

SENATE BILL 629

J2

(2lr0569)

ENROLLED BILL

— *Education, Health, and Environmental Affairs/Health and Government Operations* —

Introduced by **Senator Conway (Chair, Education, Health, and Environmental Affairs Committee)**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

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

President.

CHAPTER _____

1 AN ACT concerning

2 **State Board of Physicians – ~~Sunset Extension and Program Evaluation~~**
3 **Appointment and Term of Chair**

4 FOR the purpose of ~~continuing~~ requiring the Governor to appoint the chair of the State
5 Board of Physicians; establishing the term of the office of the chair; and generally
6 relating to appointment and term of the chair of the State Board of Physicians.
7 ~~in accordance with the provisions of the Maryland Program Evaluation Act~~
8 ~~(Sunset Law) by extending to a certain date the termination provisions relating~~
9 ~~to the statutory and regulatory authority of the Board; prohibiting certain~~
10 ~~individuals from providing certain services to the Board under certain~~
11 ~~circumstances; prohibiting certain individuals from being appointed to the~~
12 ~~Board under certain circumstances; repealing a certain provision of law~~
13 ~~regarding entry onto private premises for a certain purpose; authorizing the~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

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

Italics indicate opposite chamber/conference committee amendments.



~~Board's executive director to apply for a certain search warrant under certain
 circumstances; specifying that the application for the warrant must meet
 certain requirements; authorizing a judge who receives a certain search warrant
 application to issue a warrant under certain circumstances; specifying that a
 certain search warrant must include certain information and be executed and
 returned to a certain person within a certain period of time; authorizing certain
 physicians to practice medicine without a license under certain circumstances;
 providing for a certain exception to certain education qualifications necessary
 for licensure; codifying the requirement that the Board provide certain
 individuals an opportunity to appear before the Board under certain
 circumstances; requiring the Board to disclose the filing of charges and initial
 denials of licensure on the Board's Web site; requiring that physician license
 profiles include a summary of charges filed against the physician and a copy of
 the charging document under certain circumstances; requiring that license
 profiles include a certain disclaimer; requiring the Board to include certain
 information on a license profile within a certain time period; specifying that a
 certain report that certain entities are required to file with the Board include
 certain information; authorizing the Board to impose a certain civil penalty on
 an alternative health system that fails to file a certain report; requiring the
 Board to remit a certain penalty to the General Fund of the State; repealing the
 requirement that a circuit court of the State impose a civil penalty on an
 alternative health system that fails to file a certain report; specifying that a
 certain court reporting requirement is to be enforced by the imposition of a
 certain fine by a circuit court of the State; requiring the Board and the
 Department of Health and Mental Hygiene to develop and implement a certain
 strategy on or before a certain date; requiring the Board to consider engaging
 the services of a certain consultant to develop and recommend a certain strategy
 for addressing and implementing certain recommendations; requiring the Board
 to report certain results and a certain status to the General Assembly on or
 before a certain date; requiring the Board to assess certain practices and submit
 a certain long term fiscal plan to the Department of Legislative Services on or
 before a certain date; requiring the Board to amend the Board's regulations to
 reflect the procedures of the Board on or before a certain date; requiring the
 Board to submit a certain report to the Department of Legislative Services on or
 before a certain date; requiring the Department of Legislative Services to make
 certain recommendations to certain committees of the General Assembly on or
 before a certain date; and generally relating to the State Board of Physicians.~~

BY adding to

~~Article – Health Occupations
 Section 14-202(l), 14-206.1, 14-401(l), and 14-416
 Annotated Code of Maryland
 (2009 Replacement Volume and 2011 Supplement)~~

BY repealing and reenacting, with amendments,
 Article – Health Occupations

1 Section ~~14-206(d)(1), 14-302, 14-307, 14-308, 14-411(i), 14-411.1(b), (e)(2), and~~
 2 ~~(f), 14-413, 14-414, and 14-702~~ 14-203
 3 Annotated Code of Maryland
 4 (2009 Replacement Volume and 2011 Supplement)

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

7 **Article – Health Occupations**

8 14-203.

