

DRAFT - NOT BOARD APPROVED

.04 Application for Special License by Conceded Eminence

A. The Board shall issue:

(1) [a] A Special License by Conceded Eminence to an applicant who meets the requirements of 10.32.01 of this subtitle and §B, of this regulation[.]; **or**

(2) An Institutional License by Extraordinary Ability to an applicant who meets the requirements of 10.32.01 of this subtitle and §C, of this regulation

B. Requirements for Special License by Conceded Eminence.

(1) Recommendations. On a form supplied by the Board, the dean of a school of medicine in the State or the director of the National Institutes of Health shall recommend the applicant to the Board, by:

(a) Attesting to the fact that the applicant is to receive an appointment at the institution represented by the dean or director;

(b) Presenting the Board with detailed evidence of the physician's qualifications and competence including:

(i) The nature of the physician's proposed responsibilities;

(ii) Reasons for any limitations of the physician's practice responsibilities; and

(iii) The degree of supervision under which the physician will function; and

(c) Presenting the Board with a detailed statement describing the applicant's conceded eminence and authority in the profession.

(2) Evidence of Teaching, Research, and Achievement. An applicant shall demonstrate eminence and authority in the profession by meeting the following qualifications:

(a) Have held an appointment at a medical school approved by the LCME or at any medical school listed in the World Health Organization directory at the level of associate or full professor, or its equivalent, for at least 5 years;

(b) Have actively practiced medicine cumulatively for 10 years after completion of postgraduate training, including clinical research;

(c) Be a member in good standing of a board of the ABMS or other equivalent specialty board;

(d) Possess a current, active, unrestricted license to practice medicine in another state or country, or be otherwise recognized under the laws of the other country or jurisdiction as a medical doctor in that jurisdiction; and

(e) Within 10 years before the application, have:

(i) Published original results of clinical research, as first author or last author, in a medical journal listed in the Index Medicus or in an equivalent scholarly publication acceptable to the Board; and

(ii) Submitted these articles to the Board in English or in a foreign language with verifiable, certified translations in English; or

(iii) Have developed a treatment modality, surgical technique, or other verified original contribution to the field of medicine, which is attested to by the dean of a school of medicine in the State or by the director of the National Institutes of Health.

[(3) Supervision. The Board shall require an applicant to submit:

(a) The name of a licensed physician who will supervise the medical services provided by the applicant for the first 6 months of practice; and

(b) A detailed description of the medical services, duties, and responsibilities that the applicant will perform.]

C. Requirements for Institutional License by Extraordinary Ability.

(1) Recommendations. On a form supplied by the Board the institution's dean, chief medical officer, or a physician in an equivalent position recommends the applicant to the Board, by:

(a) Attesting to the fact that the applicant is to receive an appointment at the institution;

(b) Presenting the Board with detailed evidence of the physician's qualifications and competence, including:

(i) The nature of the physician's proposed responsibilities;

(ii) Reasons for any limitations of the physician's practice responsibilities;

(iii) The degree of supervision under which the physician will function;

(iv) An attestation from the institution's dean, chief medical officer, or a physician in an equivalent position that the institution has verified the applicant's education, training, medical licensure, and clinical experience; and

(c) Presenting the Board with a detailed statement describing the applicant's extraordinary ability and authority in the profession.

(2) An applicant shall demonstrate extraordinary ability and authority in the profession by meeting the following qualifications:

(a) Have actively practiced medicine for at least 10 years, which may include postgraduate training and clinical research;

(b) Be a member in good standing of a board of the ABMS or other equivalent specialty board;

(c) Possess a current, active, unrestricted license to practice medicine in another state or country, or be otherwise recognized under the laws of the other country or jurisdiction as a medical doctor in that jurisdiction; and

(d) Within 10 years before the application, the applicant will have met at least four of the below established evidentiary criteria, which include:

(i) Receipt of nationally or internationally recognized prizes or awards;

(ii) Membership in associations that require significant or outstanding achievements;

(iii) Published material about the individual in professional or major trade publications or journals, or major media;

(iv) Participation as a judge of the work of others or serving as a speaker or panelist at medical conferences or in an allied field of specialization;

(v) Original scientific, scholarly, or clinical contributions of major significance;

(vi) Authorship of scientific or scholarly articles in professional journals, major media, or other major publications;

(vii) Employment in a critical, leading, or essential capacity for organizations or establishments that have distinguished reputations, or commanding a high salary or other remuneration in their country of practice;

(viii) Recognition for achievements or contributions from recognized authorities or other comparable achievements, contributions, and/or acclaim in the medical field; or

(ix) Significant clinical achievement or impact, which may include but is not limited to improvements in quality, patient safety, clinical outcomes, or leadership of a distinguished, complex, or high-volume clinical program.

[C] D. ***Supervision and*** Limited Practice.

(1) An applicant for licensure is restricted so that the applicant shall:

(a) Practice medicine only;

(i) in the limited field approved by the Board that is consistent with the applicant's area of conceded eminence [experience] or extraordinary ability; and

(ii) At sites within the scope of a physician's employment with the sponsoring institution, including affiliate sites;

(b) For the first 6 months of practice, practice medicine only:

(i) Within the [institution and] program specified within the application; [and]

(ii) Under the supervision of a licensed physician in accordance with the sponsoring institution's requirements; ***and***

(iii) In accordance with the sponsoring institution's credentialing, privileging, and professional practice evaluation requirements as required by the institution's accrediting body.

