

SENATE BILL 568

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By: **The President (By Request – Administration)**

Introduced and read first time: January 26, 2021

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Health Care Practitioners – Telehealth – Out-of-State Health Care Practitioners**

3 FOR the purpose of authorizing an out-of-state health care practitioner to provide
4 telehealth services to a patient located in the State in accordance with certain
5 provisions of this Act; requiring a certain health occupations board to register an
6 out-of-state health care practitioner, under certain circumstances, to provide
7 telehealth services to a patient located in the State; requiring an out-of-state health
8 care practitioner who is registered under certain provisions of this Act to take certain
9 actions under certain circumstances; prohibiting an out-of-state health care
10 practitioner who is registered under certain provisions of this Act from taking certain
11 actions; requiring that an out-of-state health care practitioner registered under
12 certain provisions of this Act be held to certain standards and subject to certain
13 disciplinary actions and sanctions; providing that an out-of-state health care
14 practitioner may be subject to disciplinary action for practicing without a license
15 under certain circumstances; requiring each health occupations board to publish
16 certain information in a certain manner about out-of-state health care practitioners
17 that are registered under certain provisions of this Act; altering a certain definition;
18 defining a certain term; making a clarifying change; making conforming changes;
19 providing for the construction of certain provisions of this Act; and generally relating
20 to out-of-state health care practitioners and telehealth.

21 BY repealing and reenacting, without amendments,

22 Article – Health Occupations

23 Section 1-1001(a), 2-301(a)(1), 3-301(b), 4-301(a), 6-301(a), 8-301(a) and (b),
24 9-301(a), 10-301(a), 15-301(d)(1), 17-301(a), 18-301(a), and 19-301(a)

25 Annotated Code of Maryland

26 (2014 Replacement Volume and 2020 Supplement)

27 BY repealing and reenacting, with amendments,

28 Article – Health Occupations

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 1–1001(c), 1–1005, 1A–301, 2–301(b)(1)(v) and (vi), 3–301(d), 4–301(b)(5) and
 2 (6), 5–301, 6–301(b)(5) and (6), 8–301(c)(4) and (5), 10–301(b)(4) and (5),
 3 11–301, 12–301, 13–301, 14–301, 15–301(f), 16–301, 17–301(b), 18–301(b) and
 4 (e), 19–301(b)(3) and (4), and 20–301(a) and (b)

5 Annotated Code of Maryland
 6 (2014 Replacement Volume and 2020 Supplement)

7 BY adding to

8 Article – Health Occupations

9 Section 2–301(b)(1)(vii), 4–301(b)(7), 6–301(b)(7), 8–301(c)(6), 9–301(c), 10–301(b)(6),
 10 18–301(g), and 19–301(b)(5)

11 Annotated Code of Maryland
 12 (2014 Replacement Volume and 2020 Supplement)

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

15 **Article – Health Occupations**

16 1–1001.

17 (a) In this subtitle the following words have the meanings indicated.

18 (c) “Health care practitioner” means an individual who is [licensed]:

19 (1) **LICENSED**, certified, or otherwise authorized by law to provide health
 20 care services under this article; **OR**

21 (2) **AN OUT-OF-STATE HEALTH CARE PRACTITIONER, AS DEFINED IN**
 22 **§ 1–1005(B) OF THIS SUBTITLE, AND IS REGISTERED UNDER § 1–1005(B) OF THIS**
 23 **SUBTITLE.**

24 1–1005.

25 (A) A health care practitioner providing health care services through telehealth
 26 must be licensed, certified, or otherwise authorized by law to provide health care services
 27 in the State **OR REGISTERED UNDER SUBSECTION (B) OF THIS SECTION** if the health
 28 care services are being provided to a patient located in the State.

