

**PROPOSED REGULATION PUBLICATION FORMS**

**Title 10**

**MARYLAND DEPARTMENT OF HEALTH**

**Subtitle-32 Board of Physicians**

**10.32.01 General Licensure and 10.32.13 Conceded Eminence**

**Authority: Health Occupations Article, §§ 14-307, 14-318 and 14-319, 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 proposes to amend .02 and .06 under COMAR 10.32.01. and .02 under COMAR 10.32.13.

**Statement of Purpose**

The purpose of this action is to define, "Post-graduate training" in the definition sections of the General Licensure and Conceded Eminence regulations and make clarifying and non-substantive amendments to the General Licensure regulations.

**Comparison to Federal Standards  
(Check one option)**

- X     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:

- \_\_\_    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**

X 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-)	<u>Expenditure (E+/E-)</u>	<u>Magnitude</u>
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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)

X 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)

X 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 Mark Woodard, Health Policy Analyst II, Maryland Board of Physicians, 4201 Patterson Avenue, 4<sup>th</sup> Floor, Baltimore, MD 21215, or call 410-764-2460 or email to mark.woodard@maryland.gov, or fax to 410-358-2252. Comments will be accepted through (leave blank). 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: FY 2019
- B. Does the budget for fiscal year in which regulations become effective contain funds to implement the regulations?  
\_\_\_ Yes    \_\_\_ No    X 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: none,
- E. If these regulations have no economic impact under Part A, indicate reason briefly: The proposed regulations add a new definition and clarifying and non-substantive changes to these regulations.
- F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason. The regulations do not change any fees or make any other changes that would have an impact on small business.

*10.32.01.02 ( August 17, 2018)*

.02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) “ABMS” means the American Board of Medical Specialties.

(2) "ACCME" means the Accreditation Council on Continuing Medical Education.

(3) "ACGME" means the Accreditation Council for Graduate Medical Education.

(4) "Accredited training program" means a postgraduate clinical medical education program which is:

(a) Certified by the:

- (i) Accreditation Council for Graduate Medical Education (ACGME) or its successor; or
  - (ii) American Osteopathic Association (AOA) or its successor;
- (b) Accredited by the Royal College of Physicians and Surgeons of Canada (*RCPSC*) or its successor; or
- (c) A postgraduate clinical medical education program that meets all of the following criteria:
- (i) Is in a specialty or subspecialty area, or both, that is not being accredited by the ACGME, *AOA* or *RCPSC* but meets all the requirements for accreditation of Accreditation Council for Graduate Medical Education, *the American Osteopathic Association, or the Royal College of Physicians and Surgeons of Canada*;
  - (ii) Is directed by a physician who is actively licensed to practice medicine in the United States, its territories or possessions, Puerto Rico, or Canada [in Maryland];
  - (iii) Is concurrently offered with ACGME-accredited programs; and
  - (iv) Is taught at a hospital that is accredited by the [Joint Commission on Accreditation of Health Care Organizations] *The Joint Commission or its successor or predecessor*; or
- (d) A program conducted in the United States of America or Canada that is the equivalent of §B(3)(a), (b), or (c) of this regulation as determined by the Board of Physicians.
- (5) "AOA" means the American Osteopathic Association.
- (6) "Applicant" means an individual applying for initial licensure as a physician in Maryland.
- (7)-(19) (text unchanged) .
- (20) "Postgraduate training" means clinical and medical training for medical school graduates, including but not limited to, internships, residencies, and fellowships.
- [(20)] (21) "Professional school" means a school whose curricula lead to a professional license, certification, or registration issued under the Health Occupations Article, Annotated Code of

Maryland, including the medical school of graduation or the medical school, where an applicant obtained medical education, that is affiliated with the institution that conferred the medical degree on the applicant.

[(21)] (22) "Recertification" means successfully meeting all of the specified recertification requirements of a medical licensing authority or specialty board recognized by the Board.

[(22)] (23) "Speech impairment" means a disorder of the voice, articulation, speech sounds, or fluency in the speaker's native language.

[(23)] (24) "SPEX" means the Special Purpose Examination prepared by the Federation of State Medical Boards.

