



Board of Physicians

Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Damean W.E. Freas, D.O., Chair

June 17, 2021

The Honorable Paul G. Pinsky
Chair
Senate Education, Health, and
Environmental Affairs Committee
2 West
Miller Senate Office Building
Annapolis, Maryland 21401

The Honorable Shane E. Pendergrass
Chair
House Health and Government
Operations Committee
Room 241
House Office Building
Annapolis, Maryland 21401

RE: Report on General Provisions

Dear Chair Pinsky and Chair Pendergrass:

House Bill 560 (Chapter 612) and Senate Bill 395 (Chapter 613), “State Board of Physicians and Allied Health Advisory Committees – Sunset Extension and Program Evaluation,” effective May 8, 2020, required the Maryland Board of Physicians (the Board) to submit a report.

Section 5 of Chapter 612 and 613 required the Board to provide recommendations for improving consistency and eliminating redundancy between practitioners regulated by the Board, including any draft legislation necessary to implement the recommendations by December 1, 2020.

Given the gravity of the pandemic leading into the 2021 General Assembly session, and in deference to the public health priorities of the legislature, the Board decided to delay moving forward with a legislative proposal until the 2022 session.

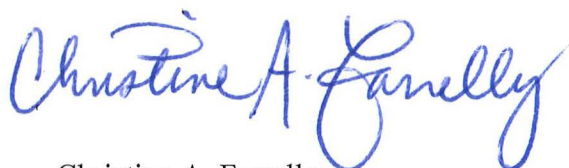
The attached report essentially is a “road map” that identifies the statutory provisions appropriate for consolidation and amendment to achieve the goals of consistency and elimination of redundancy.

At this time, MDH has not decided on departmental legislation; therefore, the Board is unsure whether a bill sponsor will be needed. However, in either instance, the bill will proceed as directed by the Sunset legislation. Given the breadth of statutory revisions and scope of this bill, the Board is requesting that a bill drafter be assigned to work directly with the Board during the interim.

The Honorable Paul G. Pinsky
The Honorable Shane E. Pendergrass
June 17, 2021
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On behalf of the Board, thank you for your consideration of this report. Should you have questions, contact Sandi Van Horn at 410-764-4778 or Matthew Dudzic at 410-764-5042.

Sincerely,



Christine A. Farrelly
Executive Director
Maryland Board of Physicians

Attachment: Report on General Provisions

cc: Damean W.E. Freas, D.O., Board Chair
Ellen Douglas Smith, Deputy Director
Sandi Van Horn, Health Policy Analyst
Matthew Dudzic, Health Policy Analyst
Lindsay Rowe, Dept. of Legislative Services
Sarah Albert, Dept. of Legislative Services
Webster Ye, Maryland Department of Health

**Report on
the Maryland Board of
Physicians' Statutes:
Creating General Provisions**

Report to the Senate

*Education, Health, and Environmental Affairs Committee
and the House*

Health and Government Operations Committee

**Maryland Board of Physicians
Baltimore, Maryland
June 17, 2021**

For further information concerning this document, contact:

**Maryland Board of Physicians
Communication, Education and Policy Unit
4201 Patterson Avenue
Baltimore, Maryland 21215**

410-764-4777

E-mail: mbpmail@rcn.com

Website: www.mbp.state.md.us

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REPORT SUMMARY

On May 8, 2020, House Bill 560 and Senate Bill 395, “State Board of Physicians and Allied Health Advisory Committees – Sunset Extension and Program Evaluation,” were enacted (chapters 612 and 613). Section 5 of the legislation stated:

AND IT BE FURTHER ENACTED, That on or before December 1, 2020, the State Board of Physicians shall report to the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee, in accordance with §2-1257 of the State Government Article, recommendations for improving consistency and eliminating redundancy between practitioners regulated by the Board, including any draft legislation necessary to implement the recommendations.

The 2020 legislation resulting from a 2019 sunset review of the Maryland Board of Physicians (the Board) addressed many statutory inconsistencies, but not all. Time constraints prevented other recodification revisions of Title 14 and Title 15 of the Health Occupations Article. At the conclusion of the 2020 Maryland General Assembly session, Board staff began reviewing the statute to identify repetitive provisions that were common to all practitioners regulated by the Board. The review by Board staff has resulted in recommended changes, including but not limited to:

- Retain existing Title 14, subtitles 1 and 2, as these subtitles establish the Board and address certain powers and functions;

- Amend Title 14, Subtitle 3 to become general provisions for licensure matters applying to all practitioners;
- Move physician-only licensure requirements to Subtitle 3A;
- Change existing Title 14, Subtitle 3A to Subtitle 3B;
- Retain Title 14, Subtitle 4 regarding disciplinary matters that apply to all practitioners;
- Move physician disciplinary grounds to new Subtitle 4A;
- Move current Title 14, Subtitle 5 provisions to make this subtitle available for provisions specific to physician assistants (PAs), whose statutory requirements currently reside in Title 15;
- In subtitles 5A through 5F, repeal duplicative language that already appears in Title 14, subtitles 2, 3, and 4;
- Retain certain language that applies to a specific profession or practitioner in Title 14, subtitles 5A through 5F;
- Move most of Title 14, Subtitle 6 to Subtitle 3A regarding physicians only, creating room for the current Title 14, Subtitle 5 provisions to be redesignated; and
- Move PA-specific language to Title 14, Subtitle 5 and repeal Title 15 in its entirety.