29 (B) (1) **IN THIS SUBSECTION, “OUT-OF-STATE HEALTH CARE**
 30 **PRACTITIONER” MEANS AN INDIVIDUAL WHO:**

31 (I) **IS NOT LICENSED, CERTIFIED, OR OTHERWISE AUTHORIZED**
 32 **BY LAW TO PROVIDE HEALTH CARE SERVICES IN THE STATE UNDER ANY OTHER**
 33 **PROVISION OF THIS ARTICLE; BUT**

1 **(II) IS LICENSED, CERTIFIED, OR OTHERWISE AUTHORIZED BY**
2 **LAW TO PROVIDE HEALTH CARE SERVICES IN ANOTHER STATE.**

3 **(2) AN OUT-OF-STATE HEALTH CARE PRACTITIONER MAY PROVIDE**
4 **TELEHEALTH SERVICES TO A PATIENT LOCATED IN THE STATE IN ACCORDANCE**
5 **WITH THIS SUBSECTION.**

6 **(3) THE APPROPRIATE HEALTH OCCUPATIONS BOARD SHALL**
7 **REGISTER AN OUT-OF-STATE HEALTH CARE PRACTITIONER TO PROVIDE**
8 **TELEHEALTH SERVICES TO A PATIENT LOCATED IN THE STATE IF THE**
9 **OUT-OF-STATE HEALTH CARE PRACTITIONER:**

10 **(I) COMPLETES AN APPLICATION ON A FORM PROVIDED BY**
11 **THE HEALTH OCCUPATIONS BOARD;**

12 **(II) HOLDS A LICENSE, CERTIFICATION, OR OTHER LEGAL**
13 **AUTHORIZATION FROM AN APPLICABLE HEALTH CARE AUTHORITY IN ANOTHER**
14 **STATE THAT IS:**

15 **1. CURRENT;**

16 **2. VALID;**

17 **3. UNRESTRICTED; AND**

18 **4. NOT SUBJECT TO ANY PAST OR PENDING**
19 **DISCIPLINARY ACTION, EXCLUDING ANY ACTION RELATED TO NONPAYMENT OF**
20 **FEES RELATED TO THE LICENSE, CERTIFICATION, OR LEGAL AUTHORIZATION;**

21 **(III) COMPLETES A CRIMINAL HISTORY RECORDS CHECK IN**
22 **ACCORDANCE WITH THE REQUIREMENTS THAT APPLY TO THE INDIVIDUALS**
23 **REGULATED BY THE HEALTH OCCUPATIONS BOARD;**

24 **(IV) DESIGNATES A REGISTERED AGENT FOR SERVICE OF**
25 **PROCESS IN THE STATE;**

26 **(V) AGREES TO COOPERATE WITH THE HEALTH OCCUPATIONS**
27 **BOARD ON ANY INVESTIGATION, INCLUDING BY PROVIDING REQUESTED RECORDS;**
28 **AND**

29 **(VI) PAYS A REGISTRATION FEE, AS SET BY THE HEALTH**
30 **OCCUPATIONS BOARD.**

1 **(4) AN OUT-OF-STATE HEALTH CARE PRACTITIONER WHO IS**
2 **REGISTERED UNDER PARAGRAPH (3) OF THIS SUBSECTION:**

3 **(I) SHALL:**

4 1. **REGISTER WITH THE APPROPRIATE HEALTH**
5 **OCCUPATIONS BOARD UNDER PARAGRAPH (3) OF THIS SUBSECTION AT LEAST ONCE**
6 **EVERY 2 YEARS OR ON ANOTHER REGULAR SCHEDULE, AS DETERMINED BY THE**
7 **HEALTH OCCUPATIONS BOARD;**

8 2. **IF THERE IS A CHANGE TO THE OUT-OF-STATE**
9 **HEALTH CARE PRACTITIONER'S INFORMATION, INCLUDING ADDRESS, E-MAIL**
10 **ADDRESS, OR HEALTH CARE DISCIPLINARY ACTIONS OR RESTRICTIONS ON THE**
11 **ABILITY TO PRACTICE IN ANOTHER STATE, UPDATE THE REGISTRATION UNDER THIS**
12 **SUBSECTION WITH THE APPROPRIATE HEALTH OCCUPATIONS BOARD WITHIN 30**
13 **DAYS AFTER THE CHANGE OCCURS;**