9 **(A) (1) THE GOVERNOR SHALL APPOINT THE CHAIR OF THE BOARD.**

10 **(2) THE TERM OF OFFICE OF THE CHAIR IS 2 YEARS.**

11 **[(a)](B) From among its members, the Board shall elect [a chair and] any**
 12 **[other] officers, OTHER THAN THE CHAIR, that it considers necessary.**

13 **[(b)](C) The Board shall determine:**

14 **(1) The manner of election of officers;**

15 **(2) The term of office of each officer; and**

16 **(3) The duties of each officer.**

17 ~~14-202.~~

18 ~~**(L) (1) AN INDIVIDUAL MAY NOT PROVIDE SERVICES TO THE BOARD**~~
 19 ~~**FOR REMUNERATION UNLESS 3 YEARS HAVE PASSED SINCE THE TERMINATION**~~
 20 ~~**OF THE INDIVIDUAL'S APPOINTMENT TO THE BOARD.**~~

21 ~~**(2) AN INDIVIDUAL MAY NOT BE APPOINTED TO THE BOARD IF**~~
 22 ~~**THE INDIVIDUAL IS PROVIDING OR HAS PROVIDED SERVICES TO THE BOARD**~~
 23 ~~**FOR REMUNERATION WITHIN THE PRECEDING 3 YEARS.**~~

24 ~~14-206.~~

25 ~~**(d) (1) If the entry is necessary to carry out a duty under this title, the**~~
 26 ~~**Board's executive director or other duly authorized agent or investigator of the Board**~~
 27 ~~**may enter at any reasonable hour.**~~

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

1 (ii) ~~Private premises where the Board suspects that a person~~
2 ~~who is not licensed by the Board is practicing, attempting to practice, or offering to~~
3 ~~practice medicine, based on a formal complaint; or~~

4 ~~(iii) Public premises.~~

5 ~~14-206.1.~~

6 ~~(A) THE BOARD'S EXECUTIVE DIRECTOR MAY APPLY TO A JUDGE OF~~
7 ~~THE DISTRICT COURT OR A CIRCUIT COURT FOR A SEARCH WARRANT TO ENTER~~
8 ~~PRIVATE PREMISES AND SEIZE EVIDENCE WHERE THE BOARD SUSPECTS THAT A~~
9 ~~PERSON WHO IS NOT LICENSED BY THE BOARD IS PRACTICING, ATTEMPTING TO~~
10 ~~PRACTICE, OR OFFERING TO PRACTICE MEDICINE, BASED ON A COMPLAINT~~
11 ~~RECEIVED BY THE BOARD.~~

12 ~~(B) AN APPLICATION FOR A SEARCH WARRANT SHALL:~~

13 ~~(1) BE IN WRITING;~~

14 ~~(2) BE VERIFIED BY THE APPLICANT; AND~~

15 ~~(3) DESCRIBE THE PREMISES TO BE SEARCHED AND THE~~
16 ~~NATURE, SCOPE, AND PURPOSE OF THE SEARCH.~~

17 ~~(C) A JUDGE WHO RECEIVES AN APPLICATION FOR A SEARCH WARRANT~~
18 ~~MAY ISSUE A WARRANT ON A FINDING THAT:~~

19 ~~(1) THE SCOPE OF THE PROPOSED SEARCH IS REASONABLE;~~

20 ~~(2) THE REQUEST FOR A SEARCH WARRANT IS BASED ON A~~
21 ~~COMPLAINT RECEIVED BY THE BOARD; AND~~

22 ~~(3) OBTAINING CONSENT TO ENTER THE PREMISES MAY~~
23 ~~JEOPARDIZE THE ATTEMPT TO DETERMINE WHETHER A PERSON WHO IS NOT~~
24 ~~LICENSED BY THE BOARD IS PRACTICING, ATTEMPTING TO PRACTICE, OR~~
25 ~~OFFERING TO PRACTICE MEDICINE.~~

