT IS BEYOND THE SCOPE OF PRACTICE
FOR THE LICENSEE, THE GRADUATE REGISTERED PHYSICIAN SHALL REFER THE
PATIENT TO THE SUPERVISING PHYSICIAN OR ANOTHER APPROPRIATE HEALTH
CARE PRACTITIONER.~~

~~14-5H-14.~~

~~(A) (1) THE TERM OF A LICENSE ISSUED BY THE BOARD MAY NOT EXCEED
3 YEARS.~~

~~(2) A LICENSE EXPIRES ON A DATE SET BY THE BOARD, UNLESS THE
LICENSE IS RENEWED FOR AN ADDITIONAL TERM AS PROVIDED IN THIS SECTION.~~

~~(B) AT LEAST 1 MONTH BEFORE A LICENSE EXPIRES, THE BOARD SHALL
SEND TO THE LICENSED GRADUATE REGISTERED PHYSICIAN A RENEWAL NOTICE
THAT STATES:~~

~~(1) THE DATE ON WHICH THE CURRENT LICENSE EXPIRES;~~

~~(2) THE DATE BY WHICH THE RENEWAL APPLICATION MUST BE
RECEIVED BY THE BOARD FOR THE RENEWAL TO BE ISSUED AND SENT BEFORE THE
LICENSE EXPIRES; AND~~

~~(3) THE AMOUNT OF THE RENEWAL FEE.~~

~~(C) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, BEFORE A
LICENSE EXPIRES, A LICENSED GRADUATE REGISTERED PHYSICIAN PERIODICALLY
MAY RENEW IT FOR AN ADDITIONAL TERM IF THE LICENSEE:~~

~~(1) IS OF GOOD MORAL CHARACTER;~~

~~(2) PAYS TO THE BOARD A RENEWAL FEE SET BY THE BOARD;~~

~~(3) SUBMITS TO THE BOARD:~~

~~(I) A RENEWAL APPLICATION ON THE FORM THAT THE BOARD
REQUIRES; AND~~

~~(II) SATISFACTORY EVIDENCE OF COMPLIANCE WITH ANY
CONTINUING EDUCATION OR COMPETENCY REQUIREMENTS AND OTHER
REQUIREMENTS SET UNDER THIS SECTION FOR LICENSE RENEWAL; AND~~

~~(4) MEETS ANY ADDITIONAL RENEWAL REQUIREMENTS
ESTABLISHED BY THE BOARD.~~

~~(D) (1) IN ADDITION TO ANY OTHER QUALIFICATIONS AND
REQUIREMENTS ESTABLISHED BY THE BOARD, THE BOARD MAY ESTABLISH
CONTINUING EDUCATION OR COMPETENCY REQUIREMENTS AS A CONDITION TO THE
RENEWAL OF LICENSES UNDER THIS SECTION.~~

~~(2) A DISCIPLINARY PANEL MAY IMPOSE A CIVIL PENALTY OF UP TO
\$100 PER CONTINUING EDUCATION CREDIT IN LIEU OF A SANCTION UNDER §
14-5H-18 OF THIS SUBTITLE, FOR A FIRST OFFENSE, FOR THE FAILURE OF A
LICENSEE TO OBTAIN THE CONTINUING EDUCATION CREDITS REQUIRED BY THE
BOARD.~~

~~(E) (1) THE BOARD SHALL RENEW THE LICENSE OF EACH LICENSED
GRADUATE REGISTERED PHYSICIAN WHO MEETS THE REQUIREMENTS OF THIS
SECTION.~~

~~(2) A LICENSE MAY NOT BE RENEWED FOR A TERM LONGER THAN 2
YEARS.~~

~~(F) THE BOARD SHALL REINSTATE THE LICENSE OF A GRADUATE
REGISTERED PHYSICIAN WHO HAS FAILED TO RENEW A LICENSE FOR ANY REASON
IF THE GRADUATE REGISTERED PHYSICIAN:~~

