

# MARYLAND BOARD OF PHYSICIANS BULLETIN

Your Fall 2021 eNews Update



Fall 2021

## FEATURED

- Board Website Updates
- Sexual Misconduct Regulations and Key Third Parties
- PERM Medical Record Requests for Medicaid Providers
- Reminders

## NEWS | UPDATES

### Code of Maryland Regulations (COMAR) Update

- **Registered Cardiovascular Invasive Specialists (RCIS):** The proposal to update COMAR 10.32.12 to address RCIS was published in the September 10, *Maryland Register*.
- **Physician Licensure Qualifications:** COMAR 10.32.01.03 is being revised to remove a discrepancy between the regulations and existing statute addressing applicants who failed their examination three or more times. The Board submitted the proposal to the Maryland Department of Health (MDH).
- **Sanctioning Guidelines:** The Board submitted to MDH a proposal to update COMAR 10.32.02.10 ("Sanctioning Guidelines for Physicians").
- **Administrative Expungement:** Draft regulations (under COMAR 10.32.02), creating an expungement process for administrative actions, were submitted to MDH.

## Board Website Updates



- For updates regarding COVID-19, check the Board's Website for links to provider resources. The homepage features the following sections for ease of reference: Alerts, Frequently Asked Questions (FAQs), Archives, and Local Health Departments (LHDs).
- There now is an online option for submitting delegation agreements for core duties. A physician assistant (PA) can initiate the online option by logging into the [PA's practitioner profile](#) via the Board's Website. [Downloading](#) the printed version of the delegation agreement for core duties and submitting it to the Board is still an option. As a reminder, the PA should keep a copy of any form being mailed to the Board.
- **ANNOUNCEMENT** The Board has launched a voluntary program that will enable accredited continuing education providers to report a physician's credits directly to the Board. A goal of the service is to assist physicians with continuing medical education (CME) tracking and documentation, for example, at times when the Board randomly selects physicians for CME audits. Click [here](#) for the Board's announcement and sign-up information.
- In addition to the [paper application](#) and licensure through the [Interstate Medical Licensure Compact](#), the Board offers an online option that partners with the Federation of State Medical

- **Telehealth:** The Board has submitted proposed revisions to its telehealth regulations (COMAR 10.32.05) to MDH.
- **Drug Dispensing:** The Board submitted to MDH revisions to dispensing permit regulations (COMAR 10.32.23) to address dispensing authority delegated to physician assistants and to add new provisions regarding topical medication permits
- **Physician Assistants, Polysomnographers, and Athletic Trainers:** The Board submitted to MDH proposals to update COMAR 10.32.03, COMAR 10.32.06, and COMAR 10.32.08.
- **Naturopathic Doctors:** COMAR 10.32.21 is being revised to incorporate statutory changes from the 2020 Sunset legislation and prior legislation regarding the Naturopathic Doctors Formulary Council. A draft proposal was posted on the Board's Website in September to invite informal comments.
- **COMAR 10.32.10:** The Radiation Therapy, Radiography, Nuclear Medicine Technology, and Radiology Assistance Advisory Committee worked on revisions for COMAR 10.32.10. A draft of the updated regulations was posted on the Board's Website to invite informal comments.

## BOARD EMAIL ADDRESSES

General Inquiries | Policy Questions |  
Licensure Inquiries:  
[mbpmail@rcn.com](mailto:mbpmail@rcn.com)

Matters regarding Maryland licensure through the Interstate Medical Licensure Compact:

Boards. If you have a [Uniform Application](#) (UA), your UA data is seamlessly imported, saving you time from having to re-enter your demographic information.

If you don't have a UA, you may still opt to apply online using the "[Create New Maryland Application](#)" link. This online option allows you to pay by credit card and eliminates data keying errors by electronically submitting your application.

## Sexual Misconduct Regulations and Key Third Parties

The Board encourages its licensees to review Code of Maryland Regulations (COMAR) 10.32.17, which prohibits sexual misconduct by health care practitioners licensed by the Board. Per [COMAR 10.32.17.03C](#), sexual misconduct includes but is not limited to participating in any form of sexual contact with a patient or key third party. The regulations define "key third party" as an individual who participates in the health and welfare of the patient concurrent with the physician-patient relationship. The definition also states that "key third party" includes but is not limited to the following individuals: spouse, partner, family member, guardian, surrogate, or proxy designated by durable power of attorney.

## PERM Medical Record Requests for Medicaid Providers

*Submitted by Medicaid Provider Services - Policy & Compliance, Maryland Department of Health*

The Centers for Medicare & Medicaid Services (CMS) will begin its Payment Error Rate Measurement (PERM) review of Maryland Medicaid payments during Fiscal Year 2022 (claims paid July 1, 2021–June 30, 2022). PERM includes a Medical Record Review (MRR) to determine that paid services were performed, documented, and reimbursed in compliance with state and federal policy.

The PERM review contractor selects claims for review via random sampling and sends MRR requests to the corresponding billing providers. If your practice receives a

[mbp\\_compact@maryland.gov](mailto:mbp_compact@maryland.gov)

Physician Drug Dispensing Permits:  
[mdh.mbpdrugdispense@maryland.gov](mailto:mdh.mbpdrugdispense@maryland.gov)

Physician Assistant Drug Dispensing:  
[mdh.mbpPAdispense@maryland.gov](mailto:mdh.mbpPAdispense@maryland.gov)

## BOARD LINKS OF INTEREST

[Practitioner Profiles](#)  
[Laws and Regulations](#)  
[Recent Board Actions | Sanctions](#)  
[Applications | Forms](#)  
[Board Members](#)

PERM MRR request, respond directly to the federal review contractor.

For more information, click [here](#) to see Provider Transmittal 4-20 Medicaid Program Updates.

## REMINDERS

### Upcoming License Renewals



Perfusionist-Advanced licenses expire January 31, 2022, and licenses for naturopathic doctors expire on March 30, 2022. Licensees who fail to renew before the license expiration will need to apply

for reinstatement.

### Name Changes and CHRCs

Maryland law requires that licensed physicians and allied health practitioners notify the Board in writing of any name change within 60 days after the change. Name change request forms are available on the Board's Website for licensees to download, complete, and mail to the Board.

It is especially important that licensees' names match the names licensees use to practice a health occupation profession when submitting to criminal history records checks (CHRCs). If there has been a legal name change, a licensee should submit a name change form to the Board before submitting to a CHRC.

In addition, it is important for licensees to make sure their addresses are current for official correspondence from the Board. Each licensee is required to notify the Board of a change in address within 60 days after the change.