26 ~~(D) (1) A SEARCH WARRANT ISSUED UNDER THIS SECTION SHALL~~
27 ~~SPECIFY THE LOCATION OF THE PREMISES TO BE SEARCHED.~~

28 ~~(2) A SEARCH CONDUCTED IN ACCORDANCE WITH A SEARCH~~
29 ~~WARRANT ISSUED UNDER THIS SECTION MAY NOT EXCEED THE LIMITS~~
30 ~~SPECIFIED IN THE WARRANT.~~

~~(E) A SEARCH WARRANT ISSUED UNDER THIS SECTION SHALL BE EXECUTED AND RETURNED TO THE ISSUING JUDGE;~~

~~(1) WITHIN THE PERIOD SPECIFIED IN THE WARRANT, WHICH MAY NOT EXCEED 30 DAYS FROM THE DATE OF ISSUANCE; OR~~

~~(2) WITHIN 15 DAYS AFTER THE WARRANT IS ISSUED, IF NO PERIOD IS SPECIFIED IN THE WARRANT.~~

~~14-302.~~

~~Subject to the rules, regulations, and orders of the Board, the following individuals may practice medicine without a license:~~

~~(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) A physician licensed by and residing in another jurisdiction, [while engaging in consultation with a physician licensed in this State] IF:~~

~~(i) THE PHYSICIAN IS ENGAGED IN CONSULTATION WITH A PHYSICIAN LICENSED IN THE STATE ABOUT A PARTICULAR PATIENT AND DOES NOT DIRECT PATIENT CARE;~~

~~(ii) THE BOARD FINDS, ON APPLICATION BY A MARYLAND HOSPITAL, THAT:~~

~~1. THE PHYSICIAN POSSESSES A SKILL OR USES A PROCEDURE THAT:~~

~~A. IS ADVANCED BEYOND THOSE SKILLS OR PROCEDURES NORMALLY TAUGHT OR EXERCISED IN THE HOSPITAL AND IN STANDARD MEDICAL EDUCATION OR TRAINING;~~

~~B. COULD NOT BE OTHERWISE CONVENIENTLY TAUGHT OR DEMONSTRATED IN STANDARD MEDICAL EDUCATION OR TRAINING IN THAT MARYLAND HOSPITAL; AND~~

~~C. IS LIKELY TO BENEFIT A MARYLAND PATIENT IN THIS INSTANCE;~~

~~2. THE DEMONSTRATION OF THE SKILL OR PROCEDURE WILL CONSUME NO MORE THAN 14 DAYS;~~

1 ~~3. A HOSPITAL PHYSICIAN LICENSED IN THE STATE~~
2 ~~HAS CERTIFIED TO THE BOARD THAT THE PHYSICIAN WILL BE RESPONSIBLE~~
3 ~~FOR THE MEDICAL CARE PROVIDED BY THAT VISITING PHYSICIAN TO THE~~
4 ~~PATIENT IN THE STATE;~~

5 ~~4. THE VISITING PHYSICIAN HAS NO HISTORY OF~~
6 ~~ANY MEDICAL DISCIPLINARY ACTION IN ANY OTHER STATE, TERRITORY,~~
7 ~~NATION, OR ANY BRANCH OF THE UNITED STATES UNIFORMED SERVICES OR~~
8 ~~THE VETERANS ADMINISTRATION, AND HAS NO SIGNIFICANT DETRIMENTAL~~
9 ~~MALPRACTICE HISTORY IN THE JUDGMENT OF THE BOARD;~~

10 ~~5. THE PHYSICIAN IS COVERED BY MALPRACTICE~~
11 ~~INSURANCE IN THE JURISDICTION WHERE THE PHYSICIAN PRACTICES; AND~~