~~(1) MEETS THE RENEWAL REQUIREMENTS OF THIS SECTION;~~

~~(2) SUBMITS TO THE BOARD;~~

~~(I) A REINSTATEMENT APPLICATION ON THE FORM THAT THE BOARD REQUIRES; AND~~

~~(II) SATISFACTORY EVIDENCE OF COMPLIANCE WITH ANY CONTINUING EDUCATION OR COMPETENCY REQUIREMENTS; AND~~

~~(3) MEETS ANY ADDITIONAL REQUIREMENTS ESTABLISHED BY THE BOARD FOR REINSTATEMENT.~~

~~(G) (1) THE BOARD SHALL REQUIRE A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 14-308.1 OF THIS TITLE FOR:~~

~~(I) RENEWAL APPLICANTS AS DETERMINED BY REGULATIONS ADOPTED BY THE BOARD; AND~~

~~(II) EACH FORMER LICENSED GRADUATE REGISTERED PHYSICIAN WHO SUBMITS AN APPLICATION FOR REINSTATEMENT UNDER SUBSECTION (F) OF THIS SECTION.~~

~~(2) ON RECEIPT OF THE CRIMINAL HISTORY RECORD INFORMATION OF A LICENSED GRADUATE REGISTERED PHYSICIAN FORWARDED TO THE BOARD IN ACCORDANCE WITH § 14-308.1 OF THIS TITLE, IN DETERMINING WHETHER DISCIPLINARY ACTION SHOULD BE TAKEN, BASED ON THE CRIMINAL HISTORY RECORD INFORMATION, AGAINST A LICENSED GRADUATE REGISTERED PHYSICIAN WHO RENEWED OR REINSTATED A LICENSE, THE BOARD SHALL CONSIDER:~~

~~(I) THE AGE AT WHICH THE CRIME WAS COMMITTED;~~

~~(II) THE NATURE OF THE CRIME;~~

~~(III) THE CIRCUMSTANCES SURROUNDING THE CRIME;~~

~~(IV) THE LENGTH OF TIME THAT HAS PASSED SINCE THE CRIME;~~

~~(V) SUBSEQUENT WORK HISTORY;~~

~~(VI) EMPLOYMENT AND CHARACTER REFERENCES; AND~~

~~(VII) OTHER EVIDENCE THAT DEMONSTRATES WHETHER THE LICENSEE POSES A THREAT TO THE PUBLIC HEALTH OR SAFETY.~~

~~(3) THE BOARD MAY RENEW OR REINSTATE A LICENSE ONLY IF THE LICENSED GRADUATE REGISTERED PHYSICIAN OR APPLICANT ATTESTS THAT THE~~

~~LICENSED GRADUATE REGISTERED PHYSICIAN OR APPLICANT HAS SUBMITTED A
CRIMINAL HISTORY RECORDS CHECK UNDER § 14-308.1 OF THIS TITLE.~~

~~14-5H-15.~~

~~(A) A LICENSEE SHALL NOTIFY THE BOARD IN WRITING OF A CHANGE OF
NAME OR ADDRESS WITHIN 60 DAYS AFTER THE CHANGE.~~

~~(B) A LICENSEE WHO FAILS TO COMPLY WITH SUBSECTION (A) OF THIS
SECTION IS SUBJECT TO AN ADMINISTRATIVE PENALTY OF \$100.~~

~~14-5H-16.~~

~~UNLESS A DISCIPLINARY PANEL AGREES TO ACCEPT THE SURRENDER OF A
LICENSE, A LICENSEE MAY NOT SURRENDER THE LICENSE NOR MAY THE LICENSE
LAPSE BY OPERATION OF LAW WHILE THE LICENSEE IS UNDER INVESTIGATION OR
WHILE CHARGES ARE PENDING AGAINST THE LICENSEE.~~