(2) Following the first 6 months of practice, practice medicine only [:

(a) At an the institution similar to that named in the original application; and

(b) A] ***after*** approval by the Board; and

(3) Practice medicine under any conditions which the Board may set.

E. Nothing in these regulations entitles an individual licensed by conceded eminence ***or extraordinary ability*** in the profession to practice beyond the scope of these regulations without having qualified for an unrestricted license under Health Occupations, §14-307 or 14-308, Annotated Code of Maryland, and regulations promulgated under those sections.

F. Term and Tenure.

(1) [The initial license is active for a 1 year period, and, after that, may be renewed twice for a term established by the Board. After two renewals, a physician seeking any additional renewals shall provide documentation to the Board 3 months before the expiration of the physician's license indicating the continued significance of the physician's work at the sponsoring institution that requires the license to be renewed for another term.] ***The term of a conceded eminence or institutional license issued by the Board may not exceed 3 years.***

(2) After the initial term of the conceded eminence or institutional license, the licensee may renew the conceded eminence or institutional license as described in § (G) of this regulation.

(3) After two renewals, a physician seeking any additional renewals shall provide documentation to the Board 3 months before the expiration of the physician's license indicating the continued significance of the physician's work at the sponsoring institution that requires the license to be renewed for another term.

[(2)] (4) Unless the Board has been advised and approves of an appointment at a new institution, a license issued under this regulation expires immediately when an individual leaves the appointment at the sponsoring institution.

G. Renewal.

(1) Initial renewal.

(a) The supervising physician shall submit an attestation, approved by the Board, that the physician was supervised for a period of at least 6 consecutive months; and

(b) The physician shall complete a renewal application form, after Board approval of the attestation.

(2) Second Renewal.

(a) A license issued under this chapter may be renewed in a second renewal:

(i) On a date set by the Board; and

(ii) As specified in COMAR 10.32.08.

(b) A physician for second renewal shall:

(i) Complete a renewal application form;

(ii) Meet the requirements set out in COMAR 10.32.08.09, including completing at least 50 hours of continuing medical education units; and

(iii) Pay a renewal fee set by the Board in COMAR 10.32.08.11.

(c) A physician shall inform the Board of the institution where the physician plans on practicing for the renewal term.

(3) Subsequent Renewal.

(a) A license issued under this chapter may be renewed in subsequent renewals:

(i) On a date set by the Board; and

(ii) Pay the renewal fee set by the Board in COMAR 10.32.08.11.

(b) A license for subsequent renewal shall:

(i) Complete a renewal application form;

(ii) Meet the requirements set out in COMAR 10.32.08.09, including completing at least 50 hours of continuing medical education units;

(iii) Provide documentation to the Board 3 months before the expiration of the physician's license indicating the continued significance of the physician's work at the sponsoring institution that requires the license to be renewed for another term; and

(iv) Pay a renewal fee set by the Board in COMAR 10.32.08.11.

(c) A physician shall inform the Board of the institution where the physician plans on practicing for the renewal term.

H. Practicing medicine beyond the scope of this regulation, including practicing without notifying the Board and without approval of the Board at any [institution or place outside the institution approved by the Board], **at any place outside the locations described within § D of this regulation** constitutes practicing without a license under Health Occupations Article, §§14-601 and 14-602, Annotated Code of Maryland.

I. Termination.

(1) On termination of the physician's approved appointment, the conceded eminence **and institutional** license terminates and becomes null and void.

(2) A physician has a duty to inform the Board of the termination of an appointment within 30 days of the termination.

(3) Failure of the physician to inform the Board of the termination of an appointment within 30 days constitutes unprofessional conduct under Health Occupations Article, §14-404(a)(3), Annotated Code of Maryland.

(4) An institution shall submit a report to the Board regarding the termination of a licensee as required by COMAR 10.32.03.04.

J. New Appointment.

(1) If a physician wishes to receive a conceded eminence **or institutional license** with another institution, the physician shall apply for a new appointment with another institution.

(2) The Board may approve the new appointment at the Board's discretion.

(3) Board approval shall be obtained before the individual may begin the appointment.

COMAR 10.32.08.09 Fees.

The fees are as follows:

A. Initial Licensure.

(1) Initial licensure application fee, American and international school graduate ... \$310;

(2) Fee for remaining months until first renewal ... \$20 per month;

(3) Conceded eminence application fee... \$1,090;

(4) Institutional License application fee... \$1,090;

[(4)] **(5) Physician inactive license application fee...\$218;**

[(5)] **(6) Postgraduate teaching license application fee... \$300;**

[(6)] **(7) Physician emeritus license application fee... \$120;**

B. Renewal of Licensure:

(1) License renewal application fee... \$486;

(2) Inactive renewal application fee ... \$218;

(3) Physician emeritus renewal application fee ... \$120;

C. Reinstatement fee ... \$700;

D. Other fees:

(1) Application for a physician license name change fee... \$25;

(2) Permit to dispense prescription drugs fee... \$1,050;

(3) Written verification of licensure fee... \$50;