

**PROPOSED REGULATION PUBLICATION FORMS
Title 10**

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 32 BOARD OF PHYSICIANS

10.32.22 Mandated Reporting to the Board.

Authority: Health Occupations Article, §§14-205(a)(2), 14-413, 14-414, 14-5A-18, 14-5B-15, 14-5C-18, 14-5E-18, 14-5F-19, and 15-103, Annotated Code of Maryland.

Is There Emergency Text That Is Identical To The Proposed Text:

Yes No

Is There An Incorporation By Reference Document Associated With This Proposal?

Yes No

Does This Proposal Have An Impact On Environmental Hazards Affecting The Health Of Children As Defined In Health-General Article, §13-1501(c)?

Yes (explain) No

Does This Proposal Include An Increase Or Decrease In A Fee For A License?

Yes, complete (1)—(8) No, skip (1)—(8) and proceed to Notice of Proposed Action.

- (1) Explain/justify why an increase or decrease is necessary:
- (2) How much money is needed to operate effectively or to eliminate an operating fund deficit?
- (3) In what year was the most recent fee increase?
- (4) Is the fee revenue retained by the Proposing Unit or passed through to a national organization that administers a uniform licensing exam?
- (5) Describe any measures taken to mitigate the need for increased revenue:
- (6) Describe any special circumstances that have had an adverse impact on the Proposing Unit's operating expenses.
- (7) Describe any consideration given by the Proposing Unit as to the hardship a fee increase may have on the regulated profession.

- (8) Describe any efforts to solicit the opinions of licensees regarding the Proposing Unit's effectiveness and performance.

Notice of Proposed Action

The Secretary of Health and Mental Hygiene proposes to amend Regulations **.02, .03, and .05** under **COMAR 10.32.22 Mandated Reporting to the Board**.

This action was considered at a public meeting on April 26, 2017, notice of which was given by publication on the Board's Website at <https://www.mbp.state.md.us/forms/Apr17Fullagenda.pdf> from April 12, 2017 through April 26, 2017 pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of the proposed regulations is to:

- (1) Remove references to and provisions regarding postgraduate training programs or individuals in such programs;
- (2) Remove provisions regarding certain reports due to be filed with the Board twice a year;
- (3) Update the name of the Department of Health and Mental Hygiene; and
- (4) Make two punctuation corrections (in COMAR 10.32.22.03 only).

Comparison to Federal Standards

(Check one option)

There is no corresponding federal standard to this proposed action.

or

There is a corresponding federal standard to this proposed action, but the proposed action **is not** more restrictive or stringent.

The corresponding federal standard is: _____

EXPLAIN why the proposed action **is not** more restrictive or stringent than the corresponding federal standard:

or

In compliance with Executive Order 01.01.1996.03, this proposed action **is** more restrictive or stringent than corresponding federal standards as follows:

- (1) Regulation citation and manner in which it is more restrictive than the applicable federal standard:
- (2) Benefit to the public health, safety or welfare, or the environment:
- (3) Analysis of additional burden or cost on the regulated person:
- (4) Justification for the need for more restrictive standards:

Impact Statements
Part A
(check one option)

Estimate of Economic Impact

The proposed action has no economic impact.

Or

The proposed action has an economic impact. (**IF** this is checked, complete the following form in its entirety)

I. Summary of Economic Impact. (INSERT SHORT SUMMARY)

II. Types of Economic Impact.

	Revenue (R+/R-)	
	Expenditure (E+/E-)	<u>Magnitude</u>

A. On issuing agency:

B. On other State agencies:

C. On local governments:

Benefit (+)

Cost (-)

Magnitude

D. On regulated industries or trade groups:

E. On other industries or trade groups:

F. Direct and indirect effects on public:

III. Assumptions. (Identified by Impact Letter and Number from Section II.)

Part B

Economic Impact on Small Businesses
(check one option)

The proposed action has minimal or no economic impact on small businesses.

or

The proposed action has a meaningful economic impact on small businesses. An analysis of this economic impact follows.

Impact on Individuals with Disabilities
(check one option)

The proposed action has no impact on individuals with disabilities.

or

The proposed action has an impact on individuals with disabilities as follows:
(Agency to complete this assessment)

Opportunity for Public Comment

Comments may be sent to Sandi Van Horn, Communication, Education and Policy Unit, Maryland Board of Physicians, 4201 Patterson Ave, Baltimore, MD 21215, or call 410-764-4778, or email to sandi.vanhorn@maryland.gov, or fax to 410-358-1298. Comments will be accepted through May 22, 2017. A public hearing has not been scheduled.

Part C (For legislative use only; not for publication)

- A. Fiscal Year in which regulations will become effective: FY18
- B. Does the budget for fiscal year in which regulations become effective contain funds to implement the regulations?
 Yes No N/A
- C. If “yes”, state whether general, special (exact name), or federal funds will be used:
- D. If “no”, identify the source(s) of funds necessary for implementation of these regulations:
- E. If these regulations have no economic impact under Part A, indicate reason briefly:
The proposed amended regulations remove language regarding the filing of certain reports with the Board twice a year by hospitals, related institutions, and alternative health systems. The Board requests these 6-month reports in an electronic format. These reports contain some information that is duplicative or would have been submitted previously in a separate, 10-day report to the Board. Because these regulations will eliminate some reporting requirements, the Board anticipates that these proposed amended regulations will have no economic impact.
- F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason.
The proposed amended regulations have no requirements to be met by small businesses.