~~14-5H-17.~~

~~A DISCIPLINARY PANEL MAY ISSUE A CEASE AND DESIST ORDER FOR:~~

~~(1) PRACTICING AS A GRADUATE REGISTERED PHYSICIAN WITHOUT A
LICENSE OR WITH AN UNAUTHORIZED PERSON; OR~~

~~(2) SUPERVISING OR AIDING AN UNAUTHORIZED PERSON IN
PRACTICE AS A GRADUATE REGISTERED PHYSICIAN.~~

~~14-5H-18.~~

~~(A) SUBJECT TO THE HEARING PROVISIONS OF § 14-405 OF THIS TITLE, A
DISCIPLINARY PANEL, ON THE AFFIRMATIVE VOTE OF A MAJORITY OF THE QUORUM
OF THE DISCIPLINARY PANEL, MAY DENY A LICENSE TO ANY APPLICANT,
REPRIMAND ANY LICENSEE, PLACE ANY LICENSEE ON PROBATION, OR SUSPEND OR
REVOKE A LICENSE, IF THE APPLICANT OR LICENSEE:~~

~~(1) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO
OBTAIN A LICENSE FOR THE APPLICANT OR LICENSEE OR FOR ANOTHER;~~

~~(2) FRAUDULENTLY OR DECEPTIVELY USES A LICENSE;~~

~~(3) IS GUILTY OF UNPROFESSIONAL OR IMMORAL CONDUCT WHILE
PRACTICING AS A GRADUATE REGISTERED PHYSICIAN;~~

~~(4) IS PROFESSIONALLY, PHYSICALLY, OR MENTALLY INCOMPETENT;~~

~~(5) ABANDONS A PATIENT;~~

~~(6) IS HABITUALLY INTOXICATED;~~

~~(7) IS ADDICTED TO OR HABITUALLY ABUSES ANY NARCOTIC OR CONTROLLED DANGEROUS SUBSTANCE AS DEFINED IN § 5-101 OF THE CRIMINAL LAW ARTICLE;~~

~~(8) PROVIDES PROFESSIONAL SERVICES WHILE:~~

~~(I) UNDER THE INFLUENCE OF ALCOHOL; OR~~

~~(II) USING ANY NARCOTIC OR CONTROLLED DANGEROUS SUBSTANCE AS DEFINED IN § 5-101 OF THE CRIMINAL LAW ARTICLE OR ANY OTHER DRUG THAT IS IN EXCESS OF THERAPEUTIC AMOUNTS OR WITHOUT VALID MEDICAL INDICATION;~~

~~(9) PROMOTES THE SALE OF SERVICES, DRUGS, DEVICES, APPLIANCES, OR GOODS TO A PATIENT SO AS TO EXPLOIT THE PATIENT FOR FINANCIAL GAIN;~~

~~(10) WILLFULLY MAKES OR FILES A FALSE REPORT OR RECORD IN PRACTICE AS A GRADUATE REGISTERED PHYSICIAN;~~

~~(11) WILLFULLY FAILS TO FILE OR RECORD ANY REPORT AS REQUIRED UNDER LAW, WILLFULLY IMPEDES OR OBSTRUCTS THE FILING OR RECORDING OF A REPORT, OR INDUCES ANOTHER TO FAIL TO FILE OR RECORD A REPORT;~~

~~(12) BREACHES PATIENT CONFIDENTIALITY;~~

~~(13) PAYS OR AGREES TO PAY ANY SUM OR PROVIDE ANY FORM OF REMUNERATION OR MATERIAL BENEFIT TO ANY PERSON FOR BRINGING OR REFERRING A PATIENT OR ACCEPTS OR AGREES TO ACCEPT ANY SUM OR ANY FORM OF REMUNERATION OR MATERIAL BENEFIT FROM AN INDIVIDUAL FOR BRINGING OR REFERRING A PATIENT;~~

~~(14) KNOWINGLY MAKES A MISREPRESENTATION WHILE PRACTICING AS A GRADUATE REGISTERED PHYSICIAN;~~

~~(15) KNOWINGLY PRACTICES AS A GRADUATE REGISTERED PHYSICIAN WITH AN UNAUTHORIZED INDIVIDUAL OR AIDS AN UNAUTHORIZED INDIVIDUAL IN PRACTICING AS A GRADUATE REGISTERED PHYSICIAN;~~

