

# MARYLAND BOARD OF PHYSICIANS

## 2021 LEGISLATIVE SUMMARY

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During the 2021 Maryland General Assembly session, legislators considered more than 2,300 bills and resolutions. The Board reviewed and prioritized bills each week, focusing on bills that impacted the Board's mission, operations, or licensees.

Below is a snapshot of passed bills that have the most impact. Also included in this summary is a list of monitored bills that did not pass. For the status of all legislation, visit the Maryland General Assembly Website <http://mgaleg.maryland.gov/mgawebsite>

### ENACTED

#### **Senate Bill (SB) 03 (Chapter 71) / House Bill (HB) 123 (Chapter 70)**

##### **“Preserve Telehealth Access Act 2021”**

This bill expands the definitions of “telehealth” and the coverage and reimbursement requirements for health care services provided through telehealth for both Medicaid and private insurance. Insurers, nonprofit health service plans, and health maintenance organizations (collectively known as carriers) must reimburse for a covered service appropriately provided through telehealth, as specified.

The bill requires coverage of telehealth regardless of the patient's location at the time services are provided and also expands coverage to include audio-only telephone conversation until June 30, 2023. For a two-year period and with certain limitations, reimbursement must be provided for a health care service appropriately provided through telehealth on the same basis and at the same rate as in-person delivery of the health care service.

By December 1, 2022, the Maryland Health Care Commission must submit a report on the impact of providing telehealth services in accordance with the bill's requirements. The bill takes effect July 1, 2021; the bill's insurance provisions apply to all policies, contracts, and health benefit plans issued, delivered, or renewed in the State on or after that date.

#### **SB 05 (Chapter 745) / HB 28 (Chapter 744)**

##### **“Public Health – Implicit Bias Training and the Office of Minority Health and Health Disparities”**

This bill, effective October 1, 2021, requires applicants for renewal of a license or certificate issued by a health occupations board to attest to completion of an approved implicit bias training program the first time they renew a license or certificate after April 1, 2022.

#### **SB 34 (Chapter 604) / HB 299 (Chapter 603)**

##### **“State Board of Physicians – Genetic Counselors – Licensing”**

This legislation requires that the Board license genetic counselors and establishes a Genetic Counselor Advisory Committee within the Board. It requires that all individuals must be licensed by the Board as genetic counselors before practicing genetic counseling in Maryland by January 1, 2024. In addition to the genetic counselor license, the bill also establishes a supervised genetic counselor license for individuals who have met all educational and training requirements for licensure but have not yet taken the national certifying examination.

# MARYLAND BOARD OF PHYSICIANS

## 2021 LEGISLATIVE SUMMARY (CONTINUED)

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### ENACTED (CONTINUED)

#### **SB 102 (Chapter 154) / HB 1252 (Chapter 153)**

##### **“Income Tax - Credits for Preceptors in Areas With Health Care Workforce Shortages”**

This bill, effective June 1, 2021, establishes a physician assistant (PA) preceptor income tax credit. The tax credit will be funded by a \$15 fee added to PA licensure renewal to be paid to the Physician Assistant Preceptorship Tax Credit Fund to offset the costs of the PA preceptor tax credit. The bill also repeals the termination dates of the licensed physician and nurse practitioner preceptor income tax credits.

#### **SB 262 (Chapter 337) / HB 224 (Chapter 336)**

##### **“Department of Information Technology – Study of a Common Information Technology Platform for Health Occupations Boards”**

This legislation establishes a study by the Department of Information Technology to review the feasibility and cost of developing a common information technology platform for use by each health occupations board, as well as a standardized website appearance and functionality for all boards. The legislation requires the Department of Information Technology to consult with each health occupations board and report the findings of its study and make recommendations to the legislature on or before December 1, 2021.

#### **SB 736 (Chapter 793) / HB 1040 (Chapter 792)**

##### **“Health Occupations – Pharmacists – Administration of Children’s Vaccines – Study and Temporary Authority”**

This legislation, effective July 1, 2021, provides temporary authorization for pharmacists to administer vaccinations to children between the ages of 3 and 18 years old, provided the pharmacist complies with training and record-keeping requirements. The temporary authorization expires on June 30, 2023. In addition, this legislation establishes a study to assist the legislature in establishing policy for authorizing pharmacists to administer vaccines to children.