14 3. **PROVIDE SERVICES WITHIN THE APPLICABLE SCOPE**
15 **OF PRACTICE ESTABLISHED BY STATE LAW;**

16 4. **COMPLY WITH ALL LAWS, RULES, AND REGULATIONS**
17 **APPLICABLE TO THE PROVISION OF HEALTH CARE SERVICES IN THE STATE,**
18 **INCLUDING:**

19 A. **THIS SUBTITLE; AND**

20 B. **THE LAWS, RULES, AND REGULATIONS UNDER THE**
21 **JURISDICTION OF THE APPROPRIATE HEALTH OCCUPATIONS BOARD; AND**

22 5. **CONSENT TO THE JURISDICTION OF THE STATE**
23 **CONCERNING THE ENFORCEMENT OF THIS SUBTITLE AND ANY RELATED LAW,**
24 **INCLUDING THE APPROPRIATE HEALTH OCCUPATIONS BOARD'S DISCIPLINARY**
25 **PROCEEDINGS; AND**

26 **(II) MAY NOT:**

27 1. **ESTABLISH AN OFFICE TO PROVIDE HEALTH CARE**
28 **SERVICES IN THE STATE;**

29 2. **PROVIDE IN-PERSON HEALTH CARE SERVICES TO A**
30 **PATIENT IN THE STATE; OR**

1 **3. PRESCRIBE OR DISPENSE A CONTROLLED**
2 **DANGEROUS SUBSTANCE, AS DEFINED IN § 5-101 OF THE CRIMINAL LAW ARTICLE,**
3 **TO A PATIENT IN THE STATE.**

4 **(5) (I) AN OUT-OF-STATE HEALTH CARE PRACTITIONER WHO IS**
5 **REGISTERED WITH A HEALTH OCCUPATIONS BOARD UNDER PARAGRAPH (3) OF THIS**
6 **SUBSECTION AND IS PROVIDING TELEHEALTH SERVICES TO A PATIENT LOCATED IN**
7 **THE STATE SHALL BE:**

8 **1. HELD TO THE SAME STANDARDS OF PRACTICE THAT**
9 **ARE APPLICABLE TO IN-PERSON HEALTH CARE SERVICES IN THE STATE; AND**

10 **2. SUBJECT TO ANY DISCIPLINARY ACTION OR**
11 **SANCTION APPLICABLE TO A HEALTH CARE PRACTITIONER LICENSED OR**
12 **OTHERWISE AUTHORIZED TO PRACTICE IN THE STATE, INCLUDING INVESTIGATION**
13 **AND DISCIPLINARY ACTION BY THE APPROPRIATE HEALTH OCCUPATIONS BOARD**
14 **UNDER THIS ARTICLE.**

15 **(II) IF AN OUT-OF-STATE HEALTH CARE PRACTITIONER FAILS**
16 **TO REGISTER WITH A HEALTH OCCUPATIONS BOARD UNDER THIS SUBSECTION**
17 **BEFORE PROVIDING TELEHEALTH SERVICES TO A PATIENT LOCATED IN THE STATE,**
18 **THE OUT-OF-STATE HEALTH CARE PRACTITIONER MAY BE SUBJECT TO**
19 **DISCIPLINARY ACTION FOR PRACTICING WITHOUT A LICENSE.**

20 **(III) DISCIPLINARY ACTION BY A HEALTH OCCUPATIONS BOARD**
21 **UNDER THIS PARAGRAPH MAY INCLUDE:**

22 **1. SUMMARILY SUSPENDING THE REGISTRATION OF**
23 **THE OUT-OF-STATE HEALTH CARE PRACTITIONER;**

24 **2. IMPOSING ANY SANCTION ON THE REGISTRATION OF**
25 **THE OUT-OF-STATE HEALTH CARE PRACTITIONER THAT MAY BE IMPOSED ON A**
26 **HEALTH CARE PRACTITIONER LICENSED OR OTHERWISE AUTHORIZED TO PRACTICE**
27 **HEALTH CARE IN THE STATE;**

28 **3. IMPOSING A FINE; AND**

29 **4. REFERRING THE MATTER TO A LICENSING**
30 **AUTHORITY IN A STATE WHERE THE OUT-OF-STATE HEALTH CARE PRACTITIONER**
31 **POSSESSES A LICENSE, CERTIFICATION, OR OTHER LEGAL AUTHORIZATION TO**
32 **PROVIDE HEALTH CARE SERVICES.**