General provisions subtitles will eliminate inconsistencies in statute through the reorganization of provisions that pertain to all individuals under the Board’s jurisdiction. This recodification of common provisions also will make statutory language more easily accessible to staff, licensees, external stakeholders, and the public, improving the administrative functioning of the Board.

INTRODUCTION

Background

2019 Sunset Report

In December 2019, the Maryland Department of Legislative Services (DLS) released “Sunset Review: Evaluation of the State Board of Physicians and Allied Health Advisory Committees” (the sunset report). The sunset report summarized the most recent review of the Maryland Board of Physicians (the Board), which was scheduled to terminate on June 1, 2020, and included draft legislation to implement DLS recommendations.

The sunset report also included a copy of the Board’s response to the exposure draft and offered additional information that the Board wished to express to DLS. One of the Board’s recommendations was as follows:

As noted in the Sunset Review, there is a lack of consistency in the statutes of the practitioner types regulated by the Board. The statutory inconsistencies affect the efficiency of the Board and raise concerns of fairness among the practitioner groups. A “General Provisions” section should be created to consolidate statutory provisions that apply to all Board licensees in one section. “General Provisions” would eliminate the need to identify multiple, numerous, repetitive and potentially inconsistent provisions in each practitioner statute. This also would be beneficial if other groups are licensed through the Board in the future. Other sections that should be consistent and apply to all practitioners can be included in General Provisions including, but not limited to: definitions, change of address, scope of license/name, applications, CHRCs, etc.

The Board recommends that it, where appropriate, draft general provisions common to all practitioners in one location to improve consistency and eliminate redundancy between practitioners regulated by the Board. The draft will be submitted for consideration by the legislature.¹

2020 Maryland General Assembly Session

During the 2020 legislative session, House Bill 560 and Senate Bill 395, “State Board of Physicians and Allied Health Advisory Committees – Sunset Extension and Program Evaluation,” passed as emergency bills and were enacted on May 8, 2020 (chapters 612 and 613). Section 5 of the legislation states:

AND IT BE FURTHER ENACTED, That on or before December 1, 2020, the State Board of Physicians shall report to the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee, in accordance with §2-1257 of the State Government Article, recommendations for improving consistency and eliminating redundancy between practitioners regulated by the Board, including any draft legislation necessary to implement the recommendations.

¹ See Page 146 of the sunset report.

Current Structure of the Board's Statutes

Title 14 of the Health Occupations Article

Subtitle 1 is titled, "Definitions; General Provisions." Besides definitions, Subtitle 1 only includes 14-101.1 "Approval of certifying board" and 14-102 "Scope of title." This subtitle does not adequately represent all provisions that could apply to all practitioners as "general provisions."

Subtitle 2 establishes the Board and contains provisions related to the structure and function of the Board.

Subtitle 3 addresses the licensing of physicians and exemptions from licensing.

Subtitle 3A addresses the Interstate Medical Licensure Compact, effective July 1, 2019.

Subtitle 4 addresses disciplinary matters.

Subtitle 5 is titled "Miscellaneous Provisions."

Subtitle 5A establishes the Respiratory Care Professional Standards Committee and addresses matters related to respiratory care practitioners.

Subtitle 5B establishes the Radiation Therapy, Radiography, Nuclear Medicine Technology, and Radiology Assistance Advisory Committee and addresses matters related to radiation therapists, radiographers, nuclear medicine technologists, and radiology assistants.

Subtitle 5C establishes the Polysomnography Professional Standards Committee and addresses matters related to polysomnographers.

Subtitle 5D establishes the Athletic Trainer Advisory Committee and addresses matters related to athletic trainers.

Subtitle 5E establishes the Perfusion Advisory Committee and addresses matters related to perfusionists.

Subtitle 5F establishes the Naturopathic Medicine Advisory Committee and addresses matters related to naturopathic doctors.

Subtitle 6 is titled "Prohibited Acts; Penalties."

Subtitle 7 is titled "Short Title; Termination of Title"

Title 15 of the Health Occupations Article

Title 15 of the Health Occupations Article establishes the Physician Assistant Advisory Committee and addresses matters related to physician assistants.

