

Chapter 681

(House Bill 824)

AN ACT concerning

State Board of Physicians and Allied Health Advisory Committees – ~~Sunset Extension and Program Evaluation~~ Appointment and Term of Chair

FOR the purpose of ~~continuing~~ requiring the Governor to appoint the chair of the State Board of Physicians; establishing the term of the office of the chair; and generally relating to appointment and term of the chair of the State Board of Physicians. ~~and certain allied health advisory committees in accordance with the provisions of the Maryland Program Evaluation Act (Sunset Law) by extending to a certain date the termination provisions relating to the statutory and regulatory authority of the Board and the committees; altering to a certain date the termination provision related to the Perfusion Advisory Committee; prohibiting an individual from being appointed to the Board or an allied health advisory committee under certain circumstances; repealing a certain provision of law regarding entry onto private premises for a certain purpose; authorizing the 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 the Board to waive, under certain circumstances, certain training required 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 chairs of certain committees to serve in an advisory capacity to the Board, report to the Board a certain number of times a year, and present to the Board certain annual~~

~~reports; requiring certain committees to submit an annual report to the Board; requiring the Board to consider all recommendations of certain committees; provide a certain explanation to the committees under certain circumstances; and provide a certain report to the committees a certain number of times each year; requiring the Board to create and maintain a certain profile on certain licensees; requiring the profiles to contain certain information; requiring the Board to forward a written copy of certain profiles to a person under certain circumstances; requiring the Board to maintain certain profiles on the Board's Web site; requiring the Board to provide a mechanism for correcting errors in certain profiles; requiring the Polysomnography Professional Standards Committee to elect a chair every certain number of years; defining certain terms related to the practice of athletic training in the State; altering a certain definition related to the practice of athletic training in the State; authorizing an athletic trainer to accept an outside referral from certain individuals under certain circumstances; repealing the requirement that the Board assess a certain fee under certain circumstances; 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 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 develop and implement a certain recruitment plan 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 certain entities to determine the appropriate entity to investigate and enforce certain provisions of law on or before a certain date; requiring the Board, in consultation with certain persons, to adopt certain regulations on or before a certain date; requiring the Board to issue a license to an individual under a certain provision of law under certain circumstances; 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; providing for the effective date of certain provisions of this Act; and generally relating to the State Board of Physicians and the related allied health advisory committees.~~

BY adding to

~~Article – Health Occupations~~

~~Section 14-202(l), 14-206.1, 14-401(l), 14-416, 14-5A-06(e), 14-5A-18.1, 14-5B-05(f), 14-5B-15.1, 14-5C-06(d) and (e), 14-5C-18.1, 14-5D-05(f), 14-5D-16.1, 15-202(f), and 15-316.1~~

~~Annotated Code of Maryland~~

~~(2009 Replacement Volume and 2011 Supplement)~~

BY repealing and reenacting, with amendments,

Article – Health Occupations

~~Section 14-206(d)(1), 14-307(d) and (g), 14-411(i), 14-411.1(b), (e)(2), and (f), 14-413, 14-414, 14-5A-06(d), 14-5A-07, 14-5A-25, 14-5B-05(e),~~

~~14-5B-06, 14-5B-21, 14-5C-07, 14-5C-25, 14-5D-01, 14-5D-05(e),
14-5D-06, 14-5D-11, 14-5D-20, 14-702, 15-202(c), 15-205, and 15-502
14-203~~

Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

~~BY repealing~~

~~Article – Health Occupations
Section 15-310(e)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)~~

~~BY repealing and reenacting, with amendments,~~

~~Article – Health Occupations
Section 14-5E-06(d), 14-5E-07, and 14-5E-25
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)
(As enacted by Chapter 588 of the Acts of the General Assembly of 2011)~~

~~BY adding to~~

~~Article – Health Occupations
Section 14-5E-06(e) and 14-5E-18.1
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)
(As enacted by Chapter 588 of the Acts of the General Assembly of 2011)~~

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

Article – Health Occupations

14-203.

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

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

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

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

(1) The manner of election of officers;

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

- (3) The duties of each officer.

~~14-202.~~

~~(L) AN INDIVIDUAL MAY NOT BE APPOINTED TO THE BOARD IF THE INDIVIDUAL IS PROVIDING OR HAS PROVIDED SERVICES TO THE BOARD FOR REMUNERATION.~~

~~14-206.~~

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

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

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

~~(iii)] Public premises.~~

~~14-206.1.~~

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

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

~~(1) BE IN WRITING;~~

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

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

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

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

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

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

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

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

~~14-307.~~

~~(d) (1) Except as provided in § 14-308 of this subtitle AND PARAGRAPH (2) OF THIS SUBSECTION, the applicant shall:~~

~~[(1)] (i) 1. 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)] 2. 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)] (ii) 1. 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)] 2. 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.~~