~~(16) KNOWINGLY DELEGATES A DUTY OF A GRADUATE REGISTERED
PHYSICIAN TO AN UNLICENSED INDIVIDUAL;~~

~~(17) GROSSLY OVERUTILIZES HEALTH CARE SERVICES;~~

~~(18) OFFERS, UNDERTAKES, OR AGREES TO CURE OR TREAT DISEASE
BY A SECRET METHOD, TREATMENT, OR MEDICINE;~~

~~(19) IS DISCIPLINED BY A LICENSING OR DISCIPLINARY AUTHORITY OR
IS CONVICTED OR DISCIPLINED BY A COURT OF ANY STATE OR COUNTRY OR IS
DISCIPLINED BY ANY BRANCH OF THE UNITED STATES UNIFORMED SERVICES OR
THE U.S. DEPARTMENT OF VETERANS AFFAIRS FOR AN ACT THAT WOULD BE
GROUNDS FOR DISCIPLINARY ACTION UNDER THE BOARD'S DISCIPLINARY
STATUTES;~~

~~(20) FAILS TO MEET APPROPRIATE STANDARDS FOR THE DELIVERY OF
SERVICES AS A GRADUATE REGISTERED PHYSICIAN;~~

~~(21) KNOWINGLY SUBMITS FALSE STATEMENTS TO COLLECT FEES FOR
WHICH SERVICES ARE NOT PROVIDED;~~

~~(22) (i) HAS BEEN SUBJECT TO INVESTIGATION OR DISCIPLINARY
ACTION BY A LICENSING OR DISCIPLINARY AUTHORITY OR BY A COURT OF ANY
STATE OR COUNTRY FOR AN ACT THAT WOULD BE GROUNDS FOR DISCIPLINARY
ACTION UNDER THE BOARD'S DISCIPLINARY STATUTES; AND~~

~~(ii) HAS:~~

~~1. SURRENDERED THE LICENSE, IF ANY, ISSUED BY THE
STATE OR COUNTRY; OR~~

~~2. ALLOWED THE LICENSE, IF ANY, ISSUED BY THE
STATE OR COUNTRY TO EXPIRE OR LAPSE;~~

~~(23) KNOWINGLY FAILS TO REPORT SUSPECTED CHILD ABUSE IN
VIOLATION OF § 5-704 OF THE FAMILY LAW ARTICLE;~~

~~(24) PRACTICES OR ATTEMPTS TO PRACTICE BEYOND THE
AUTHORIZED SCOPE OF PRACTICE OR BEYOND THE SCOPE OF A SUPERVISION
PROTOCOL;~~

~~(25) REFUSES, WITHHOLDS FROM, DENIES, OR DISCRIMINATES
AGAINST AN INDIVIDUAL WITH REGARD TO THE PROVISION OF PROFESSIONAL~~

~~SERVICES FOR WHICH THE LICENSEE IS LICENSED AND QUALIFIED TO RENDER
BECAUSE THE INDIVIDUAL IS HIV POSITIVE;~~

~~(26) PRACTICES OR ATTEMPTS TO PRACTICE AS A GRADUATE
REGISTERED PHYSICIAN IF THE APPLICANT OR LICENSEE HAS NOT RECEIVED
EDUCATION AND TRAINING IN THE PERFORMANCE OF THE PROCEDURE BEING
PERFORMED;~~

~~(27) FAILS TO COOPERATE WITH A LAWFUL INVESTIGATION OF THE
BOARD OR A DISCIPLINARY PANEL;~~

~~(28) FAILS TO COMPLETE A CRIMINAL HISTORY RECORDS CHECK
UNDER § 14-308.1 OF THIS TITLE; OR~~

~~(29) VIOLATES ANY PROVISION OF THIS TITLE OR ANY RULE OR
REGULATION PERTAINING TO PRACTICE AS A GRADUATE REGISTERED PHYSICIAN
THAT IS ADOPTED BY THE BOARD, THE STATE, OR THE FEDERAL GOVERNMENT.~~