12 ~~6. THE HOSPITAL ASSURES THE BOARD THAT THE~~
13 ~~PATIENT WILL BE PROTECTED BY ADEQUATE MALPRACTICE INSURANCE; OR~~

14 ~~(III) THE BOARD FINDS, ON APPLICATION BY A MARYLAND~~
15 ~~HOSPITAL, THAT:~~

16 ~~1. THE HOSPITAL PROVIDES TRAINING IN A SKILL~~
17 ~~OR USES A PROCEDURE THAT:~~

18 ~~A. IS ADVANCED BEYOND THOSE SKILLS OR~~
19 ~~PROCEDURES NORMALLY TAUGHT OR EXERCISED IN STANDARD MEDICAL~~
20 ~~EDUCATION OR TRAINING;~~

21 ~~B. COULD NOT BE OTHERWISE CONVENIENTLY~~
22 ~~TAUGHT OR DEMONSTRATED IN THE VISITING PHYSICIAN'S PRACTICE; AND~~

23 ~~C. IS LIKELY TO BENEFIT A MARYLAND PATIENT IN~~
24 ~~THIS INSTANCE;~~

25 ~~2. THE DEMONSTRATION OR EXERCISE OF THE~~
26 ~~SKILL OR PROCEDURE WILL CONSUME NO MORE THAN 14 DAYS;~~

27 ~~3. A HOSPITAL PHYSICIAN LICENSED IN THE STATE~~
28 ~~HAS CERTIFIED TO THE BOARD THAT THE PHYSICIAN WILL BE RESPONSIBLE~~
29 ~~FOR THE MEDICAL CARE PROVIDED BY THAT VISITING PHYSICIAN TO THE~~
30 ~~PATIENT IN THE STATE;~~

31 ~~4. THE VISITING PHYSICIAN HAS NO HISTORY OF~~
32 ~~ANY MEDICAL DISCIPLINARY ACTION IN ANY OTHER STATE, TERRITORY,~~
33 ~~NATION, OR ANY BRANCH OF THE UNITED STATES UNIFORMED SERVICES OR~~

1 ~~THE VETERANS ADMINISTRATION, AND HAS NO SIGNIFICANT DETRIMENTAL~~
2 ~~MALPRACTICE HISTORY IN THE JUDGMENT OF THE BOARD;~~

3 ~~5. THE PHYSICIAN IS COVERED BY MALPRACTICE~~
4 ~~INSURANCE IN THE JURISDICTION WHERE THE PHYSICIAN PRACTICES; AND~~

5 ~~6. THE HOSPITAL ASSURES THE BOARD THAT THE~~
6 ~~PATIENT WILL BE PROTECTED BY ADEQUATE MALPRACTICE INSURANCE;~~

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

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

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

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

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

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

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

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

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

28 ~~14-307.~~

29 ~~(a) To qualify for a license, an applicant shall be an individual who meets the~~
30 ~~requirements of this section.~~

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

~~(e) The applicant shall be at least 18 years old.~~

~~(d) Except as provided in SUBSECTION (E) OF THIS SECTION AND IN § 14-308 of this subtitle, the applicant shall:~~

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

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

~~(2) (i) Have a degree of 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~~

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

~~(E) IN LIEU OF THE REQUIREMENTS OF SUBSECTION (D) OF THIS SECTION, THE BOARD MAY ACCEPT AN APPLICANT WHO:~~

~~(1) ON AN ANNUAL BASIS, TEACHES FULL TIME IN A MEDICAL SCHOOL IN THE UNITED STATES THAT IS ACCREDITED BY THE LIAISON COMMITTEE ON MEDICAL EDUCATION; OR~~