~~(2) THE BOARD MAY WAIVE THE POSTGRADUATE MEDICAL TRAINING REQUIREMENT IF THE APPLICANT HAS:~~

~~(i) TAUGHT FULL TIME IN A MEDICAL SCHOOL IN THE UNITED STATES THAT IS ACCREDITED BY AN ACCREDITING ORGANIZATION THAT THE BOARD RECOGNIZES IN ITS REGULATIONS; OR~~

~~(ii) PRACTICED CLINICAL MEDICINE IN ANOTHER STATE OF THE UNITED STATES OR CANADA.~~

~~(g) (1) [An] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, 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.~~

~~(2) THE BOARD MAY WAIVE THE ADDITIONAL CLINICAL TRAINING REQUIREMENT IF THE APPLICANT CAN DEMONSTRATE THAT:~~

~~(i) THE FAILURES RESULTED FROM A PHYSICAL, EMOTIONAL, OR MENTAL CONDITION OR LEARNING DISABILITY;~~

~~(ii) THE INDIVIDUAL HAS PRACTICED CLINICAL MEDICINE IN ANOTHER STATE OF THE UNITED STATES OR CANADA; OR~~

~~(iii) THE INDIVIDUAL IS CERTIFIED BY A CERTIFYING ORGANIZATION THAT THE BOARD RECOGNIZES IN ITS REGULATIONS.~~

~~14-401.~~

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

~~14-411.~~

~~(i) 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 WEB SITE.**~~

~~14-411.1.~~

~~(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 THAT INCLUDES A COPY OF THE CHARGING DOCUMENT, UNTIL THE BOARD HAS TAKEN ACTION UNDER § 14-404 OF THIS SUBTITLE BASED ON THE CHARGES OR HAS RESCINDED THE CHARGES.**~~

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

~~[(2)] (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;~~

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

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

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

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

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

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

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

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

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

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

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

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

~~14-413.~~

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

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

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

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

~~and~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~[(e)] (D)~~ 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 under this title.

~~[(f)] (E)~~ (1) The Board may impose a civil penalty of up to \$5,000 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.

~~14-414.~~

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

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

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

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

and

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

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

~~1. The alternative health system denied the formal application of a physician to contract with the alternative health system or limited, reduced, otherwise changed, or terminated the contract of a physician, or the physician resigned whether or not under formal accusation, if the denial, limitation, reduction, change, termination, or resignation is for reasons that might be grounds for disciplinary action under § 14-404 of this subtitle; or~~

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

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

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

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

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

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

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

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

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

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

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

~~[(e) (D) 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 under this title.~~

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

~~14-416.~~

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

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

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

~~14-5A-06.~~

~~(d) (1) From among its members, the Committee shall elect a chair once every 2 years.~~

~~(2) THE CHAIR SHALL:~~

~~(i) SERVE IN AN ADVISORY CAPACITY TO THE BOARD AS A REPRESENTATIVE OF THE COMMITTEE;~~

~~(ii) REPORT TO THE BOARD TWICE A YEAR ON THE ACTIVITIES OF THE COMMITTEE; AND~~

~~(iii) PRESENT TO THE BOARD THE COMMITTEE'S ANNUAL REPORT.~~

~~(E) AN INDIVIDUAL MAY NOT BE APPOINTED TO THE COMMITTEE IF THE INDIVIDUAL IS PROVIDING OR HAS PROVIDED SERVICES TO THE BOARD FOR REMUNERATION.~~

~~14-5A-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 the provisions of this subtitle;~~

~~(2) Develop and recommend to the Board a code of ethics for the practice of respiratory care for adoption by the Board;~~

~~(3) If requested, develop and recommend to the Board standards of care for the practice of respiratory care;~~

~~(4) Develop and recommend to the Board the requirements for licensure as a respiratory care practitioner;~~

~~(5) Evaluate the credentials of applicants as necessary and recommend licensure of applicants who fulfill the requirements for a license to practice respiratory care;~~

~~(6) Develop and recommend to the Board continuing education requirements for license renewal;~~

~~(7) Provide the Board with recommendations concerning the practice of respiratory care;~~

~~(8) Develop and recommend to the Board criteria related to the practice of respiratory care in the home setting; [and]~~

~~(9) Keep a record of its proceedings; AND~~

~~(10) SUBMIT AN ANNUAL REPORT TO THE BOARD.~~

~~(B) THE BOARD SHALL:~~

~~(1) CONSIDER ALL RECOMMENDATIONS OF THE COMMITTEE AND PROVIDE A WRITTEN EXPLANATION OF THE BOARD'S REASONS FOR REJECTING OR MODIFYING THE COMMITTEE'S RECOMMENDATIONS; AND~~

~~(2) PROVIDE TO THE COMMITTEE TWICE A YEAR A REPORT ON THE DISCIPLINARY MATTERS INVOLVING LICENSEES.~~

~~14-5A-18.1.~~

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

~~(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 THAT INCLUDES A COPY OF THE CHARGING DOCUMENT UNTIL THE BOARD HAS TAKEN ACTION UNDER § 14-5A-17 OF THIS SUBTITLE BASED ON THE CHARGES OR HAS RESCINDED THE CHARGES;~~