10.32.22.02 (April 27, 2017)

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) (text unchanged)

[(2) “Academic probation” means a program of heightened monitoring of an individual in a postgraduate training program imposed because of academic or performance deficiencies.]

[(3)] (2)—[(7)] (6) (text unchanged)

[(8)] (7) “Change” means any of the following actions by a reporting entity:

(a) Terminating or failing to renew a health care provider’s staff privileges or employment or contract with the reporting entity[, or terminating or refusing or failing to renew or to extend the term of the academic contract of an individual in a postgraduate training program];

(b)—(h) (text unchanged)

[(9)] (8)—[(13)] (12) (text unchanged)

[(14)] (13) “Health care provider” means a physician[, or an allied health provider[, or an individual in a postgraduate training program].

[(15)] (14) (text unchanged)

[(16) Hospital.]

[(a)] (15) “Hospital” has the meaning stated in Health-General Article, §19-301, Annotated Code of Maryland.

[(b) “Hospital” includes, with respect to an institution that meets the requirements of Health-General Article, §19-301, Annotated Code of Maryland, any entity which:

(i) Operates or administers a postgraduate training program; or

(ii) Has the authority to hire or discipline or to grant, deny, limit, or modify the contract or privileges of an individual in a postgraduate training program.]

[(17) “Individual in a postgraduate training program” means an intern, an assistant resident, a resident, or a clinical fellow in a postgraduate training program as defined in this regulation.]

[(18)] (16)—[(22)] (20) (text unchanged)

[(23)] (21) “Naturopathic doctor” means an individual who is licensed by the Board under Health Occupations Article, [Title14] *Title 14*, Subtitle 5F, Annotated Code of Maryland.

[(24)] (22) (text unchanged)

[(25)] “Postgraduate training program” means a program of academic training that meets the requirements of COMAR 10.32.01 and 10.32.07.]

[(26)] (23)—[(30)] (27) (text unchanged)

10.32.22.03 (April 27, 2017)

.03 Mandated Reports.

A. Subject to the limitations set out in §§B, C and [E] *D* of this regulation, the reporting entity shall report to the Board in writing any change made with respect to a health care provider:

(1)—(3) (text unchanged)

B. (text unchanged)

C. Specific Changes Not Reportable. The following changes do not require reporting by a reporting entity:

(1) (text unchanged)

(2) Voluntary resignations that:

(a)—(b) (text unchanged)

(c) May be caused by, for example:

(i) A job or career change;

(ii) The health care provider’s desire to relocate from Maryland; *or*

(iii) The health care provider’s desire to retire; [or]

[(iv) A decision by an individual in a postgraduate training program to leave the program to pursue another specialty before the expiration of the term of the training program originally contemplated;]

(3)—(7) (text unchanged)

[(8) With respect to an individual in a postgraduate training program:

- (a) The expiration of the postgraduate training program contract at the end of its term as originally contemplated and while the individual is in good standing with the program; or
- (b) Academic probation, unless imposed for any of the reasons set out in §B(3), (4), (8), or (9) of this regulation.]

[(9)] (8) With respect to allied health providers and subject to the requirements of [§E(1)] §D(1) and (2) of this regulation, entrance into an alcohol or a drug treatment program:

- (a) (text unchanged)
- (b) That is certified by the *Maryland* Department of Health [and Mental Hygiene];
- (c) (text unchanged)
- (d) Provided by a health care practitioner who is competent and capable of dealing with alcoholism and drug abuse[.]; *or*

[(10)] (9) With respect to physicians and subject to the requirements of [§E(3)] §D(3) and (4) of this regulation, entrance into an alcohol or a drug treatment program:

- (a) (text unchanged)
- (b) That is certified by the *Maryland* Department of Health [and Mental Hygiene]; or
- (c) (text unchanged)

[D. With respect to physicians, each reporting entity shall file a report with the Board that contains the name of each licensed physician who, during the 6 months preceding the report, was employed by, had privileges with, or applied for privileges with that entity.]

[E.] *D. Exceptions to [§C(9) and (10)] §C(8) and (9) of this Regulation.*

(1) Section [C(9)] *C(8)* of this regulation applies only where:

(a)—(c) (text unchanged)

(2) Section [C(9)] *C(8)* of this regulation does not apply to:

(a)—(b) (text unchanged)

(c) Any change made by the reporting entity based on events set out in Regulation .03B which occurred subsequent to the provider's entrance into the alcohol or drug treatment program[;].

(3) Section [C(10)] *C(9)* of this regulation applies only where:

(a)—(c) (text unchanged)

(4) Section [C(10)] *C(9)* of this regulation does not apply to:

(a)—(c) (text unchanged)

10.32.22.05 (April 27, 2017)

.05 Time Frames for the Submission of Reports.

A. Physicians [or Individuals in a Postgraduate Training Program].

(1) A reporting entity shall file reports required under this chapter with the Board[:] *within 10 days of any change made with regard to a physician.*

[(a) Within 10 days of any change made with regard to a physician or an individual in a postgraduate training program; and

(b) Twice a year:

(i) In a cumulative report of all changes made with regard to physicians and individuals in postgraduate training programs; and

(ii) Separately, in the report required under Regulation .03D of this chapter.]

(2) (text unchanged)

[(3) The required reports prescribed in §A(1)(b) of this regulation shall be filed as follows:

(a) By February 1 of each year for the 6-month reporting period of July 1 through December 31 of each year; and

(b) By August 1 of each year for the 6-month reporting period of January 1 through June 30 of each year.]

B.—C. (text unchanged)

DENNIS R. SCHRADER

Secretary of Health [and Mental Hygiene]