Review of the Statute

The 2020 legislation resulting from a 2019 sunset review of the Board addressed many statutory inconsistencies, but not all. Time constraints prevented other recodification revisions of Title 14 and Title 15 of the Health Occupations Article. At the conclusion of the 2020 Maryland General Assembly session, Board staff began reviewing the statute to identify repetitive provisions that were common to all practitioners regulated by the Board. Board staff – literally – divided up printed copies of statutory provisions and rearranged the paper to identify inconsistencies and duplication, focusing on statutory provisions for consolidation and amendment to achieve uniformity.

The following report sets forth the possible changes to the statute (by section) to be considered by the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee. Because bill drafting remains in progress at this writing, examples of selected statutory provisions are included in this report.

Restructuring Title 14 of the Health Occupations Article

Tables 1 through 14 outline the possible action that can be taken to establish general provisions for all licensees and to address adding subtitles specifically for physician provisions. All current subtitles would remain; however, physician-specific language would move into either 14-3A (for licensing matters) or 14-4A (for disciplinary matters). The current 14-3A regarding the Interstate Medical Licensure Compact (IMLC) would be redesignated as 14-3B.

Specific revisions include but are not limited to:

- Retain existing Title 14, subtitles 1 and 2, as these subtitles establish the Board and address certain powers and functions. Covered topics include definitions, Board membership, Board powers and duties, the issuance of subpoenas and cease and desist orders, application for search warrants, and establishment of the Board of Physicians Fund;
- Amend Title 14, Subtitle 3 to become general provisions for licensure matters applying to all practitioners. Covered topics include the requirement for licensure, qualifications for applicants for licensure, requirements related to criminal history records checks, license applications, licensure issuance and authorization, the term of a license, license renewal, the power to impose a penalty for failure to obtain required continuing education, and license reinstatement;
- Move physician-only licensure requirements from Subtitle 3 to Subtitle 3A. To consolidate physician licensure and related matters, Subtitle 6 regarding individuals practicing medicine without a license also would be moved to Subtitle 3A;
- Change existing Title 14, Subtitle 3A about the IMLC to Subtitle 3B;
- Retain Title 14, Subtitle 4 regarding disciplinary matters that apply to all practitioners. For example, Subtitle 4 establishes the Board's two disciplinary panels and the process for investigations, the filing of charges, proceedings, and case disposition. Subtitle 4 also requires a public profile on each licensee and that certain reports about licensees be made to the Board;
- Move physician disciplinary grounds to new Subtitle 4A;
- Move current Title 14, Subtitle 5 provisions to make this subtitle available for provisions specific to physician assistants (PAs), whose statutory requirements currently reside in Title 15. This action would place the PA provisions at the beginning of the subtitle, with subtitles 5A through 5F (regarding other allied health practitioners) following. The goal is to consolidate all allied health-specific provisions in Subtitle 5;
- In subtitles 5A through 5F, repeal duplicative language that already appears in Title 14, subtitles 2, 3, and 4;
- Retain language that applies to an allied health profession or practitioner in Title 14, subtitles 5A through 5F; and
- Move most of Title 14, Subtitle 6 to Subtitle 3A regarding physicians only, creating room for the current Title 14, Subtitle 5 provisions to be redesignated.

**Table 1: Existing Title 14 of the Health Occupations Article,
Subtitles 1 and 2**

Existing Subtitle 1 and 2	Subject	Possible Action
14-101	Definitions	Retain Possibly add “Applicant” and update other definitions as needed
14-101.1	Certifying board	Move to 14-3A-10
14-102	Scope of title	Retain Add 14-5A-02, 14-5B-02, 14-5C-02, 14-5D-02, 14-5E-02, 14-5F-03, and 15-102
14-201	Board established	Retain
14-202	Board membership	Retain
14-203	Board chair and officers	Retain
14-204	Board meetings/ compensation	Retain
14-205	Powers and duties	Retain Change “adopt regulations” language in 14-205(a)(2) to apply to all <i>See 14-5A-03, 14-5B-03, 14-5C-03, 14-5E-03, 14-5F-04, and 15-203</i>
14-205.1	Annual reports	Possibly move or add to miscellaneous provisions
14-205.2	OAH training	Possibly move
14-206	Judicial powers	Retain <i>See 14-5F-25 for additional language</i>
14-206.1	Search warrants	Retain
14-207	Board of Physicians Fund	Needs further review, as some language in allied health does not match <i>See 14-5A-04, 14-5B-04, 14-5C-04, 14-5D-03, 14-5E-04, 14-5F-05, and 15-206</i>
14-208	Repealed	