~~(2) A DESCRIPTION OF ANY DISCIPLINARY ACTION TAKEN BY THE BOARD 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 REPORTED TO THE BOARD UNDER § 14-5A-17(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 A STATEMENT ON EACH LICENSEE'S PROFILE 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 THE BOARD.~~

~~(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 WEB SITE 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 THE BOARD AND A FINAL DISCIPLINARY ACTION TAKEN BY THE BOARD AGAINST A LICENSEE IN THE LICENSEE'S PROFILE WITHIN 10 DAYS AFTER THE CHARGES ARE FILED OR THE ACTION BECOMES FINAL.~~

~~14-5A-25.~~

~~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 rules and regulations adopted under this subtitle shall terminate and be of no effect after July 1, [2013] 2014.~~

~~14-5B-05.~~

~~(e) (1) From among its members, the Committee shall elect a chair once every 2 years.~~

~~(2) THE CHAIR SHALL:~~

~~(i) SERVE IN AN ADVISORY CAPACITY TO THE BOARD AS A REPRESENTATIVE OF THE COMMITTEE;~~

~~(ii) REPORT TO THE BOARD TWICE A YEAR ON THE ACTIVITIES OF THE COMMITTEE; AND~~

~~(iii) PRESENT TO THE BOARD THE COMMITTEE'S ANNUAL REPORT.~~

~~(F) AN INDIVIDUAL MAY NOT BE APPOINTED TO THE COMMITTEE IF THE INDIVIDUAL IS PROVIDING OR HAS PROVIDED SERVICES TO THE BOARD FOR REMUNERATION.~~

~~14-5B-06.~~

~~(A) In addition to the powers set forth elsewhere in this subtitle, the Committee shall:~~

~~(1) Make recommendations to the Board on regulations necessary to carry out the provisions of this subtitle;~~

~~(2) Make recommendations to the Board on a code of ethics for the practice of radiation therapy, the practice of radiography, the practice of nuclear medicine technology, and the practice of radiology assistance for adoption by the Board;~~

~~(3) On request, make recommendations to the Board on standards of care for the practice of radiation therapy, the practice of radiography, the practice of nuclear medicine technology, and the practice of radiology assistance;~~

~~(4) Make recommendations to the Board on the requirements for licensure as a radiation therapist, radiographer, nuclear medicine technologist, or radiologist assistant;~~

~~(5) On request, review applications for licensure as a radiation therapist, radiographer, nuclear medicine technologist, or radiologist assistant and make recommendations to the Board;~~

~~(6) Develop and recommend to the Board continuing education requirements for license renewal;~~

~~(7) Advise the Board on matters related to the practice of radiation therapy, the practice of radiography, the practice of nuclear medicine technology, and the practice of radiology assistance; [and]~~

~~(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 PROVIDE A WRITTEN EXPLANATION OF THE BOARD'S REASONS FOR REJECTING OR MODIFYING THE COMMITTEE'S RECOMMENDATIONS; AND~~

~~(2) PROVIDE TO THE COMMITTEE TWICE A YEAR A REPORT ON THE DISCIPLINARY MATTERS INVOLVING LICENSEES.~~

~~14-5B-15.1.~~

~~(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 WEB SITE.~~

~~(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 THAT INCLUDES A COPY OF THE CHARGING DOCUMENT UNTIL THE BOARD HAS~~

~~TAKEN ACTION UNDER § 14-5B-14 OF THIS SUBTITLE BASED ON THE CHARGES OR HAS RESCINDED THE CHARGES;~~

~~(2) A DESCRIPTION OF ANY DISCIPLINARY ACTION TAKEN BY THE BOARD 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 REPORTED TO THE BOARD UNDER § 14-5B-14(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 A STATEMENT ON EACH LICENSEE'S PROFILE 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 THE BOARD.~~

~~(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 WEB SITE 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 THE BOARD AND A FINAL DISCIPLINARY ACTION TAKEN BY THE BOARD AGAINST A LICENSEE IN THE LICENSEE'S PROFILE~~

~~WITHIN 10 DAYS AFTER THE CHARGES ARE FILED OR THE ACTION BECOMES FINAL.~~

~~14-5B-21.~~

~~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 rules and regulations adopted under this subtitle shall terminate and be of no effect after July 1, [2013] 2014.~~

~~14-5C-06.~~

~~(D) (1) FROM AMONG ITS MEMBERS, THE COMMITTEE SHALL ELECT A CHAIR ONCE EVERY 2 YEARS.~~

~~(2) THE CHAIR SHALL:~~

~~(I) SERVE IN AN ADVISORY CAPACITY TO THE BOARD AS A REPRESENTATIVE OF THE COMMITTEE;~~

~~(II) REPORT TO THE BOARD TWICE A YEAR ON THE ACTIVITIES OF THE COMMITTEE; AND~~

~~(III) PRESENT TO THE BOARD THE COMMITTEE'S ANNUAL REPORT.~~

~~(E) AN INDIVIDUAL MAY NOT BE APPOINTED TO THE COMMITTEE IF THE INDIVIDUAL IS PROVIDING OR HAS PROVIDED SERVICES TO THE BOARD FOR REMUNERATION.~~