~~(B) EXCEPT AS OTHERWISE PROVIDED IN THE ADMINISTRATIVE
PROCEDURE ACT, BEFORE THE BOARD OR A DISCIPLINARY PANEL TAKES ANY
ACTION UNDER SUBSECTION (A) OF THIS SECTION, IT SHALL GIVE THE INDIVIDUAL
AGAINST WHOM THE ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING
BEFORE THE BOARD OR THE DISCIPLINARY PANEL IN ACCORDANCE WITH THE
HEARING REQUIREMENTS OF § 14-405 OF THIS TITLE.~~

~~(C) (1) ON THE FILING OF CERTIFIED DOCKET ENTRIES WITH THE BOARD
BY THE OFFICE OF THE ATTORNEY GENERAL, A DISCIPLINARY PANEL SHALL ORDER
THE SUSPENSION OF A LICENSE IF THE LICENSEE IS CONVICTED OF OR PLEADS
GUILTY OR NOLO CONTENDERE WITH RESPECT TO A CRIME INVOLVING MORAL
TURPITUDE, WHETHER OR NOT ANY APPEAL OR OTHER PROCEEDING IS PENDING TO
HAVE THE CONVICTION OR PLEA SET ASIDE.~~

~~(2) AFTER COMPLETION OF THE APPELLATE PROCESS, IF THE
CONVICTION HAS NOT BEEN REVERSED OR THE PLEA HAS NOT BEEN SET ASIDE WITH
RESPECT TO A CRIME INVOLVING MORAL TURPITUDE, A DISCIPLINARY PANEL
SHALL ORDER THE REVOCATION OF A LICENSE ON THE CERTIFICATION BY THE
OFFICE OF THE ATTORNEY GENERAL.~~

~~(D) (1) IF, AFTER A HEARING UNDER § 14-405 OF THIS TITLE, A
DISCIPLINARY PANEL FINDS THAT THERE ARE GROUNDS UNDER SUBSECTION (A) OF
THIS SECTION TO SUSPEND OR REVOKE A LICENSE, TO REPRIMAND A LICENSEE, OR
TO PLACE A LICENSEE ON PROBATION, THE DISCIPLINARY PANEL MAY IMPOSE A
FINE SUBJECT TO THE BOARD'S REGULATIONS IN ADDITION TO SUSPENDING OR~~

~~REVOKING THE LICENSE, REPRIMANDING THE LICENSEE, OR PLACING THE
LICENSEE ON PROBATION.~~

~~(2) THE BOARD SHALL PAY ANY FINES COLLECTED UNDER THIS
SECTION INTO THE GENERAL FUND OF THE STATE.~~

~~(E) IN ADDITION TO ANY SANCTION AUTHORIZED UNDER THIS SECTION, A
DISCIPLINARY PANEL MAY REQUIRE A LICENSEE TO COMPLY WITH SPECIFIED
TERMS AND CONDITIONS DETERMINED BY THE DISCIPLINARY PANEL.~~

~~14-5H-19.~~

~~(A) (1) ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE BOARD OR
A DISCIPLINARY PANEL UNDER THIS SUBTITLE MAY TAKE A DIRECT JUDICIAL
APPEAL.~~

~~(2) THE APPEAL SHALL BE MADE AS PROVIDED FOR JUDICIAL
REVIEW OF FINAL DECISIONS IN THE ADMINISTRATIVE PROCEDURE ACT.~~

~~(B) AN ORDER OF THE BOARD OR A DISCIPLINARY PANEL MAY NOT BE
STAYED PENDING REVIEW.~~

~~(C) THE BOARD MAY APPEAL FROM ANY DECISION THAT REVERSES OR
MODIFIES AN ORDER OF THE BOARD OR A DISCIPLINARY PANEL.~~

~~14-5H-20.~~

~~(A) EXCEPT AS PROVIDED IN SUBSECTIONS (B) AND (D) OF THIS SECTION,
HOSPITALS, RELATED INSTITUTIONS, ALTERNATIVE HEALTH SYSTEMS AS DEFINED
IN § 1-401 OF THIS ARTICLE, AND EMPLOYERS SHALL FILE WITH THE BOARD A
REPORT THAT THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH
SYSTEM, OR EMPLOYER LIMITED, REDUCED, OTHERWISE CHANGED, OR
TERMINATED ANY LICENSED GRADUATE REGISTERED PHYSICIAN FOR ANY REASON
THAT MIGHT BE GROUNDS FOR DISCIPLINARY ACTION UNDER § 14-5H-18 OF THIS
SUBTITLE.~~