[(24)] (25) "Successfully completed year of postgraduate training" means:

(a) 12 months of accredited postgraduate training in one integrated program in which the:

(i) Applicant completed all the requirements;

(ii) Program director rated the applicant's performance as satisfactory; and

(iii) Applicant's performance was such that the applicant qualified for advancement without academic or clinical probationary conditions to the next year and next progressive level of responsibility in a designated specialty program; or

(b) A year of accredited postgraduate training which the applicant completed in a manner that satisfied the requirements of §B(20-1)(a)(i) and (ii) of this regulation but that did not satisfy the requirements of §B(20-1)(a)(iii) of this regulation, and which was followed by a year of training which the applicant completed in a manner that satisfied all of the requirements of §B(20-1)(a) of this regulation.

[(25)] (26) "TOEFL" means the Test of English as a Foreign Language.

[(26)] (27) "USMLE" means the United States Medical Licensing Examination.

10.32.01.06

.06 Qualifications for Limited License for Postgraduate Teaching.

A-.B. (text unchanged)

C. Education, Training, and Experience.

(1) To meet the education and training requirements, a qualified applicant for a limited license for postgraduate teaching shall have:

(a) Graduated from an LCME-accredited medical school or a foreign medical school that is listed in the World Directory of Medical Schools at the time of the applicant's graduation or, for doctors of osteopathy, meet the requirements of Health Occupations Article, §14-307(d)(2), Annotated Code of Maryland;

(b) Satisfactorily completed a *postgraduate* training program which meets the following requirements:

(i) The postgraduate training shall have been in the specialty in which the applicant will function as a postgraduate teacher,

(ii) The postgraduate training shall have included at least the same number of years of specialty postgraduate training as would be required for certification by that specialty's board in the United States and submit the requirements of both to the Board, and

(iii) The applicant shall submit documents both from the United States and, if the applicant's specialty postgraduate training was obtained outside the United States, from each foreign specialty board to the Board; and

(c) Passed that specialty's certifying examination in either the country where specialty postgraduate training was obtained or where the applicant is practicing.

(2) A qualified postgraduate applicant shall meet the following experience requirements:

(a) Be a member in good standing of the specialty board in the country from which the applicant is applying; and

(b) Have functioned independently as both an academician and clinician for at least 3 years after the completion of postgraduate specialty training.

D.-H. (text unchanged)

*10.32.13.02*

.02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "ABMS or other equivalent specialty board" means the American Board of Medical Specialties or equivalent boards in other countries.

(2) "Applicant" means an individual applying for initial licensure as a physician in Maryland.

(3) "Application period" means the time between the filing of an application and the issuance of a license or denial of the application.

(4) "Board" means the Board of Physicians.

(5) "Conceded eminence and authority in the profession" means significant teaching, research, and achievement in a field of medicine recognized by the Board.

(6) "First author" means the first named author of a publication such as a research article or the author who served as the principal investigator for a research project.

(7) "Index Medicus" means an international list of periodicals concerning the practice of medicine.

(8) "Last author" means the last named author of a publication such as a research article or the senior author who served as the principal investigator for a research project.

(9) "LCME" means Liaison Committee on Medical Education of the American College of Medical Education and the American Medical Association.

(10) "LMCC" means Licentiate of the Medical Council of Canada, or its successor.

(11) "Malpractice history" means a list of claims filed against a health care provider for damage due to medical injuries as described in Courts and Judicial Proceedings Article, Title 3, Subtitle 2A, Annotated Code of Maryland, or adverse action reports made to the National Practitioner Data Bank of the federal government, or both.

(12) "Medical licensing examination results" means scores or results of examinations such as the:

(a) Educational Commission for Foreign Medical Graduates (ECFMG), or its successor;

(b) Federation Licensing Examination (FLEX) designed by the Federation of State Medical Boards;

(c) National Board of Medical Examiners (NBME);

(d) United States Medical Licensing Examination (USMLE) designed by the Federation of State Medical Boards; and

(e) Special Purpose Examination prepared by the Federation of State Medical Boards (SPEX).

*(13) "Postgraduate training" means for the purpose of conceded eminence applicants, clinical and medical training for medical school graduates, including but not limited to, internships, residencies, and fellowships.*

[(13)] (14) "Speech impairment" means a disorder of the voice, in articulation of speech sounds, or nonfluency in the speaker's native language.

[(14)] (15) "Test of Spoken English" means the Educational Testing Service examination designed to evaluate the spoken English proficiency of those whose native language is not English.

[(15)] (16) "World Health Organization directory" means the World Directory of Medical Schools, an international list of recognized medical schools compiled by the World Health Organization agency of the United Nations.

**ROBERT R. NEALL**

**Secretary of Health**