~~14-5C-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 the provisions of this subtitle;~~

~~(2) Develop and recommend to the Board a code of ethics for the practice of polysomnography for adoption by the Board;~~

~~(3) Develop and recommend to the Board standards of care for the practice of polysomnography;~~

~~(4) Develop and recommend to the Board the requirements for licensure as a polysomnographic technologist, including:~~

~~(i) Criteria for the educational and clinical training of licensed polysomnographic technologists; and~~

~~(ii) Criteria for a professional competency examination and testing of applicants for a license to practice polysomnography;~~

~~(5) Develop and recommend to the Board criteria for licensed polysomnographic technologists who are licensed in other states to practice in this State;~~

~~(6) Evaluate the accreditation status of education programs in polysomnography for approval by the Board;~~

~~(7) Evaluate the credentials of applicants and recommend licensure of applicants who fulfill the requirements for a license to practice polysomnography;~~

~~(8) Develop and recommend to the Board continuing education requirements for license renewal;~~

~~(9) Provide the Board with recommendations concerning the practice of polysomnography;~~

~~(10) Develop and recommend to the Board criteria for the direction of students in clinical education programs by licensed polysomnographic technologists and licensed physicians;~~

~~(11) Keep a record of its proceedings; and~~

~~(12) Submit an annual report to the Board.~~

~~(B) THE BOARD SHALL:~~

~~(1) CONSIDER ALL RECOMMENDATIONS OF THE COMMITTEE AND PROVIDE A WRITTEN EXPLANATION OF THE BOARD'S REASONS FOR REJECTING OR MODIFYING THE COMMITTEE'S RECOMMENDATIONS; AND~~

~~(2) PROVIDE TO THE COMMITTEE TWICE A YEAR A REPORT ON THE DISCIPLINARY MATTERS INVOLVING LICENSEES.~~

~~14-5C-18.1.~~

~~(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 WEB SITE.~~

~~(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 THAT INCLUDES A COPY OF THE CHARGING DOCUMENT UNTIL THE BOARD HAS TAKEN ACTION UNDER § 14-5C-17 OF THIS SUBTITLE BASED ON THE CHARGES OR HAS RESCINDED THE CHARGES;~~

~~(2) A DESCRIPTION OF ANY DISCIPLINARY ACTION TAKEN BY THE BOARD 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 REPORTED TO THE BOARD UNDER § 14-5C-17(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 A STATEMENT ON EACH LICENSEE'S PROFILE 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 THE BOARD.~~

~~(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 WEB SITE 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 THE BOARD AND A FINAL DISCIPLINARY ACTION TAKEN BY THE BOARD AGAINST A LICENSEE IN THE LICENSEE'S PROFILE WITHIN 10 DAYS AFTER THE CHARGES ARE FILED OR THE ACTION BECOMES FINAL.~~

~~14-5C-25.~~

~~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, [2013] 2014.~~

~~14-5D-01.~~

- ~~(a) In this subtitle the following words have the meanings indicated.~~
- ~~(b) "Athlete" means an individual who participates in an athletic activity.~~
- ~~(c) "Athletic activity" means exercise, recreation, sport, competition, or game that:

 - ~~(1) Requires physical strength, range of motion, flexibility, control, speed, stamina, or agility; and~~
 - ~~(2) Is associated with an educational institution or a professional, amateur, or recreational sports club or athletic organization.~~~~
- ~~(d) "Athletic injury" means an injury that affects an athlete's participation or performance in an athletic activity.~~
- ~~(e) "Board" means the State Board of Physicians.~~
- ~~(f) "Committee" means the Athletic Trainer Advisory Committee established under § 14-5D-04 of this subtitle.~~
- ~~(g) "Educational institution" includes:~~

~~(1) The schools in the public elementary and secondary education system of the State;~~

~~(2) A noncollegiate educational institution governed under § 2-206 of the Education Article; and~~

~~(3) An institution of higher education as defined in § 10-101 of the Education Article.~~

~~(h) “Evaluation and treatment protocol” means a document that is executed by a physician and an athletic trainer that meets the requirements of § 14-5D-11 of this subtitle.~~

~~(i) “License” means a license issued by the Board to practice athletic training.~~

~~(j) “Licensed athletic trainer” means an individual who is licensed by the Board to practice athletic training.~~

~~(k) “LICENSED HEALTH CARE PRACTITIONER” MEANS:~~

~~(1) A CHIROPRACTOR LICENSED UNDER TITLE 3 OF THIS ARTICLE;~~

~~(2) A NURSE PRACTITIONER CERTIFIED UNDER TITLE 8 OF THIS ARTICLE;~~

~~(3) A PHYSICAL THERAPIST LICENSED UNDER TITLE 13 OF THIS ARTICLE; OR~~

~~(4) A PHYSICIAN ASSISTANT LICENSED UNDER TITLE 15 OF THIS ARTICLE.~~

~~[(k)](l) “National certifying board” means the National Athletic Trainers’ Association Board of Certification, Inc., or its successor organization.~~