**Table 2: Existing Title 14 of the Health Occupations Article,
Subtitle 3**

Existing Subtitle 3 (Becomes General Licensure Provisions)	Subject	Possible Action
14-301	License required	Retain language that applies to all. <i>See 14-5A-08(a)(1), 14-5B-08(a), 14-5C-08(a), 14-5D-07(a), 14-5E-08(a), 14-5F-10(a), and 15-301(d)(1)</i>
14-302	License exceptions	Retain language that applies to all (federal); move physician language to 14-3A-01
14-302.1	Repealed	N/A
14-303	Repealed	Use for qualifications that apply to all <i>See 14-307</i>
14-304	Repealed	Use for applications <i>See 14-309</i>
14-305	Repealed	Use for CHRCs (move all language) <i>See 14-308.1, 14-313, and 14-316</i>
14-306	Duties delegated by a licensed physician	Move current 14-306 to 14-3A-02; use 14-306 for issuance and scope of license <i>See 14-313 and 14-314 See language in 14-5A-11 and 12</i>
14-307	Applicant qualifications	Move physician language to 14-3A- 03; move remaining language to 14-303; use 14-307 for 14-316 (remove language from allied health); possibly move 14-317
14-308	Alternative education	Move to 14-3A-04; use 14-308 for 14-320
14-308.1	CHRCs	Move to 14-305
14-309	Applications	Retain
14-310	Repealed	Possibly use for denial of initial licensure
14-311	Examination	Move to 14-3A-05
14-312	Repealed and replaced by 14-312.1 (maintenance of insurance)	Move to 14-3A-06

14-313 and 14-313.1	Issuance of license and consideration of criminal history records	Retain Eliminate duplication of 14-313(a) about issuance and 14-313(b) about CHRCs Move 14-313.1 to 14-3A-12
14-314 [14-314(b) is name of licensee]	Scope of license / Name	Possibly move to 14-306 and combine with issuance of license <i>See 14-5A-12, 14-5B-11, 14-5C-13, 14-5D-10, 14-5E-12, and 15-306; 5F-14 differs</i>
14-315	Fee exemption	Move to 14-3A-07
14-316	Term and renewal / Change of address	Move to 14-307 Possibly needs further review and rewriting
14-317	Reinstatement of expired licenses	Rewrite to apply to all <i>See 14-5A-13(f), 14-5B-12(f), 14- 5C-14(f), 14-5D-12(f), 14-5E-13(f), 14-5F-16(b), and 15-308(a)</i>
14-318	Limited license for postgraduate teaching	Move to 14-3A-08
14-319	Eminent physicians	Move to 14-3A-09
14-320	Inactive status	For physicians, possibly move to 14-3A-11
14-321	Repealed	
14-322	Prohibition on requiring specialty certification	Possibly combine with 14-503
14-3A	IMLC	Redesignate as 14-3B

**Table 3: New Subtitle 3A of Title 14
of the Health Occupations Article**

New Subtitle 3A (Licensing that applies to physicians only)	Subject	Possible Action
14-3A-01	License exemptions only for physicians	Retain appropriate language from 14-302
14-3A-02	Duties delegated by a licensed physician	See 14-306
14-3A-03	License qualifications	Use physician-specific language from 14-307
14-3A-04	Alternative education	Move 14-308
14-3A-05	Examination	Move 14-311
14-3A-06	Insurance	Move 14-312.1 (14-312)
14-3A-07	Fee exemption	Move 14-315
14-3A-08	Postgraduate teaching	Move 14-318
14-3A-09	Eminent physicians	Move 14-319
14-3A-10	Certification / Advertising	Move 14-322 and 14-503
14-3A-11	Inactive	Possibly move 14-320
14-3A-12	Verification	Possibly move 14-313.1
14-3A-13	Practicing without license	Move 14-601
14-3A-14	Misrepresentation	Move 14-602
14-3A-15	False information	Move 14-603
14-3A-16	Penalties	Move 14-606