1 **(6) (I) EACH HEALTH OCCUPATIONS BOARD SHALL PUBLISH**
2 **INFORMATION ON EACH OUT-OF-STATE HEALTH CARE PRACTITIONER THAT**
3 **REGISTERS WITH THE BOARD UNDER THIS SUBSECTION.**

4 **(II) THE INFORMATION PUBLISHED UNDER SUBPARAGRAPH (I)**
5 **OF THIS PARAGRAPH SHALL, TO THE EXTENT PRACTICABLE, CONTAIN THE SAME**
6 **INFORMATION AND BE PUBLISHED IN THE SAME MANNER AS THE INFORMATION**
7 **THAT THE HEALTH OCCUPATIONS BOARD IS REQUIRED TO PUBLISH FOR HEALTH**
8 **CARE PRACTITIONERS LICENSED OR OTHERWISE AUTHORIZED TO PRACTICE IN THE**
9 **STATE.**

10 **(7) NOTHING IN THIS SUBSECTION SHALL BE CONSTRUED TO**
11 **ABROGATE OR LIMIT THE APPLICABILITY TO A HEALTH CARE PRACTITIONER OF:**

12 **(I) PERSONAL JURISDICTION IN THE STATE; OR**

13 **(II) THE FEDERAL HEALTH INSURANCE PORTABILITY AND**
14 **ACCOUNTABILITY ACT OF 1996.**

15 1A-301.

16 (a) Except as otherwise provided in this title, an individual shall be licensed by
17 the Board before the individual may practice acupuncture in this State.

18 (b) This section does not apply to:

19 (1) An individual employed by the federal government as an acupuncturist
20 while practicing within the scope of that employment;

21 (2) A student, trainee, or visiting teacher who is designated as a student,
22 trainee, or visiting teacher while participating in a course of study or training under the
23 supervision of a licensed acupuncturist in a program that is approved by the Board or the
24 State Board of Higher Education; [or]

25 (3) An individual authorized under § 1A-316 of this subtitle to perform
26 auricular detoxification under the direct supervision of an acupuncturist licensed by the
27 Board; OR

28 **(4) AN OUT-OF-STATE HEALTH CARE PRACTITIONER REGISTERED BY**
29 **THE BOARD UNDER § 1-1005 OF THIS ARTICLE TO PROVIDE HEALTH CARE SERVICES**
30 **THROUGH TELEHEALTH.**

31 2-301.

1 (a) (1) Except as otherwise provided in this title, an individual shall be
2 licensed by the Board before the individual may practice audiology, hearing aid dispensing,
3 or speech–language pathology, or assist in the practice of speech–language pathology in
4 this State.

5 (b) (1) This section does not apply:

6 (v) To a volunteer while working in free speech and hearing
7 screening programs; [or]

8 (vi) To an individual licensed to practice audiology or
9 speech–language pathology in another state or a foreign country while the individual:

10 1. Provides a clinical demonstration at a training or an
11 educational event in the State; or

12 2. Receives clinical training at a training or an educational
13 event in the State; **OR**

14 **(VII) AN OUT-OF-STATE HEALTH CARE PRACTITIONER**
15 **REGISTERED BY THE BOARD UNDER § 1-1005 OF THIS ARTICLE TO PROVIDE HEALTH**
16 **CARE SERVICES THROUGH TELEHEALTH.**

17 3-301.

18 (b) Except as otherwise provided in this title, an individual shall be licensed by
19 the Board before the individual may practice chiropractic in this State.

20 (d) This section does not apply to:

21 (1) A student of chiropractic while under the direct supervision of a
22 licensed chiropractor engaged in an educational program:

23 (i) Sponsored by a college accredited by the Council on Chiropractic
24 Education; and

25 (ii) Approved by the Board; [or]

26 (2) An individual licensed to practice chiropractic in any other state or a
27 foreign country while that individual makes a clinical demonstration before:

28 (i) A chiropractic association;

29 (ii) A chiropractic convention; or

30 (iii) A chiropractic college; **OR**

1 **(3) AN OUT-OF-STATE HEALTH CARE PRACTITIONER REGISTERED BY**
2 **THE BOARD UNDER § 1-1005 OF THIS ARTICLE TO PROVIDE HEALTH CARE SERVICES**
3 **THROUGH TELEHEALTH.**

4 4-301.