~~(m) “NONSUPERVISING PHYSICIAN” MEANS A PHYSICIAN LICENSED BY THE BOARD WHO IS NOT THE SUPERVISING PHYSICIAN OF THE LICENSED ATHLETIC TRAINER.~~

~~(n) “OUTSIDE REFERRAL” MEANS A REQUEST FOR TREATMENT FROM A NONSUPERVISING PHYSICIAN OR LICENSED HEALTH CARE PRACTITIONER.~~

~~[(1)] (0)~~ (1) ~~“Practice athletic training” means application of the following principles and methods for managing athletic injuries for athletes in good overall health under the supervision of a licensed physician:~~

- ~~(i) Prevention;~~
- ~~(ii) Clinical evaluation and assessment;~~
- ~~(iii) Immediate care; and~~
- ~~(iv) Treatment, rehabilitation, and reconditioning.~~

~~(2) “Practice athletic training” includes:~~

- ~~(i) Organization and administration of an athletic training program; and~~
- ~~(ii) Instruction to coaches, athletes, parents, medical personnel, and community members regarding the care and prevention of athletic injuries.~~

~~(3) “Practice athletic training” does not include:~~

- ~~(i) The practice of:

 - ~~1. Chiropractic, including adjustments, manipulation, or high velocity mobilizations of the spine or extremities;~~
 - ~~2. Massage therapy;~~
 - ~~3. Medicine;~~
 - ~~4. Occupational therapy; or~~
 - ~~5. Physical therapy;~~~~
- ~~(ii) The reconditioning of systemic neurologic injuries, conditions, or disease; or~~
- ~~(iii) Except for the conditioning of an athlete under the supervision of a treating physician, the treatment, rehabilitation, or reconditioning of nonathletic injuries or disease.~~

~~[(m)] (P)~~ “Setting” means a:

- ~~(1) Location where an athletic activity, as defined in subsection (c) of this section, is being held;~~

- ~~(2) Health or fitness club;~~
- ~~(3) Clinic or hospital;~~
- ~~(4) Corporation; or~~
- ~~(5) Government agency.~~

~~[(n)](Q) "Supervision" means the responsibility of a physician to provide ongoing and immediately available instruction, IN PERSON, BY TELEPHONE, OR BY OTHER ELECTRONIC MEANS, that is adequate to ensure the safety and welfare of a patient and is appropriate to the setting.~~

~~14-5D-05.~~

~~(e) (1) From among its members, the Committee shall elect a chair every 2 years.~~

~~(2) THE CHAIR SHALL:~~

~~(i) SERVE IN AN ADVISORY CAPACITY TO THE BOARD AS A REPRESENTATIVE OF THE COMMITTEE;~~

~~(ii) REPORT TO THE BOARD TWICE A YEAR ON THE ACTIVITIES OF THE COMMITTEE; AND~~

~~(iii) PRESENT TO THE BOARD THE COMMITTEE'S ANNUAL REPORT.~~

~~(F) AN INDIVIDUAL MAY NOT BE APPOINTED TO THE COMMITTEE IF THE INDIVIDUAL IS PROVIDING OR HAS PROVIDED SERVICES TO THE BOARD FOR REMUNERATION.~~

~~14-5D-06.~~

~~(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 continuing education requirements for license renewal;~~

~~(3) Provide the Board with recommendations concerning the practice of athletic training;~~

~~(4) Develop and recommend to the Board an evaluation and treatment protocol for use by an athletic trainer and the physician with whom the athletic trainer practices;~~

~~(5) Provide advice and recommendations to the Board on individual evaluation and treatment protocols when requested; [and]~~

~~(6) Keep a record of its proceedings; AND~~

~~(7) SUBMIT AN ANNUAL REPORT TO THE BOARD.~~

~~(B) THE BOARD SHALL:~~

~~(1) CONSIDER ALL RECOMMENDATIONS OF THE COMMITTEE AND PROVIDE A WRITTEN EXPLANATION OF THE BOARD'S REASONS FOR REJECTING OR MODIFYING THE COMMITTEE'S RECOMMENDATIONS; AND~~

~~(2) PROVIDE TO THE COMMITTEE TWICE A YEAR A REPORT ON THE DISCIPLINARY MATTERS INVOLVING LICENSEES.~~

~~14-5D-11.~~

~~(a) Nothing in this title may be construed to authorize an athletic trainer to practice except under the supervision of a licensed physician and in an approved setting OR AS PROVIDED IN SUBSECTION (D) OF THIS SECTION.~~

~~(b) Before an athletic trainer may practice athletic training, the athletic trainer shall:~~

~~(1) Obtain a license under this subtitle;~~

~~(2) Enter into a written evaluation and treatment protocol with a licensed physician; and~~

~~(3) Obtain Board approval of the evaluation and treatment protocol.~~

~~(c) An evaluation and treatment protocol shall:~~

~~(1) Describe the qualifications of the licensed physician and licensed athletic trainer;~~