~~(2) POSSESSES 10 YEARS OF CLINICAL PRACTICE OF MEDICINE UNDER A FULL UNRESTRICTED LICENSE HELD IN ANOTHER STATE OR IN CANADA, WITH AT LEAST 3 OF THE 10 YEARS HAVING OCCURRED WITHIN 5 YEARS OF THE DATE OF THE APPLICATION.~~

~~[(c)] (F) Except as otherwise provided in this title, the applicant shall pass an examination required by the Board under this subtitle.~~

~~[(f)] (G) The applicant shall meet any other qualifications that the Board establishes in its regulations for license applicants.~~

~~[(g)] (H) An applicant who has failed the examination or any part of the examination 3 or more times shall submit evidence of having completed 1 year of additional clinical training in an approved postgraduate training program following the latest failure.~~

1 ~~[(h)] (1) (1) The Board shall require as part of its examination or~~
2 ~~licensing procedures that an applicant for a license to practice medicine demonstrate~~
3 ~~an oral competency in the English language.~~

4 ~~(2) Graduation from a recognized English speaking undergraduate~~
5 ~~school or high school, including General Education Development (GED), after at least~~
6 ~~3 years of enrollment, or from a recognized English speaking professional school is~~
7 ~~acceptable as proof of proficiency in the oral communication of the English language~~
8 ~~under this section.~~

9 ~~(3) By regulation, the Board shall develop a procedure for testing~~
10 ~~individuals who because of their speech impairment are unable to complete~~
11 ~~satisfactorily a Board approved standardized test of oral competency.~~

12 ~~(4) If any disciplinary charges or action that involves a problem with~~
13 ~~the oral communication of the English language are brought against a licensee under~~
14 ~~this title, the Board shall require the licensee to take and pass a Board approved~~
15 ~~standardized test of oral competency.~~

16 ~~14-308.~~

17 ~~(a) (1) In this section the following terms have the meanings indicated:~~

18 ~~(2) "Fifth pathway program" means a program that the Board~~
19 ~~approves in its regulations for a student who:~~

20 ~~(i) Has studied medicine at a foreign medical school;~~

21 ~~(ii) Was a United States citizen when the student enrolled in~~
22 ~~the foreign medical school; and~~

23 ~~(iii) Has completed all of the formal requirements for graduation~~
24 ~~from the foreign medical school, except for any social service or postgraduate~~
25 ~~requirements.~~

26 ~~(3) "Foreign medical school" means a medical school located outside of~~
27 ~~the United States, its territories or possessions, Puerto Rico, or Canada.~~

28 ~~(b) An applicant for a license is exempt from the educational requirements of~~
29 ~~§ 14-307 of this subtitle, if the applicant:~~

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

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

1 ~~(3) Passes a qualifying examination for foreign medical school~~
 2 ~~graduates required by the Board;~~

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

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

7 ~~(6) [Meets] EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS~~
 8 ~~SECTION, MEETS one of the following requirements:~~

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

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

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

19 ~~2. Has successfully completed a fifth pathway program;~~
 20 ~~and~~

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

24 ~~(C) IN LIEU OF THE REQUIREMENTS OF SUBSECTION (B)(6) OF THIS~~
 25 ~~SECTION, THE BOARD MAY ACCEPT AN APPLICANT WHO:~~

26 ~~(1) ON AN ANNUAL BASIS, TEACHES FULL TIME IN A MEDICAL~~
 27 ~~SCHOOL IN THE UNITED STATES THAT IS ACCREDITED BY THE LIAISON~~
 28 ~~COMMITTEE ON MEDICAL EDUCATION; OR~~

29 ~~(2) POSSESSES 10 YEARS OF CLINICAL PRACTICE OF MEDICINE~~
 30 ~~UNDER A FULL UNRESTRICTED LICENSE HELD IN ANOTHER STATE OR IN~~
 31 ~~CANADA, WITH AT LEAST 3 OF THE 10 YEARS HAVING OCCURRED WITHIN 5~~
 32 ~~YEARS OF THE DATE OF THE APPLICATION.~~

