

HOUSE BILL 581

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EMERGENCY BILL

7lr2367
CF SB 633

By: **Delegates Hill and Lam**

Introduced and read first time: January 30, 2017

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 22, 2017

CHAPTER _____

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~~ certain individuals must submit to a
7 criminal history records check in accordance with a certain provision of law; ~~making~~
8 ~~a stylistic change; making a conforming change;~~ making this Act an emergency
9 measure; and generally relating to individuals exempt from licensure under the
10 Maryland Medical Practice Act.

11 BY repealing and reenacting, with amendments,
12 Article – Health Occupations
13 Section 14–302
14 Annotated Code of Maryland
15 (2014 Replacement Volume and 2016 Supplement)

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

18 **Article – Health Occupations**

19 14–302.

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.



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

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

~~¶(2)~~ ~~¶(1)~~ A physician licensed by and residing in another jurisdiction, if the physician:

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

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

~~¶(3)~~ ~~¶(2)~~ A physician employed in the service of the federal government while performing the duties incident to that employment;

~~¶(4)~~ ~~¶(3)~~ A physician who resides in and is authorized to practice medicine by any state adjoining this State and whose practice extends into this State, if:

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

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

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

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

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

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

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

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

~~(1) SUBJECT TO THE RULES, REGULATIONS, AND ORDERS OF THE BOARD, A MEDICAL STUDENT OR AN INDIVIDUAL IN A POSTGRADUATE MEDICAL TRAINING PROGRAM THAT IS APPROVED BY THE BOARD, WHILE PERFORMING THE ASSIGNED DUTIES AT ANY OFFICE OF A LICENSED PHYSICIAN, HOSPITAL, CLINIC, OR SIMILAR FACILITY; AND~~

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

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

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

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

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

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

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

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