~~(2) Describe the settings where the athletic trainer may practice;~~

~~(3) Describe the physician supervision mechanisms that the physician will use to give direction to the athletic trainer; and~~

~~(4) Specify the treatment procedures the athletic trainer may perform.~~

~~(D) AN ATHLETIC TRAINER MAY ACCEPT AN OUTSIDE REFERRAL FROM A NONSUPERVISING PHYSICIAN OR LICENSED HEALTH CARE PRACTITIONER IF:~~

~~(1) THE SUPERVISING PHYSICIAN SPECIFIES IN THE EVALUATION AND TREATMENT PROTOCOL THAT THE ATHLETIC TRAINER MAY ACCEPT REFERRALS FROM A NONSUPERVISING PHYSICIAN OR LICENSED HEALTH CARE PRACTITIONER;~~

~~(2) THE NONSUPERVISING PHYSICIAN OR LICENSED HEALTH CARE PRACTITIONER HAS SEEN THE ATHLETE AND HAS WRITTEN AN ORDER FOR THE CARE OF THE ATHLETE; AND~~

~~(3) THE TREATMENT PROCEDURES TO BE USED BY THE ATHLETIC TRAINER ARE:~~

~~(i) WITHIN THE SCOPE OF PRACTICE OF AN ATHLETIC TRAINER; AND~~

~~(ii) INCLUDED IN THE EVALUATION AND TREATMENT PROTOCOL THAT THE ATHLETIC TRAINER HAS ENTERED INTO WITH THE SUPERVISING PHYSICIAN.~~

~~14-5D-16.1.~~

~~(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 WEB SITE.~~

~~(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 THAT INCLUDES A COPY OF THE CHARGING DOCUMENT UNTIL THE BOARD HAS TAKEN ACTION UNDER § 14-5D-14 OF THIS SUBTITLE BASED ON THE CHARGES OR HAS RESCINDED THE CHARGES;~~

~~(2) A DESCRIPTION OF ANY DISCIPLINARY ACTION TAKEN BY THE BOARD 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 REPORTED TO THE BOARD UNDER § 14-5D-14(B) 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 A STATEMENT ON EACH LICENSEE'S PROFILE 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 THE BOARD.~~

~~(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 WEB SITE 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 THE BOARD AND A FINAL DISCIPLINARY ACTION TAKEN BY THE BOARD AGAINST A LICENSEE IN THE LICENSEE'S PROFILE WITHIN 10 DAYS AFTER THE CHARGES ARE FILED OR THE ACTION BECOMES FINAL.~~

~~14-5D-20.~~

~~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 rules and regulations adopted under this subtitle shall terminate and be of no effect after July 1, [2013] 2014.~~

~~14-702.~~

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

~~15-202.~~

~~(e) The chairperson shall:~~

~~(1) [serve] SERVE in an advisory capacity to the Board as a representative of the Committee;~~

~~(2) REPORT TO THE BOARD TWICE A YEAR ON THE ACTIVITIES OF THE COMMITTEE; AND~~

~~(3) PRESENT TO THE BOARD THE COMMITTEE'S ANNUAL REPORT.~~

~~(f) AN INDIVIDUAL MAY NOT BE APPOINTED TO THE COMMITTEE IF THE INDIVIDUAL IS PROVIDING OR HAS PROVIDED SERVICES TO THE BOARD FOR REMUNERATION.~~

~~15-205.~~

~~(a) In addition to the powers set forth elsewhere in this title, the Committee, on its initiative or on the Board's request, may:~~

~~(1) Recommend to the Board regulations for carrying out the provisions of this title;~~

~~(2) Recommend to the Board approval, modification, or disapproval of an application for licensure or a delegation agreement;~~

~~(3) Report to the Board any conduct of a supervising physician or a physician assistant that may be cause for disciplinary action under this title or under § 14-404 of this article; and~~

~~(4) Report to the Board any alleged unauthorized practice of a physician assistant.~~

~~(B) THE COMMITTEE SHALL SUBMIT AN ANNUAL REPORT TO THE BOARD.~~

~~[(b)](C) (1) In addition to the duties set forth elsewhere in this title, the Board shall adopt regulations to carry out the provisions of this title.~~

~~(2) The Board shall:~~

~~(i) Consider all recommendations of the Committee; [and]~~

~~(ii) Provide a written explanation of the Board's reasons for rejecting or modifying the Committee's recommendations; AND~~

~~(III) PROVIDE TO THE COMMITTEE TWICE A YEAR A REPORT ON THE DISCIPLINARY MATTERS INVOLVING LICENSEES.~~

~~(3) The Board may:~~

~~(i) Investigate any alleged unauthorized practice of a physician assistant;~~

~~(ii) Investigate any conduct that may be cause for disciplinary action under this title; and~~