#### **HB 183 (Chapter 658)**

##### **“Public Information Act – Revisions (Equitable Access to Records Act)”**

This bill requires that all governmental units adopt a policy of proactive disclosure for public records that are available for inspection under the Public Information Act and expands the powers of the Public Information Act Compliance Board in investigating complaints of violations of the Public Information Act and enforcing compliance. This legislation is effective July 1, 2022.

#### **HB 320 (Chapter 586)**

##### **“Maryland Longitudinal Data System – Transfer of Student Data – Modifications”**

This legislation, effective July 1, 2021, requires that all licensing authorities transfer student data to the Maryland Longitudinal Data System, in accordance with data security and safeguarding policies, and requires licensing authorities to make every effort to comply with the data requirements and implementation schedule as set forth by the Governing Board of the Maryland Longitudinal Data System Center.

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## 2021 LEGISLATIVE SUMMARY (CONTINUED)

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### ENACTED (CONTINUED)

#### **HB 429 (Chapter 162) / SB 537 (Chapter 163)**

#### **“Pharmacists – Required Notification and Authorized Substitution – Lower-Cost Drug or Device Product”**

This legislation requires that pharmacists or their designee inform retail consumers of the availability of generically equivalent drugs, therapeutically equivalent brand name drugs that are the lowest-cost alternative to the originally prescribed drug, or interchangeable biological products.

The legislation, effective October 1, 2021, also requires pharmacists or designees, to the best of their knowledge, to inform the consumer of the approximate cost difference of the lowest-cost alternative as compared to the originally prescribed drug.

#### **HB 849 (Chapter 157)**

#### **“Public Health – Medical Records – Fees”**

This legislation, effective October 1, 2021, prohibits a health care provider or a representative of a provider from charging a fee for copies of a medical record requested by the patient (or other specified persons on behalf of a patient) for the purpose of supporting a claim or appeal for Social Security Disability income or Social Security benefits.

#### **HB 1153 (Chapter 794)**

#### **“Names of Entities with Physician Membership – Approval Requirement – Exemption”**

This bill, effective October 1, 2021, exempts the Board from the requirement to approve the name of a professional entity whose members are licensed physicians. The bill requires the State Department of Assessments and Taxation (SDAT) to notify the Maryland State Medical Society (MedChi) upon receipt of the application of a specified professional entity.

When MedChi receives a specified notice from SDAT, MedChi may (1) take no further action; or (2) if there is reason to believe that the name of the professional entity is deceptive or misleading, refer the application to the Maryland Department of Health.

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## 2021 LEGISLATIVE SUMMARY (CONTINUED)

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### BILLS THAT DID NOT PASS

*Withdrawn, voted unfavorable,  
or otherwise failed to pass both the House and Senate*

**SB 72 / HB 344:** “Open Meetings Act – Requirements for State Agencies and Local Boards of Elections”

**SB 92 / HB 1195:** “Income Tax – Credits for Preceptors in Areas with Health Care Workforce Shortages – Eligibility and Sunset Repeal”

**SB 106:** “Licensing – Good Standing With the State Department of Assessments and Taxation – Requirement”

**SB 169 / HB 182:** “Health Occupations – Podiatric Physicians”

**SB 567 / HB 731:** “Telehealth Services – Expansion”

**SB 568 / HB 732:** “Health Care Practitioners – Telehealth – Out-of-State Health Care Practitioners”

**SB 808:** “Health Occupations – Licensed Dentists – Administration of Vaccines”

**SB 952:** “Health Occupations – Internship and Residency Training Requirements – Waiver for Former Service Members Injured in Combat”

**HB 170 / SB 513:** “Cancer Drugs – Physician Dispensing and Coverage”

**HB 219:** “Naturopathic Doctors – Formulary Council Membership, Formulary Content, and Scope of Practice”

**HB 701:** “Child Abuse and Neglect – Training of Health Care Professionals”

**HB 774:** “Public Health – Adverse Childhood Experience Screening – Requirement and Practitioner Training Program”

**HB 976:** “Catastrophic Health Emergency – Authority of Governor – Administration of Vaccinations”

**HB 1006 / SB 938:** “Health Occupations – Service Members, Veterans, and Military Spouses – Temporary Licensure, Certification, and Registration”

**HB 1041:** “Health Occupations Boards – Uniform Reporting”

**HB 1125:** “Prescription Drug Monitoring Program – Prescribers of Opioids – Notification Requirement”

**HB 1319:** “Health Insurance – Lyme Disease and Related Tick-Borne Illnesses – Long-Term Antibiotic Treatment”