5 (a) (1) Except as otherwise provided in this title, an individual shall be
6 licensed by the Board to practice dentistry before the individual may practice dentistry on
7 a human being in this State.

8 (2) Except as otherwise provided in this title, an individual shall be
9 licensed by the Board to practice dental hygiene before the individual may practice dental
10 hygiene on a human being in this State.

11 (b) This section does not apply to:

12 (5) A dental assistant, if the dental assistant:

13 (i) Subject to the rules and regulations adopted by the Board,
14 performs only procedures that do not require the professional skills of a licensed dentist;
15 and

16 (ii) Performs intraoral tasks only under the direct supervision of a
17 licensed dentist who personally is present in the office area where the tasks are performed;
18 **[or]**

19 (6) An heir of a deceased licensed dentist or a personal representative of a
20 deceased licensed dentist, if:

21 (i) The deceased licensed dentist was the owner of the dental
22 practice;

23 (ii) The deceased licensed dentist did not provide for the disposition
24 of the dental practice; and

25 (iii) The heir or the personal representative of the deceased licensed
26 dentist serves as the owner of the dental practice, regardless of whether the heir or the
27 personal representative is licensed to practice dentistry, for no longer than 1 year after the
28 death of the licensed dentist unless the Board extends the time period under subsection
29 (c)(1) of this section; **OR**

30 **(7) AN OUT-OF-STATE HEALTH CARE PRACTITIONER REGISTERED BY**
31 **THE BOARD UNDER § 1-1005 OF THIS ARTICLE TO PROVIDE HEALTH CARE SERVICES**
32 **THROUGH TELEHEALTH.**

1 5-301.

2 (a) Except as otherwise provided in this subtitle, an individual shall be licensed
3 by the Board before the individual may practice dietetics in the State.

4 (b) The following individuals may practice dietetics without a license:

5 (1) A student or trainee, working under the supervision of a licensed
6 dietitian-nutritionist while fulfilling an experience requirement or pursuing a course of
7 study to meet requirements for licensure, for a limited period of time as determined by the
8 Board;

9 (2) An individual employed by the United States government to practice
10 dietetics, while practicing within the scope of that employment; [and]

11 (3) An individual who aids in the practice of dietetics, if the individual
12 works under the supervision of a licensed dietitian-nutritionist or licensed physician; AND

13 (4) **AN OUT-OF-STATE HEALTH CARE PRACTITIONER REGISTERED BY**
14 **THE BOARD UNDER § 1-1005 OF THIS ARTICLE TO PROVIDE HEALTH CARE SERVICES**
15 **THROUGH TELEHEALTH.**

16 6-301.

17 (a) Except as otherwise provided in this title, an individual shall be:

18 (1) Licensed by the Board before the individual may practice massage
19 therapy in the State; or

20 (2) Registered by the Board before the individual may practice massage
21 therapy in a setting that is not a health care setting in the State.

22 (b) This section does not apply to:

23 (5) An individual employed by the federal government to practice massage
24 therapy while practicing within the scope of the individual's employment; [or]

25 (6) An individual working in a beauty salon:

26 (i) For which the person who operates the beauty salon has obtained
27 a permit from the State Board of Cosmetology as required under § 5-501 of the Business
28 Occupations and Professions Article; and

29 (ii) In which the individual is providing cosmetology and esthetic
30 services, including the application and removal of skin or skin care products; OR

1 **(7) AN OUT-OF-STATE HEALTH CARE PRACTITIONER REGISTERED BY**
2 **THE BOARD UNDER § 1-1005 OF THIS ARTICLE TO PROVIDE HEALTH CARE SERVICES**
3 **THROUGH TELEHEALTH.**

4 8-301.

5 (a) Except as otherwise provided in this title, an individual shall be licensed by
6 the Board before the individual may practice registered nursing in this State.