~~(iii) On receipt of a written and signed complaint, including a referral from the Commissioner of Labor and Industry, conduct an unannounced inspection of the office of a physician assistant, other than an office of a physician assistant in a hospital, related institution, freestanding medical facility, or freestanding birthing center, to determine compliance at that office with the Centers for Disease Control and Prevention's guidelines on universal precautions.~~

~~(4) If the entry is necessary to carry out a duty under this subtitle, including an investigation or determination of compliance as provided under paragraph (3) of this subsection and an audit to determine compliance with the Board's requirements with respect to physician assistant practice, the Executive Director of the Board or other duly authorized agent or investigator may enter at any reasonable hour a place of business of a licensed physician or a licensed physician assistant or public premises.~~

~~(5) (i) A person may not deny or interfere with an entry under this subsection.~~

~~(ii) A person who violates any provision of this subsection is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$100.~~

~~[(c) The Board shall assess each applicant for a license or the renewal of a license to practice as a physician assistant, a fee set by the Board sufficient to fund the activities of the Board's rehabilitation program under § 14-401(g) of this article in conducting a physician assistant rehabilitation program.]~~

~~15-316.1.~~

~~(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 WEB SITE.~~

~~(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 THAT INCLUDES A COPY OF THE CHARGING DOCUMENT UNTIL THE BOARD HAS TAKEN ACTION UNDER § 15-314 OF THIS SUBTITLE BASED ON THE CHARGES OR HAS RESCINDED THE CHARGES;~~

~~(2) A DESCRIPTION OF ANY DISCIPLINARY ACTION TAKEN BY THE BOARD 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 REPORTED TO THE BOARD UNDER § 15-314(B) 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 A STATEMENT ON EACH LICENSEE'S PROFILE 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 THE BOARD.~~

~~(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 WEB SITE 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 THE BOARD AND A FINAL DISCIPLINARY ACTION TAKEN BY THE BOARD AGAINST A LICENSEE IN THE LICENSEE'S PROFILE WITHIN 10 DAYS AFTER THE CHARGES ARE FILED OR THE ACTION BECOMES FINAL.~~

~~15-502.~~

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

~~SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:~~

~~Article Health Occupations~~

~~14-5E-06.~~

~~(d) (1) From among its members, the Committee shall elect a chair every 2 years.~~

~~(2) THE CHAIR SHALL:~~

~~(i) SERVE IN AN ADVISORY CAPACITY TO THE BOARD AS A REPRESENTATIVE OF THE COMMITTEE;~~

~~(ii) REPORT TO THE BOARD TWICE A YEAR ON THE ACTIVITIES OF THE COMMITTEE; AND~~

~~(III) PRESENT TO THE BOARD THE COMMITTEE'S ANNUAL REPORT.~~

~~(E) AN INDIVIDUAL MAY NOT BE APPOINTED TO THE COMMITTEE IF THE INDIVIDUAL IS PROVIDING OR HAS PROVIDED SERVICES TO THE BOARD FOR REMUNERATION.~~

~~14-5E-07.~~

~~(A) In addition to the powers set forth elsewhere in this subtitle, the Committee shall:~~

- ~~(1) Develop and recommend to the Board:

 - ~~(i) Regulations to carry out the provisions of this subtitle;~~
 - ~~(ii) A code of ethics for the practice of perfusion for adoption by the Board;~~
 - ~~(iii) Recommendations concerning the practice of perfusion, including standards of care for the practice of perfusion; and~~
 - ~~(iv) Continuing education requirements for license renewal;~~~~
- ~~(2) Keep a record of its proceedings; AND~~
- ~~(3) SUBMIT AN ANNUAL REPORT TO THE BOARD.~~

~~{and}~~

~~(B) THE BOARD SHALL:~~

~~(1) CONSIDER ALL RECOMMENDATIONS OF THE COMMITTEE AND PROVIDE A WRITTEN EXPLANATION OF THE BOARD'S REASONS FOR REJECTING OR MODIFYING THE COMMITTEE'S RECOMMENDATIONS; AND~~

~~(2) PROVIDE TO THE COMMITTEE TWICE A YEAR A REPORT ON THE DISCIPLINARY MATTERS INVOLVING LICENSEES.~~

~~14-5E-18.1.~~

~~(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 WEB SITE.~~

~~(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 THAT INCLUDES A COPY OF THE CHARGING DOCUMENT UNTIL THE BOARD HAS TAKEN ACTION UNDER § 14-5E-16 OF THIS SUBTITLE BASED ON THE CHARGES OR HAS RESCINDED THE CHARGES;~~

~~(2) A DESCRIPTION OF ANY DISCIPLINARY ACTION TAKEN BY THE BOARD 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 REPORTED TO THE BOARD UNDER § 14-5E-16(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 A STATEMENT ON EACH LICENSEE'S PROFILE 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 THE BOARD.~~

~~(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 THE BOARD AND A FINAL DISCIPLINARY ACTION TAKEN BY THE BOARD AGAINST A LICENSEE IN THE LICENSEE'S PROFILE WITHIN 10 DAYS AFTER THE CHARGES ARE FILED OR THE ACTION BECOMES FINAL.~~