1 ~~(L) THE BOARD, IN CONDUCTING A CASE RESOLUTION CONFERENCE,~~
2 ~~OR ITS SUCCESSOR, UNDER COMAR 10.32.02.03 SHALL PROVIDE AN~~
3 ~~OPPORTUNITY TO APPEAR BEFORE THE BOARD TO BOTH THE LICENSEE WHO~~
4 ~~HAS BEEN CHARGED AND THE INDIVIDUAL WHO HAS FILED THE COMPLAINT~~
5 ~~AGAINST THE LICENSEE GIVING RISE TO THE CHARGE.~~

6 ~~14-411.~~

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

10 ~~14-411.1.~~

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

13 ~~(1) A SUMMARY OF CHARGES FILED AGAINST THE LICENSEE~~
14 ~~THAT INCLUDES A COPY OF THE CHARGING DOCUMENT, UNTIL THE BOARD HAS~~
15 ~~TAKEN ACTION UNDER § 14-404 OF THIS SUBTITLE BASED ON THE CHARGES OR~~
16 ~~HAS RESCINDED THE CHARGES;~~

17 ~~(2) A description of any disciplinary action taken by the Board against~~
18 ~~the licensee within the most recent 10-year period that includes a copy of the public~~
19 ~~order;~~

20 ~~[(2)](3) A description in summary form of any final disciplinary~~
21 ~~action taken by a licensing board in any other state or jurisdiction against the licensee~~
22 ~~within the most recent 10-year period;~~

23 ~~[(3)](4) The number of medical malpractice final court judgments~~
24 ~~and arbitration awards against the licensee within the most recent 10-year period for~~
25 ~~which all appeals have been exhausted as reported to the Board;~~

26 ~~[(4)](5) A description of a conviction or entry of a plea of guilty or~~
27 ~~nolo contendere by the licensee for a crime involving moral turpitude reported to the~~
28 ~~Board under § 14-413(b) of this subtitle; and~~

29 ~~[(5)](6) Medical education and practice information about the~~
30 ~~licensee including:~~

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

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

1 ~~(iii) A description of any specialty board certification by a~~
 2 ~~recognized board of the American Board of Medical Specialties or the American~~
 3 ~~Osteopathic Association;~~

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

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

7 ~~(vi) Whether the licensee participates in the Maryland Medical~~
 8 ~~Assistance Program.~~

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

11 ~~(2) Include a statement on each licensee's profile of information to be~~
 12 ~~taken into consideration by a consumer when viewing a licensee's profile, including~~
 13 ~~factors to consider when evaluating a licensee's malpractice data AND A DISCLAIMER~~
 14 ~~STATING THAT A CHARGING DOCUMENT DOES NOT INDICATE A FINAL FINDING~~
 15 ~~OF GUILT BY THE BOARD; and~~

16 ~~(f) The Board shall include information relating to CHARGES FILED~~
 17 ~~AGAINST A LICENSEE BY THE BOARD AND a final disciplinary action taken by the~~
 18 ~~Board against a licensee in the licensee's profile within 10 days after THE CHARGES~~
 19 ~~ARE FILED OR the action becomes final.~~

20 ~~14-413.~~

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

23 ~~(i) Contains the name of each licensed physician who, during~~
 24 ~~the 6 months preceding the report:~~

25 ~~1. Is employed by the hospital or related institution;~~

26 ~~2. Has privileges with the hospital or related institution;~~

27 ~~and~~

28 ~~3. Has applied for privileges with the hospital or related~~
 29 ~~institution; [and]~~

30 ~~(ii) States whether, as to each licensed physician, during the 6~~
 31 ~~months preceding the report:~~

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

7 ~~2. The hospital or related institution took any~~
8 ~~disciplinary action against a salaried, licensed physician without staff privileges,~~
9 ~~including termination of employment, suspension, or probation, for reasons that might~~
10 ~~be grounds for disciplinary action under § 14-404 of this subtitle;~~