**Table 4: Existing Title 14 of the Health Occupations Article,
Subtitle 4**

Existing Subtitle 4 (Most provisions apply to all)	Subject	Possible Action
14-401	Disciplinary panels	Retain; applies to all
14-401.1	Investigations	Retain; applies to all
14-402	Rehabilitation program	Retain
14-403	Surrender	Retain; applies to all <i>See 14-5A-16, 14-5B-13, 14-5C-16, 14-5D-13, 14-5E-15, 14-5F-17, and 15-312</i>
14-404	Grounds	Possibly move 14-404(a) to 14-4A
14-405	Hearings	Retain; applies to all Check 14-5D-15, 14-5F-21, 15-313(a), and 15-315 <i>For 14-405(a)-(g), see 14-5A-17(b)</i>
14-405.1	Repealed	
14-406	Findings and order of panel	Retain; applies to all
14-407	Order of suspension or revocation	Retain; applies to all
14-408	Review	Retain; applies to all <i>See 14-5A-17, 14-5B-14.1, 14-5D-15(b)-(d), 14-5E-17, and 5F-23</i>
14-409	Reinstatement of suspended/revoked license	Retain; applies to all <i>See 14-5A-19, 14-5B-16, 14-5C-19, 14-5D-16, and 14-5F-24</i>
14-410	Discovery	Retain; applies to all
14-411	Disclosure	Retain; applies to all
14-411.1	Licensee profiles	Retain; applies to all <i>See 14-5A-18.1, 14-5B-15.1, 14-5C-18.1, 14-5D-16.1, 14-5E-18.1, and 15-316.1</i>
14-412	Immunity	Retain
14-413	Reporting	Combine 14-413 and 14-414
14-414	Reporting	Combine 14-413 and 14-414
14-415	CDC guidelines	Possibly move. Applies to physicians and NDs only
14-416	Court reports	Possibly move to other reports

**Table 5: New Subtitle 4A of Title 14
of the Health Occupations Article,**

New Subtitle 4A (Disciplinary matters that apply to physicians only)	Subject	Possible Action
14-4A-01	Physician grounds	Review 14-404(a)
14-4A-02	TBD	
14-4A-03	TBD	

**Tables 6, 7, and 8: Existing Title 14
of the Health Occupations Article,
Subtitles 5, 6, and 7**

Existing Subtitle 5	Subject	Possible Action
14-501	Repealed	
14-502	Immunity	Move to 600s Possibly combine with 14-506
14-503	Advertising	Combine with 14-322 and move to 14-3A-10
14-504	Acupuncture	Move to 600s
14-505	Burn treatments	Move to 600s
14-506	Confidential records	Move to 600s
14-507	Contact lens prescriptions	Move to 600s. See 14-607
14-508	Liability insurance	Move to 600s
14-509	Topical medications dispensing	Move to 600s

Existing Subtitle 6	Subject	Possible Action
14-601	Practicing without license	Move to 14-3A-13
14-602	Misrepresentation	Move to 14-3A-14
14-603	False information	Move to 14-3A-15
14-604	Repealed	
14-605	Medicare notice	Retain (but possibly add penalty)
14-606	Penalties	Move to 14-3A-16
14-607	Lenses dispensing	Retain <i>See 14-507</i>

Existing Subtitle 7	Subject	Possible Action
14-701	Short title	
14-702	Termination of title	

**Table 9: Existing Subtitle 5A of Title 14
of the Health Occupations Article**

Subtitle 5A	Subject	Possible Action
14-5A-01	Definitions	Retain
14-5A-02	Scope of subtitle	See 14-102
14-5A-03	Regulations	See 14-205(a)(2)
14-5A-04	Fees	See 14-207
14-5A-05	Committee established	Retain
14-5A-06	Membership	Retain
14-5A-07	Powers and duties	Retain or revise all allied health to match and move to general provisions
14-5A-08	Licenses – in general	See 14-301 and sunset
14-5A-09	License qualifications	See 14-307
14-5A-10	Applications	See 14-309
14-5A-11	Issuance	See 14-313
14-5A-12	Authority of license	Retain
14-5A-13	Expiration, renewal, reinstatement	See 14-317 and 14-316(g)
14-5A-14	Change of name or address	See 14-316
14-5A-15	Repealed	
14-5A-16	Surrender of license	See 14-403
14-5A-17	Disciplinary grounds	Retain but possibly make moral turpitude a general provision
14-5A-17.1	Review	See 14-408
14-5A-18	Reporting	Possibly move. See 14-413 and 14-414
14-5A-18.1	Licensee profiles	See 14-411.1
14-5A-19	Reinstatement	See 14-409
14-5A-20	Practicing without license	Retain
14-5A-21	Misrepresentation	Retain
14-5A-22	Authorized person	Retain
14-5A-22.1	Employing individual without license	Retain
14-5A-23	Violation, penalties	Retain
14-5A-24	Short title	
14-5A-25	Termination	

**Table 10: Existing Subtitle 5B of Title 14
of the Health Occupations Article**

Subtitle 5B	Subject	Possible Action
14-5B-01	Definitions	Retain
14-5B-02	Practice	See 14-102
14-5B-03	Regulations	See 14-205(a)(2)
14-5B-04	Fees	See 14-207
14-5B-05	Advisory committee	Retain <i>See SB 877 of 2021 regarding number of members</i>
14-5B-06	Powers of committee and Board	Retain
14-5B-07	Form/manner of practice	Retain
14-5B-08	License requirements	See 14-301
14-5B-09	License qualifications	See 14-307
14-5B-10	Application	See 14-309 and 14-313
14-5B-11	Authority of license	Retain
14-5B-12	Expiration, renewal, reinstatement	See 14-317 and 14-316(g)
14-5B-12.1	Change of name or address	See 14-316
14-5B-13	Surrender of license	See 14-403
14-5B-14	Disciplinary grounds	Retain but possibly make moral turpitude a general provision
14-5B-14.1	Review	See 14-408
14-5B-15	Report	Possibly move. See 14-413 and 14-414
14-5B-15.1	Licensee profiles	See 14-411.1
14-5B-16	Reinstatement	See 14-409
14-5B-17	Unauthorized practice	Retain
14-5B-18	Misrepresentation	Retain
14-5B-18.1	Employing individual without license	Retain
14-5B-19	Penalties	Retain
14-5B-20	Short title	
14-5B-21	Sunset provision	