~~14-5E-25.~~

~~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, [2022] 2014.~~

~~SECTION 3. AND BE IT FURTHER ENACTED, That, on or before December 31, 2012, the State Board of Physicians and the Department of Health and Mental Hygiene jointly shall develop and implement a strategy for reducing the backlog of complaint cases.~~

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

- ~~(1) a description of the method the Board uses to determine the amount of licensing fees that the Board will charge licensees;~~
- ~~(2) the adequacy of the Board's fund balance, including the Board's projected fund balance based on fee levels specified in regulations; and~~
- ~~(3) the sufficiency of physician fee levels, including whether current fee levels need to be adjusted to reflect costs associated with peer review and physician rehabilitation activities.~~

~~SECTION 5. AND BE IT FURTHER ENACTED, That, on or before December 31, 2012, the State Board of Physicians shall develop and implement a plan to improve the recruitment of allied health advisory committee members.~~

~~SECTION 6. AND BE IT FURTHER ENACTED, That, on or before December 31, 2012, the State Board of Physicians shall amend its regulations to reflect the procedures of the Board.~~

~~SECTION 7. AND BE IT FURTHER ENACTED, That, on or before December 31, 2012, the State Board of Physicians, the Maryland Insurance Administration, the Office of the Attorney General, and the Department of Health and Mental Hygiene's Office of the Inspector General shall jointly determine the appropriate entity for investigating and enforcing Title 1, Subtitle 3 of the Health Occupations Article.~~

~~SECTION 8. AND BE IT FURTHER ENACTED, That, on or before December 31, 2012, the State Board of Physicians, in consultation with the Physician Assistant Advisory Committee and physician assistants and supervising physicians from a variety of practice settings, shall adopt regulations for determining:~~

- ~~(1) what constitutes an advanced duty; and~~
- ~~(2) how many successful procedures a physician assistant must perform to be deemed able to safely perform a medical act.~~

~~SECTION 9. AND BE IT FURTHER ENACTED, That the State Board of Physicians shall issue a license to an individual under § 14-5B-10 of the Health Occupations Article if the individual:~~

- ~~(1) was enrolled in an unaccredited radiation therapy, radiography, or nuclear medicine technology program on October 1, 2010, and graduates by June 30, 2014; and~~
- ~~(2) meets all other requirements for licensure.~~

~~SECTION 10. AND BE IT FURTHER ENACTED, That, on or before June 1, 2013, the State Board of Physicians shall submit a report to the Department of Legislative Services. The report shall address the status of the implementation of the recommendations made by the Department of Legislative Services in the November 2011 publication "Sunset Review: Evaluation of the State Board of Physicians and the Related Allied Health Advisory Committees". The report shall include:~~

- ~~(1) recommendations for measures to increase the involvement of allied health advisory committees in complaint resolution and licensee discipline, including the feasibility and efficacy of:

 - ~~(i) allied health advisory committees handling all allied health complaint resolution functions currently handled by the Board; or~~
 - ~~(ii) having allied health committee members perform certain complaint resolution functions, including whether allied health committee members should serve on any panel established by the Board to review disciplinary cases involving allied health licensees;~~~~
- ~~(2) with respect to the allied health advisory committees, measures the Board is taking to:

 - ~~(i) fill vacancies;~~~~

- ~~(ii) solicit, identify, and appoint new members before a member's term expires;~~
- ~~(iii) promptly reappoint members eligible and nominated to serve for an additional term; and~~
- ~~(iv) ensure that committee chairs are elected in a timely manner and preside over committee meetings;~~
- ~~(3) whether board members should sit on allied health advisory committees;~~
- ~~(4) whether the number of licensees should be considered when determining the size of an allied health advisory committee;~~
- ~~(5) whether the size and composition of the allied health advisory committees should be altered through statutory amendment to effectively carry out the committees' oversight functions, including whether the membership of allied health advisory committees should be reduced after the initial regulations governing the allied health profession have been adopted by the Board;~~
- ~~(6) the findings regarding the appropriate entity for investigating and enforcing Title 1, Subtitle 3 of the Health Occupations Article; and~~
- ~~(7) the strategy implemented by the Board as required by Section 3 of this Act and the effect of the strategy on the backlog of complaints and complaint resolution time.~~

~~SECTION 11. AND BE IT FURTHER ENACTED, That, on or before October 1, 2013, the Department of Legislative Services shall make recommendations to the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee regarding further extension of the termination dates of the State Board of Physicians and the related allied health advisory committees and any related changes to § 8-403 of the State Government Article that would be required.~~

~~SECTION 12. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect October 1, 2012, the effective date of Chapter 588 of the Acts of the General Assembly of 2011. If the effective date of Chapter 588 is amended, Section 2 of this Act shall take effect on the taking effect of Chapter 588.~~

~~SECTION 13. 2. AND BE IT FURTHER ENACTED, That, except as provided in Section 12 of this Act, this Act shall take effect June 1, 2012.~~

Approved by the Governor, May 22, 2012.