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

15 ~~4. A licensed physician or an individual in a~~
16 ~~postgraduate training program voluntarily resigned from the staff, employ, or training~~
17 ~~program of the hospital or related institution for reasons that might be grounds for~~
18 ~~disciplinary action under § 14-404 of this subtitle; or~~

19 ~~5. The hospital or related institution placed any other~~
20 ~~restrictions or conditions on any of the licensed physicians as listed in items 1 through~~
21 ~~4 of this subparagraph for any reasons that might be grounds for disciplinary action~~
22 ~~under § 14-404 of this subtitle; AND~~

23 ~~(III) STATES THAT NO ACTION WAS TAKEN AGAINST THE~~
24 ~~LICENSED PHYSICIAN IF THE HOSPITAL OR RELATED INSTITUTION DID NOT~~
25 ~~TAKE ACTION AGAINST THE LICENSED PHYSICIAN DURING THE PERIOD~~
26 ~~COVERED BY THE REPORT.~~

27 ~~(2) The hospital or related institution shall:~~

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

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

32 ~~(3) The Board may extend the reporting time under this subsection for~~
33 ~~good cause shown.~~

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

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

~~4 **(2)** The court shall submit the report within 10 days of the conviction
5 or entry of the plea.]~~

~~6 **[(e) (B)** The Board may enforce this section by subpoena.~~

~~7 **[(d) (C)** Any person shall have the immunity from liability described under
8 § 5-715(d) of the Courts and Judicial Proceedings Article for giving any of the
9 information required by this section.~~

~~10 **[(e) (D)** A report made under this section is not subject to subpoena or
11 discovery in any civil action other than a proceeding arising out of a hearing and
12 decision of the Board under this title.~~

~~13 **[(f) (E) (1)** The Board may impose a civil penalty of up to \$5,000 for
14 failure to report under this section.~~

~~15 **(2)** The Board shall remit any penalty collected under this subsection
16 into the General Fund of the State.~~

~~17 14-414.~~

~~18 **(a) (1)** Every 6 months, each alternative health system as defined in §
19 1-401 of this article shall file with the Board a report that:~~

~~20 **(i)** Contains the name of each licensed physician who, during
21 the 6 months preceding the report:~~

~~22 1. Is employed by the alternative health system;~~

~~23 2. Is under contract with the alternative health system;~~

~~24 and~~

~~25 3. Has completed a formal application process to become
26 under contract with the alternative health system; [and]~~

~~27 **(ii)** States whether, as to each licensed physician, during the 6
28 months preceding the report:~~

~~29 1. The alternative health system denied the formal
30 application of a physician to contract with the alternative health system or limited,
31 reduced, otherwise changed, or terminated the contract of a physician, or the~~

1 ~~physician resigned whether or not under formal accusation, if the denial, limitation,~~
2 ~~reduction, change, termination, or resignation is for reasons that might be grounds for~~
3 ~~disciplinary action under § 14-404 of this subtitle; or~~

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

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

11 ~~(2) The alternative health system shall:~~

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

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

16 ~~(3) The Board may extend the reporting time under this subsection for~~
17 ~~good cause shown.~~

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

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

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

27 ~~[(c) (B) The Board may enforce this section by subpoena.~~

28 ~~[(d) (C) Any person shall have the immunity from liability described under~~
29 ~~§ 5-715(d) of the Courts and Judicial Proceedings Article for giving any of the~~
30 ~~information required by this section.~~

31 ~~[(e) (D) A report made under this section is not subject to subpoena or~~
32 ~~discovery in any civil action other than a proceeding arising out of a hearing and~~
33 ~~decision of the Board under this title.~~