**Table 11: Existing Subtitle 5C of Title 14
of the Health Occupations Article**

Subtitle 5C	Subject	Possible Action
14-5C-01	Definitions	Retain
14-5C-02	Practice not limited	See 14-102
14-5C-03	Regulations	See 14-205(a)(2)
14-5C-04	Fees	See 14-207
14-5C-05	Committee established	Retain
14-5C-06	Membership	Retain
14-5C-07	Powers and duties	Retain
14-5C-08	License required	Retain
14-5C-09	License qualifications	See 14-307
14-5C-10	Education waiver	Retain
14-5C-11	Application	See 14-309
14-5C-12	Issuance	See 14-313
14-5C-13	Authorization	Retain
14-5C-14	Expiration, renewal, reinstatement	See 14-317 and 14-316(g)
14-5C-14.1	Change of name or address	See 14-316
14-5C-15	Repealed	
14-5C-16	Surrender of license	See 14-403
14-5C-17	Disciplinary grounds	Retain but possibly make moral turpitude a general provision
14-5C-18	Report	Possibly move. See 14-413 and 14-414
14-5C-18.1	Licensee profiles	See 14-411.1
14-5C-19	Reinstatement	See 14-409
14-5C-20	Practicing without license	Retain
14-5C-21	Misrepresentation	Retain
14-5C-22	Authorized person	Retain
14-5C-22.1	License required for employment	Retain
14-5C-23	Penalties	Retain
14-5C-24	Short title	
14-5C-25	Termination	

**Table 12: Existing Subtitle 5D of Title 14
of the Health Occupations Article**

Subtitle 5D	Subject	Possible Action
14-5D-01	Definitions	Retain
14-5D-02	Practice	See 14-102
14-5D-03	Fees	See 14-207
14-5D-04	Committee	Retain
14-5D-05	Composition	Retain
14-5D-06	Powers and duties	Retain
14-5D-07	License required	Retain
14-5D-08	License qualifications	Compare to 14-307
14-5D-09	Application and issuance	See 14-309 and 14-313
14-5D-10	Authority	Retain
14-5D-11	Supervision / ETP	Retain
14-5D-11.1	Employment without license	Retain
14-5D-11.2	Termination	Retain
14-5D-11.3	Assumption of duties	Retain
14-5D-12	Expiration, renewal, reinstatement	See 14-317 and 14-316(g)
14-5D-12.1	Change of name or address	See 14-316
14-5D-13	Surrender or lapse	See 14-403
14-5D-14	Disciplinary grounds	Retain but possibly make moral turpitude a general provision
14-5D-15	Hearing / appeal	See 14-405 and 14-408
14-5D-16	Reinstatement	See 14-409
14-5D-16.1	Licensee profiles	See 14-411.1
14-5D-17	Practice without license	Retain
14-5D-18	Violation, penalties	Retain
14-5D-19	Short title	
14-5D-20	Termination	

**Table 13: Existing Subtitle 5E of Title 14
of the Health Occupations Article**

Subtitle 5E	Subject	Possible Action
14-5E-01	Definitions	Retain
14-5E-02	No limitation on right to practice	See 14-102
14-5E-03	Regulations	See 14-205(a)(2)
14-5E-04	Fees	See 14-207
14-5E-05	Committee	Retain
14-5E-06	Membership	Retain
14-5E-07	Powers and duties	Retain
14-5E-08	License required	Retain
14-5E-09	License qualifications	Compare to 14-307
14-5E-10	Term of license before exam	Retain
14-5E-11	Application	See 14-309 and 14-313
14-5E-12	Authority	Retain
14-5E-13	Expiration, renewal, reinstatement	See 14-317 and 14-316(g)
14-5E-14	Change of name or address	See 14-316
14-5E-15	Surrender	See 14-403
14-5E-16	Disciplinary grounds	Retain but possibly make moral turpitude a general provision
14-5E-17	Judicial appeals	See 14-408
14-5E-18	Report	Possibly move. See 14-413 and 14-414
14-5E-18.1	Licensee profiles	See 14-411.1
14-5E-19	Reinstatement	See 14-409
14-5E-20	Unlicensed practice	Retain
14-5E-21	Misrepresentation	Retain
14-5E-22	Unauthorized services	Retain
14-5E-23	Penalties	Retain
14-5E-24	Short title	
14-5E-25	Termination	