~~(B) A HOSPITAL, A RELATED INSTITUTION, AN ALTERNATIVE HEALTH
SYSTEM, OR AN EMPLOYER THAT HAS REASON TO KNOW THAT A LICENSED
GRADUATE REGISTERED PHYSICIAN HAS COMMITTED AN ACT OR HAS A CONDITION
THAT MIGHT BE GROUNDS FOR REPRIMAND OR PROBATION OF THE LICENSED
GRADUATE REGISTERED PHYSICIAN OR SUSPENSION OR REVOCATION OF THE
LICENSE BECAUSE THE LICENSED GRADUATE REGISTERED PHYSICIAN IS
ALCOHOL IMPAIRED OR DRUG IMPAIRED IS NOT REQUIRED TO REPORT THE
LICENSED GRADUATE REGISTERED PHYSICIAN TO THE BOARD IF:~~

~~(1) THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH SYSTEM, OR EMPLOYER KNOWS THAT THE LICENSED GRADUATE REGISTERED PHYSICIAN IS:~~

~~(i) IN AN ALCOHOL OR DRUG TREATMENT PROGRAM THAT IS ACCREDITED BY THE JOINT COMMISSION ON ACCREDITATION OF HEALTHCARE ORGANIZATIONS OR THAT IS CERTIFIED BY THE DEPARTMENT; OR~~

~~(ii) UNDER THE CARE OF A HEALTH CARE PRACTITIONER WHO IS COMPETENT AND CAPABLE OF DEALING WITH ALCOHOLISM AND DRUG ABUSE; AND~~

~~(2) (i) THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH SYSTEM, OR EMPLOYER IS ABLE TO VERIFY THAT THE LICENSED GRADUATE REGISTERED PHYSICIAN REMAINS IN THE TREATMENT PROGRAM UNTIL DISCHARGE; AND~~

~~(ii) THE ACTION OR CONDITION OF THE LICENSED GRADUATE REGISTERED PHYSICIAN HAS NOT CAUSED INJURY TO ANY PERSON WHILE THE LICENSEE IS PRACTICING AS A GRADUATE REGISTERED PHYSICIAN.~~

~~(c) (1) IF THE LICENSED GRADUATE REGISTERED PHYSICIAN ENTERS, OR IS CONSIDERING ENTERING, AN ALCOHOL OR DRUG TREATMENT PROGRAM THAT IS ACCREDITED BY THE JOINT COMMISSION OR THAT IS CERTIFIED BY THE DEPARTMENT, THE LICENSED GRADUATE REGISTERED PHYSICIAN SHALL NOTIFY THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH SYSTEM, OR EMPLOYER OF THE LICENSED GRADUATE REGISTERED PHYSICIAN'S DECISION TO ENTER THE TREATMENT PROGRAM.~~

~~(2) IF THE LICENSED GRADUATE REGISTERED PHYSICIAN FAILS TO PROVIDE THE NOTICE REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION, AND THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH SYSTEM, OR EMPLOYER LEARNS THAT THE LICENSED GRADUATE REGISTERED PHYSICIAN HAS ENTERED A TREATMENT PROGRAM, THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH SYSTEM, OR EMPLOYER SHALL REPORT TO THE BOARD THAT THE LICENSED GRADUATE REGISTERED PHYSICIAN HAS ENTERED A TREATMENT PROGRAM AND HAS FAILED TO PROVIDE THE REQUIRED NOTICE.~~

~~(3) IF THE LICENSED GRADUATE REGISTERED PHYSICIAN IS FOUND TO BE NONCOMPLIANT WITH THE TREATMENT PROGRAM'S POLICIES AND PROCEDURES WHILE IN THE TREATMENT PROGRAM, THE TREATMENT PROGRAM SHALL NOTIFY THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH~~