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

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

7 ~~14-416.~~

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

11 ~~(2) THE COURT SHALL SUBMIT THE REPORT WITHIN 10 DAYS OF~~
12 ~~THE CONVICTION OR ENTRY OF THE PLEA.~~

13 ~~(B) FAILURE TO REPORT PURSUANT TO THE REQUIREMENTS OF THIS~~
14 ~~SECTION SHALL RESULT IN IMPOSITION OF A CIVIL PENALTY OF UP TO \$5,000~~
15 ~~BY A CIRCUIT COURT OF THE STATE.~~

16 ~~14-702.~~

17 ~~Subject to the evaluation and reestablishment provisions of the Program~~
18 ~~Evaluation Act, this title and all rules and regulations adopted under this title shall~~
19 ~~terminate and be of no effect after July 1, [2013] 2014.~~

20 ~~SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December~~
21 ~~31, 2012, the State Board of Physicians and the Department of Health and Mental~~
22 ~~Hygiene jointly shall develop and implement a strategy for reducing the backlog of~~
23 ~~complaint cases.~~

24 ~~SECTION 3. AND BE IT FURTHER ENACTED, That the State Board of~~
25 ~~Physicians shall consider engaging the services of an outside consultant to develop and~~
26 ~~recommend a strategy for addressing and implementing the issues and~~
27 ~~recommendations made by the Department of Legislative Services in the November~~
28 ~~2011 publication "Sunset Review: Evaluation of the State Board of Physicians and the~~
29 ~~Related Allied Health Advisory Committees". On or before December 31, 2012, in~~
30 ~~accordance with § 2-1246 of the State Government Article, the Board shall report to~~
31 ~~the General Assembly and the Department of Legislative Services regarding the~~
32 ~~results of the outside consultant's review, if any, and the status of the implementation~~
33 ~~of the Department of Legislative Services' recommendations in the Sunset Review.~~

1 ~~SECTION 4. AND BE IT FURTHER ENACTED, That, on or before December~~
2 ~~31, 2012, the State Board of Physicians shall assess its fee charging practices and~~
3 ~~submit to the Department of Legislative Services a long term fiscal plan that includes:~~

4 ~~(1) a description of the method the Board uses to determine the~~
5 ~~amount of licensing fees that the Board will charge licensees;~~

6 ~~(2) the adequacy of the Board's fund balance, including the Board's~~
7 ~~projected fund balance based on fee levels specified in regulations; and~~

8 ~~(3) the sufficiency of physician fee levels, including whether current~~
9 ~~fee levels need to be adjusted to reflect costs associated with peer review and physician~~
10 ~~rehabilitation activities.~~

11 ~~SECTION 5. AND BE IT FURTHER ENACTED, That, on or before December~~
12 ~~31, 2012, the State Board of Physicians shall amend its regulations to reflect the~~
13 ~~procedures of the Board.~~

14 ~~SECTION 6. AND BE IT FURTHER ENACTED, That, on or before December~~
15 ~~31, 2012, the State Board of Physicians shall submit a report, in accordance with §~~
16 ~~2-1246 of the State Government Article, to the Department of Legislative Services~~
17 ~~that addresses the status of the implementation of the recommendations made by the~~
18 ~~Department in the November 2011 publication "Sunset Review: Evaluation of the~~
19 ~~State Board of Physicians and the Related Allied Health Advisory Committees".~~

20 ~~SECTION 6. 7. AND BE IT FURTHER ENACTED, That, on or before October~~
21 ~~1, 2013, the Department of Legislative Services shall submit a report, in accordance~~
22 ~~with § 2-1246 of the State Government Article, to the Senate Education, Health, and~~
23 ~~Environmental Affairs Committee and the House Health and Government Operations~~
24 ~~Committee, that includes recommendations regarding the further extension of the~~
25 ~~termination date of the State Board of Physicians and any related changes to § 8-403~~
26 ~~of the State Government Article that would be required.~~

27 ~~SECTION 7. 8. 2. AND BE IT FURTHER ENACTED, That this Act shall take~~
28 ~~effect June 1, 2012.~~