**Table 14: Existing Subtitle 5F of Title 14
of the Health Occupations Article**

Subtitle 5F	Subject	Possible Action
14-5F-01	Definitions	Retain
14-5F-02	Purpose of subtitle	Retain
14-5F-03	Rights not limited	See 14-102
14-5F-04	Regulations	See 14-205(a)(2)
14-5F-04.1	NDFC	Retain but possibly move to follow committee provisions
14-5F-05	Fees	See 14-207
14-5F-06	Committee	Retain
14-5F-07	Members	Retain
14-5F-08	Powers	See 14-205
14-5F-09	Immunity	Compare to 14-412
14-5F-10	Licensing	See 14-301
14-5F-11	License qualifications	Compare to 14-307
14-5F-12	Application	See 14-309
14-5F-13	Issuance	See 14-313
14-5F-14	Authorization	Retain
14-5F-15	Expiration, renewal	See 14-317 and 14-316(g)
14-5F-15.1	Change of name or address	See 14-316
14-5F-16	Inactive / reinstatement	See 14-320 and 14-317
14-5F-17	Surrender / lapse	See 14-403
14-5F-18	Disciplinary grounds	Retain but possibly make moral turpitude a general provision
14-5F-19	Report	See 14-413 and 14-414
14-5F-20	Investigation	See 14-401.1
14-5F-21	Procedure	See 14-405
14-5F-22	Orders	Compare to 14-406 and 14-407
14-5F-23	Judicial appeal	See 14-308
14-5F-24	Reinstatement	See Title 14, Subtitle 4
14-5F-25	Cease and desist	See 14-206
14-5F-26	Adherence to laws	Retain
14-5F-27	Fees permitted	Retain
14-5F-28	Universal precautions	See 14-415
14-5F-29	Unlicensed practice	Retain
14-5F-30	Misrepresentation	Retain
14-5F-31	Short title	
14-5F-32	Termination	

Examples of Provisions for the Restructuring of Title 14 of the Health Occupations Article

§14-102

This “Scope of title” section explains exemptions afforded to certain individuals. In particular, §14-102(a)(1) states that the title does not limit the right of an individual to practice a health occupation that the individual is authorized to practice under this article. The provision is repeated in §14-5A-02, §14-5B-02, §14-5C-02, §14-5D-02, §14-5E-02, §14-5F-03, and §15-102.

There are additional provisions under §14-5A-02, §14-5C-02, §14-5F-03, and §15-102 that could be moved.

Example:

(a) This title does not limit the right of:

(1) An individual to practice a health occupation that the individual is authorized to practice under this article;

(2) A Christian Science practitioner, who is accredited by the first Church of Christ, Scientist, in Boston, Massachusetts, from:

(i) Dealing with human ills in accordance with tenets of Christian Science; and

(ii) Charging for services;

(3) A licensed home medical equipment provider to provide home medical equipment services as defined under Title 19, Subtitle 4A of the Health-General Article;

(4) A licensed respiratory care practitioner to practice respiratory care within the scope of practice of the respiratory care practitioner’s license, including practicing respiratory care in a sleep laboratory;

(5) An individual from treating the individual or the individual’s family based on the individual’s religious or health beliefs; or

(6) A person that sells vitamins and herbs from providing information about the person’s products.

(b) This title does not prohibit a licensed dentist or any other individual authorized to practice dentistry under Title 4 of this article, who has administered anesthesia regularly in hospitals in this State for at least 15 years before June 1, 1962, from practicing anesthesiology or administering anesthesia for medical purposes.

(c) A physician assistant may not practice within the scope of practice of any of the following health occupations authorized under this article:

(1) Nursing;

(2) Optometry;

(3) Physical therapy; or

(4) Psychology.

§14-205(a)(2)

Matters regarding the adoption of regulations and establishment of fees should be consistent and combined. There may be a need to change the definition of “allied health professional” and to add “allied health advisory committee” to definitions.

Example:

The Board shall adopt regulations:

- (1) To carry out the provisions of this title;*
- (2) For the licensure of physicians and allied health professionals; and*
- (3) For the practice of medicine and the allied health professions regulated by the Board.*

§14-301

This “License required” provision is repeated, with some variations, in §14-5A-08(a), §14-5B-08(a)(1), §14-5C-08(a), §14-5D-07(a), §14-5E-08(a), §14-5F-10(a), and §15-301(d).

Inconsistency exists in the use of “practice as” and the “practice of” in relation to the professional or the profession.