~~SYSTEM, OR EMPLOYER OF THE LICENSED GRADUATE REGISTERED PHYSICIAN'S
NONCOMPLIANCE.~~

~~(4) ON RECEIPT OF THE NOTIFICATION REQUIRED UNDER
PARAGRAPH (3) OF THIS SUBSECTION, THE HOSPITAL, RELATED INSTITUTION,
ALTERNATIVE HEALTH SYSTEM, OR EMPLOYER OF THE LICENSED GRADUATE
REGISTERED PHYSICIAN SHALL REPORT THE LICENSED GRADUATE REGISTERED
PHYSICIAN'S NONCOMPLIANCE TO THE BOARD.~~

~~(D) A PERSON IS NOT REQUIRED UNDER THIS SECTION TO MAKE ANY
REPORT THAT WOULD BE IN VIOLATION OF ANY FEDERAL OR STATE LAW, RULE, OR
REGULATION CONCERNING THE CONFIDENTIALITY OF ALCOHOL AND DRUG
ABUSE-RELATED PATIENT RECORDS.~~

~~(E) THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH SYSTEM,
OR EMPLOYER SHALL SUBMIT THE REPORT WITHIN 10 DAYS AFTER ANY ACTION
DESCRIBED IN THIS SECTION.~~

~~(F) A REPORT MADE UNDER THIS SECTION IS NOT SUBJECT TO SUBPOENA
OR DISCOVERY IN ANY CIVIL ACTION OTHER THAN A PROCEEDING ARISING OUT OF
A HEARING AND DECISION OF THE BOARD OR A DISCIPLINARY PANEL UNDER THIS
TITLE.~~

~~(G) (1) A DISCIPLINARY PANEL MAY IMPOSE A CIVIL PENALTY OF UP TO
\$1,000 FOR FAILURE TO REPORT UNDER THIS SECTION.~~

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

~~14-5H-21.~~

~~(A) FOLLOWING THE FILING OF CHARGES OR NOTICE OF INITIAL DENIAL OF
LICENSE APPLICATION, THE BOARD SHALL DISCLOSE THE FILING TO THE PUBLIC
ON THE BOARD'S WEBSITE.~~

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

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

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

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

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

~~(5) THE PUBLIC ADDRESS OF THE LICENSEE.~~

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

~~(D) THE BOARD:~~

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

~~(2) SHALL MAINTAIN A WEBSITE THAT SERVES AS A SINGLE POINT OF ENTRY WHERE ALL LICENSEE PROFILE INFORMATION IS AVAILABLE TO THE PUBLIC ON THE INTERNET.~~

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

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

~~14-5H-22.~~

~~(A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, ON THE APPLICATION OF AN INDIVIDUAL WHOSE LICENSE HAS BEEN REVOKED, A DISCIPLINARY PANEL, ON THE AFFIRMATIVE VOTE OF A MAJORITY OF ITS FULL AUTHORIZED MEMBERSHIP, MAY REINSTATE A REVOKED LICENSE.~~

~~(B) A DISCIPLINARY PANEL MAY NOT REINSTATE A REVOKED LICENSE THAT HAS BEEN REVOKED FOR A PERIOD OF MORE THAN 1 YEAR UNLESS THE LICENSEE:~~

~~(1) MEETS THE REQUIREMENTS FOR REINSTATEMENT AS ESTABLISHED UNDER THIS TITLE; AND~~

~~(2) COMPLETES A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 14-308.1 OF THIS TITLE.~~

~~14-5H-23.~~

~~EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A PERSON MAY NOT PRACTICE, ATTEMPT TO PRACTICE, OR OFFER TO PRACTICE AS A GRADUATE REGISTERED PHYSICIAN IN THIS STATE UNLESS LICENSED TO PRACTICE AS A GRADUATE REGISTERED PHYSICIAN BY THE BOARD.~~

~~14-5H-24.~~

~~(A) UNLESS AUTHORIZED TO PRACTICE AS A GRADUATE REGISTERED PHYSICIAN UNDER THIS SUBTITLE, A PERSON MAY NOT REPRESENT TO THE PUBLIC BY TITLE, BY DESCRIPTION OF SERVICES, METHODS, OR PROCEDURES, OR OTHERWISE, THAT THE PERSON IS AUTHORIZED TO PRACTICE AS A GRADUATE REGISTERED PHYSICIAN IN THIS STATE.~~