7 (b) Except as otherwise provided in this title, an individual shall be licensed by
8 the Board before the individual may practice licensed practical nursing in this State.

9 (c) This section does not apply to:

10 (4) An individual who provides gratuitous care for friends, domestic
11 partners, or family members; [or]

12 (5) An individual who responds to a disaster situation in this State to
13 practice registered nursing or licensed practical nursing, if:

14 (i) The individual has an active unencumbered license to practice
15 registered nursing or licensed practical nursing in another state and the individual is
16 assigned by:

17 1. The American Red Cross; or

18 2. A member of the Maryland Emergency Management
19 Assistance Compact under § 14-803 of the Public Safety Article;

20 (ii) The Governor has declared a State of Emergency by Executive
21 Order or proclamation in accordance with § 3-401 of the State Government Article; and

22 (iii) The individual reports to the designated staging area in
23 accordance with § 14-803(2)(b)(5)(iv) of the Public Safety Article; **OR**

24 **(6) AN OUT-OF-STATE HEALTH CARE PRACTITIONER REGISTERED BY**
25 **THE BOARD UNDER § 1-1005 OF THIS ARTICLE TO PROVIDE HEALTH CARE SERVICES**
26 **THROUGH TELEHEALTH.**

27 9-301.

28 (a) Except as otherwise provided in this section, an individual shall be licensed
29 by the Board before the individual may practice as a nursing home administrator in this
30 State.

1 **(C) THIS SECTION DOES NOT APPLY TO AN OUT-OF-STATE HEALTH CARE**
2 **PRACTITIONER REGISTERED BY THE BOARD UNDER § 1-1005 OF THIS ARTICLE TO**
3 **PROVIDE HEALTH CARE SERVICES THROUGH TELEHEALTH.**

4 10-301.

5 (a) Except as otherwise provided in this title, an individual shall be licensed by
6 the Board before the individual may practice occupational therapy or limited occupational
7 therapy in this State.

8 (b) This section does not apply to:

9 (4) An occupational therapist who is authorized to practice occupational
10 therapy in any other jurisdiction, if the occupational therapist practices occupational
11 therapy in this State for the purpose of educating, consulting, and training, for the duration
12 of the purpose, as preapproved by the Board; [or]

13 (5) An occupational therapy assistant who is authorized to practice limited
14 occupational therapy in any other jurisdiction, if the occupational therapy assistant
15 practices limited occupational therapy in this State for the purpose of educating, consulting,
16 and training, for the duration of the purpose, as preapproved by the Board; **OR**

17 **(6) AN OUT-OF-STATE HEALTH CARE PRACTITIONER REGISTERED BY**
18 **THE BOARD UNDER § 1-1005 OF THIS ARTICLE TO PROVIDE HEALTH CARE SERVICES**
19 **THROUGH TELEHEALTH.**

20 11-301.

21 (a) Except as otherwise provided in this title, an individual shall be licensed by
22 the Board before the individual may practice optometry in this State.

23 (b) This section does not apply to [a]:

24 **(1) A student while participating in a residency training program under**
25 **the direct supervision of a licensed optometrist; OR**

26 **(2) AN OUT-OF-STATE HEALTH CARE PRACTITIONER REGISTERED BY**
27 **THE BOARD UNDER § 1-1005 OF THIS ARTICLE TO PROVIDE HEALTH CARE SERVICES**
28 **THROUGH TELEHEALTH.**

29 12-301.

30 (a) Except as otherwise provided in this title, an individual shall be licensed by
31 the Board before the individual may practice pharmacy in this State.

1 (b) This section does not apply to [a]:

2 (1) A pharmacy student participating in an experiential learning program
3 of a college or school of pharmacy under the supervision of a licensed pharmacist[.];

4 [(c)] (2) [This section does not apply to a] A registered pharmacy intern
5 practicing under the direct supervision of a licensed pharmacist; OR

6 (3) AN OUT-OF-STATE HEALTH CARE PRACTITIONER REGISTERED BY
7 THE BOARD UNDER § 1-1005 OF THIS ARTICLE TO PROVIDE HEALTH CARE SERVICES
8 THROUGH TELEHEALTH.