Suggested language:

Except as otherwise provided in this title or 13-516 of the Education Article, an individual shall be licensed by the Board before the individual may practice in the State as:

- (a) A physician; or*
- (b) An allied health professional.*

§14-307

This “Qualifications of applicants” section should be consistent for all individuals applying for a license issued by the Board. An applicant must be of good moral character, complete a criminal history records check, and be at least 18 years of age, except for a naturopathic doctor who must be 21 years of age. The Board believes §14-307 can be restructured to describe the general qualifications that apply to all.

§14-317

Language regarding reinstatement of an expired license should be consistent for all practitioners. Some of the allied health statute has an additional provision about meeting any additional requirements established by the Board for reinstatement.

Suggested language:

The Board shall reinstate the license of a physician or allied health professional who has failed to renew the license for any reason if the physician or allied health professional:

- (1) Meets the renewal requirements of _____ of this title;*
- (2) Is of good moral character;*
- (3) Submits a reinstatement application on the form that the Board requires;*
- (4) Pays to the Board a reinstatement fee set by the Board;*
- (5) Submits to the Board satisfactory evidence of compliance with the qualifications and requirements established under this title for license reinstatements;*
- (6) Meets any additional requirements established by the Board for reinstatement.*

Repealing Title 15 of the Health Occupations Article

As described in Table 6, the provisions in Title 14, Subtitle 5 are to be moved, leaving the subtitle open. Because the Board is suggesting that Subtitle 5 should become the new home for provisions that apply only to PAs, this change would eliminate Title 15 completely. Therefore, the changes to Title 15 include:

- Move PA-specific language to Title 14, Subtitle 5; and
- Repeal Title 15.

Tables 15 through 17 on the following pages describe the suggested changes needed prior to the repeal of Title 15.

Table 15: Existing Title 15 of the Health Occupations Article, Subtitles 1 and 2

Existing Subtitle 1 and 2	Subject	Possible Action (Move provisions to 14-500s)
15-101	Definitions	Retain
15-102	Practice	See 14-102
15-103	Change in employment terms	Retain
15-201	Committee	Retain
15-202	Composition	Retain
15-203	Regulations; removal	Possibly remove/covered already in Title 14
15-204	Funds	Possibly remove/covered already in 14-204
15-205	Additional powers and duties	Retain
15-206	Fees and disposition of funds	Possibly remove. See 14-207

**Table 16: Existing Title 15 of the Health Occupations Article,
Subtitle 3**

Existing Subtitle 3	Subject	Possible Action (Move provisions to 14-500s)
15-301	Scope of practice	Retain
15-302	Delegation agreements	Retain
15-302.1	Pending delegation agreements	Retain
15-302.2	Delegation of prescribing	Retain
15-302.3	List of PAs	Retain
15-303	Qualifications	Move most to Title 14; keep language specific to PAs
15-304	Application	Possibly eliminate. See 14-309
15-305	Issuance	Possibly eliminate. See 14-313
15-306	Authority	Retain
15-307	Renewals, CE, CHRCs	See 14-316
15-308	Reinstatement	See 14-317
15-309	Display license; change of name or address	See 14-316
15-310	Examinations	Retain
15-311	Denial of license	Retain
15-312	Surrender or lapse under investigation	See 14-403
15-313	Hearings; review	Retain
15-314	Disciplinary grounds	Retain
15-315	Hearings	Compare to 14-405
15-316	Fines	Need to review
15-316.1	Licensee profiles	Possibly move to Title 14 to eliminate duplication
15-317	Practice during disaster	Possibly move to general provisions to apply to all

**Table 17: Existing Title 15 of the Health Occupations Article,
Subtitle 4 and 5**

Existing Subtitle 4 and 5	Subject	Possible Action (Move provisions to 14-500s)
15-401	Unauthorized practice	Retain
15-402	Unauthorized use of title	Retain
15-402.1	Employment or supervision of unlicensed PA	Retain
15-403	Penalties for violations	Retain
15-501	Citation of title	
15-502	Termination of title	

Conclusion

Through the tables in this report, the Board has provided solutions to address the numerous, repetitive provisions in statute through creating new general provisions subtitles. General provisions subtitles will eliminate inconsistencies in statute by consolidating provisions impacting all individuals under the Board's jurisdiction.

This reorganization also will improve the administrative functioning of the Board. When certain changes are required in statute, only one general provisions section – not every subtitle where language had been duplicated – will need amendments. In the future, this efficient process also will translate to the amending of corresponding regulations.

Finally, this reorganization of common provisions will make statutory language more easily accessible to staff, licensees, external stakeholders, and the public, and will promote fairness for all licensees.

The Board has not included draft legislation with this report. The Board understands the gravity of the evolving COVID-19 situation and, in deference to the public health priorities of the legislature, the Board intends to submit the general provisions legislation for the 2022 session.