~~(B) UNLESS AUTHORIZED TO PRACTICE AS A GRADUATE REGISTERED PHYSICIAN UNDER THIS SUBTITLE, A PERSON MAY NOT USE THE TITLES "GRADUATE REGISTERED PHYSICIAN", "LICENSED GRADUATE REGISTERED PHYSICIAN", "ASSISTANT PHYSICIAN", "LICENSED ASSISTANT PHYSICIAN", OR ANY WORDS, LETTERS, OR SYMBOLS WITH THE INTENT TO IMPLY THAT THE PERSON PRACTICES AS A GRADUATE REGISTERED PHYSICIAN OR IS A LICENSED GRADUATE REGISTERED PHYSICIAN.~~

~~14-5H-25.~~

~~A PERSON MAY NOT PROVIDE, ATTEMPT TO PROVIDE, OFFER TO PROVIDE, OR REPRESENT THAT THE PERSON PROVIDES SERVICES AS A GRADUATE REGISTERED PHYSICIAN UNLESS THE SERVICES ARE PROVIDED BY AN INDIVIDUAL WHO IS AUTHORIZED TO PRACTICE AS A GRADUATE REGISTERED PHYSICIAN UNDER THIS SUBTITLE.~~

~~14-5H-26.~~

~~(A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A LICENSED PHYSICIAN MAY NOT EMPLOY OR SUPERVISE AN INDIVIDUAL PRACTICING AS A GRADUATE REGISTERED PHYSICIAN WITHOUT A LICENSE.~~

~~(B) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A HOSPITAL, A RELATED INSTITUTION, AN ALTERNATIVE HEALTH SYSTEM, OR AN EMPLOYER MAY NOT EMPLOY AN INDIVIDUAL PRACTICING AS A GRADUATE REGISTERED PHYSICIAN WITHOUT A LICENSE.~~

~~(C) A DISCIPLINARY PANEL MAY IMPOSE A CIVIL PENALTY OF UP TO \$1,000 FOR A VIOLATION OF THIS SECTION.~~

~~(D) THE BOARD SHALL REMIT ANY PENALTY COLLECTED UNDER THIS SECTION INTO THE GENERAL FUND OF THE STATE.~~

~~14-5H-27.~~

~~(A) A PERSON WHO VIOLATES § 14-5H-23, § 14-5H-24, § 14-5H-25, OR § 14-5H-26 OF THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.~~

~~(B) A PERSON WHO VIOLATES § 14-5H-23, § 14-5H-24, § 14-5H-25, OR § 14-5H-26 OF THIS SUBTITLE IS SUBJECT TO A CIVIL FINE OF NOT MORE THAN \$5,000 TO BE LEVIED BY A DISCIPLINARY PANEL.~~

~~(C) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER THIS SECTION INTO THE BOARD OF PHYSICIANS FUND.~~

~~14-5H-28.~~

~~THIS SUBTITLE MAY BE CITED AS THE MARYLAND GRADUATE REGISTERED PHYSICIAN ACT.~~

~~14-5H-29.~~

~~SUBJECT TO THE EVALUATION AND REESTABLISHMENT PROVISIONS OF THE MARYLAND PROGRAM EVALUATION ACT AND SUBJECT TO THE TERMINATION OF THIS TITLE UNDER § 14-702 OF THIS TITLE, THIS SUBTITLE AND ALL REGULATIONS ADOPTED UNDER THIS SUBTITLE SHALL TERMINATE AND BE OF NO EFFECT AFTER JULY 1, 2031.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the initial members of the Graduate Registered Physician Advisory Committee shall expire as follows:~~

~~(1) one member who is a graduate registered physician and one physician member in 2024;~~

~~(2) one member who is a graduate registered physician, one physician member, and the consumer member in 2025; and~~

~~(3) one member who is a graduate registered physician and one physician member in 2026.~~

~~SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2023.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.