9 13-301.

10 (a) Except as otherwise provided in this title, an individual shall be licensed by
11 the Board before the individual may practice physical therapy or limited physical therapy
12 in this State.

13 (b) This section does not apply to:

14 (1) A student who is supervised directly by a licensed physical therapist in
15 a Board approved physical therapy educational program; [or]

16 (2) A physical therapy aide, if the physical therapy aide:

17 (i) Subject to the rules and regulations adopted by the Board,
18 performs only procedures that do not require the professional skills of a licensed physical
19 therapist or a licensed physical therapist assistant; and

20 (ii) Performs procedures only under the direct supervision of a
21 licensed physical therapist who personally is present in the area where the procedures are
22 performed; OR

23 (3) AN OUT-OF-STATE HEALTH CARE PRACTITIONER REGISTERED BY
24 THE BOARD UNDER § 1-1005 OF THIS ARTICLE TO PROVIDE HEALTH CARE SERVICES
25 THROUGH TELEHEALTH.

26 14-301.

27 Except as otherwise provided in this title [or], § 13-516 of the Education Article, OR
28 § 1-1005 OF THIS ARTICLE, an individual shall be licensed by the Board before the
29 individual may practice medicine in this State.

30 15-301.

1 (d) (1) Except as otherwise provided in this title, an individual shall be
2 licensed by the Board before the individual may practice as a physician assistant.

3 (f) Except as provided in subsection (g) of this section, the following individuals
4 may practice as a physician assistant without a license:

5 (1) A physician assistant student enrolled in a physician assistant
6 educational program that is accredited by the Accreditation Review Commission on
7 Education for the Physician Assistant or its successor and approved by the Board; [or]

8 (2) A physician assistant employed in the service of the federal government
9 while performing duties incident to that employment; OR

10 **(3) AN OUT-OF-STATE HEALTH CARE PRACTITIONER REGISTERED BY**
11 **THE BOARD UNDER § 1-1005 OF THIS ARTICLE TO PROVIDE HEALTH CARE SERVICES**
12 **THROUGH TELEHEALTH.**

13 16-301.

14 [An] **EXCEPT AS PROVIDED IN § 1-1005 OF THIS ARTICLE,** AN individual shall
15 be licensed by the Board before the individual may practice podiatry in this State.

16 17-301.

17 (a) Except as otherwise provided in subsection (b) of this section, an individual
18 may not practice, attempt to practice, or offer to practice clinical alcohol and drug
19 counseling, clinical marriage and family therapy, clinical professional art therapy, or
20 clinical professional counseling in the State unless licensed by the Board.

21 (b) Subject to the regulations of the Board, subsection (a) of this section does not
22 apply to:

23 (1) A student working under the supervision of a licensed mental health
24 care provider while pursuing a supervised course of study in counseling that the Board
25 approves as qualifying training and experience under this title; [or]

26 (2) An individual who, in accordance with § 17-406 of this title, is working
27 as a trainee under the supervision of a licensed clinical alcohol and drug counselor or
28 another health care provider licensed or certified under this article and approved by the
29 Board while fulfilling the experiential or course of study requirements under § 17-302 of
30 this subtitle or § 17-403 or § 17-404 of this title; OR

31 **(3) AN OUT-OF-STATE HEALTH CARE PRACTITIONER REGISTERED BY**
32 **THE BOARD UNDER § 1-1005 OF THIS ARTICLE TO PROVIDE HEALTH CARE SERVICES**
33 **THROUGH TELEHEALTH.**

1 18–301.

2 (a) Except as otherwise provided in this section, an individual shall be licensed or
3 registered by the Board before the individual may practice psychology as a psychologist or
4 psychology associate in this State.

5 (b) **[A] EXCEPT AS PROVIDED SUBSECTION (G) OF THIS SECTION, A**
6 registered psychology associate may practice psychology in this State only if:

7 (1) The registered psychology associate is supervised by a licensed
8 psychologist in accordance with regulations adopted by the Board;

9 (2) The supervising licensed psychologist is jointly responsible for the
10 provision of psychological services by the registered psychology associate; and

11 (3) The registered psychology associate does not use any title other than
12 “registered psychology associate”.

13 (e) **[The] EXCEPT AS PROVIDED SUBSECTION (G) OF THIS SECTION, THE**
14 Board may authorize an unlicensed individual to practice psychology, subject to any
15 limitations the Board imposes, if:

16 (1) The Board finds that the circumstances warrant; and

17 (2) The individual:

18 (i) Is not a resident of this State; and

19 (ii) Meets the qualifications, other than residence and examination,
20 for a license.

21 **(G) THIS SECTION DOES NOT APPLY TO AN OUT-OF-STATE HEALTH CARE**
22 **PRACTITIONER REGISTERED BY THE BOARD UNDER § 1–1005 OF THIS ARTICLE TO**
23 **PROVIDE HEALTH CARE SERVICES THROUGH TELEHEALTH.**

24 19–301.

25 (a) Except as otherwise provided in this title, an individual shall be:

26 (1) Licensed by the Board before the individual may practice social work in
27 this State while representing oneself as a social worker; or

28 (2) Licensed as a certified social worker–clinical before the individual may
29 practice clinical social work in this State.

30 (b) This section does not apply to:

- 1 (3) An individual who:
- 2 (i) Is licensed to practice social work in any other state;
- 3 (ii) Has an application for a license pending before the Board; and
- 4 (iii) Meets requirements established by the Board in regulations; [or]
- 5 (4) A student while pursuing a supervised course of study in a social work
- 6 program that is accredited or is a candidate for accreditation by the Council on Social Work
- 7 Education; **OR**

8 **(5) AN OUT-OF-STATE HEALTH CARE PRACTITIONER REGISTERED BY**

9 **THE BOARD UNDER § 1-1005 OF THIS ARTICLE TO PROVIDE HEALTH CARE SERVICES**

10 **THROUGH TELEHEALTH.**

11 20-301.

12 (a) (1) Except as otherwise provided in this subsection, an individual shall

13 receive a certificate from the Board before the individual may be a program administrator

14 in this State.

15 (2) (i) Except as provided in subparagraph (ii) of this paragraph, if a

16 program administrator leaves or is removed from a position as program administrator by

17 death or for any other unexpected cause, the chief administrator of a residential child care

18 program or other appropriate program authority shall immediately designate a certified

19 program administrator to serve in that capacity.

20 (ii) 1. In the event a certified program administrator is not

21 available, the chief administrator or other appropriate program authority may appoint a

22 noncertified person to serve in the capacity of acting program administrator for a period

23 not to exceed 90 days.

24 2. The chief administrator or other appropriate program

25 authority shall immediately notify the Board of the appointment and forward the

26 credentials and the State and national criminal history records check of the person

27 appointed to the Board for evaluation to assure that the person appointed is experienced,

28 trained, of good moral character, and competent.

29 3. The 90-day period begins on the date that the program

30 administrator leaves or is removed from the position as a program administrator.

31 4. The Board may extend the 90-day period for a further

32 period of not more than 30 days.

1 **(3) THIS SUBSECTION DOES NOT APPLY TO AN OUT-OF-STATE**
2 **HEALTH CARE PRACTITIONER REGISTERED BY THE BOARD UNDER § 1-1005 OF THIS**
3 **ARTICLE TO PROVIDE HEALTH CARE SERVICES THROUGH TELEHEALTH.**

4 (b) (1) Except as provided in paragraph (2) of this subsection, on or before
5 October 1, 2015, an individual shall receive a certificate from the Board before the
6 individual may be a residential child and youth care practitioner in this State.

7 (2) This subsection does not apply to:

8 (i) An employee of the Maryland School for the Blind who is a
9 residential child and youth care practitioner and holds a current paraprofessional
10 certificate; [or]

11 (ii) For up to 180 days, an individual participating in a
12 Board-approved training program; **OR**

13 **(III) AN OUT-OF-STATE HEALTH CARE PRACTITIONER**
14 **REGISTERED BY THE BOARD UNDER § 1-1005 OF THIS ARTICLE TO PROVIDE HEALTH**
15 **CARE SERVICES THROUGH TELEHEALTH.**

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
17 1, 2021.