PROPOSED REGULATION PUBLICATION FORMS

Title 10

MARYLAND DEPARTMENT OF HEALTH

Subtitle BOARD OF PHYSICIANS

10.32.13 Physician Licensure by Conceded Eminence

Authority: Health Occupations Article, § 14-307-319, Annotated Code of Maryland

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

___ Yes   X No

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

___ Yes   X 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)   X No

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

___ Yes, complete (1)—(8)   X 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 .03 under COMAR 10.32.13

Statement of Purpose

The purpose of this action is to delete an outdated regulation in the Definitions section, change the reference to the application fee, and revise and remove language in the Qualification Section pertaining to English Language Competency and Claims of Speech Impairment.

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:

or

___ 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-)

Expenditure (E+/E-) Magnitude

A. On issuing agency:

B. On other State agencies:

C. On local governments:

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, 4th 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:

E. If these regulations have no economic impact under Part A, indicate reason briefly:

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason.

10.32.13.02

.02 Definitions.

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

B. Terms Defined.

(1)-(13) (text unchanged)

[(14)] ["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)] (14) "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.

10.32.13.03

.03 Qualifications for Special License by Conceded Eminence.

A. An applicant shall:

   (1) Complete an application on a form supplied by the Board;

   (2) Pay an application fee set by the Board in COMAR 10.32.01[.11] 12;

   (3) Be of good moral character; and
F. English Language Competency. An applicant shall demonstrate oral and written English language competency as described in [Health Occupations Article, §14-307(h), Annotated Code of Maryland. The applicant also shall demonstrate oral and written language competency as follows:] COMAR 10.32.01.04 D.

[1) Graduation from a recognized, English-speaking undergraduate college or university after at least 3 years of enrollment;

(2) Graduation from a recognized, English-speaking professional school; or

(3) Achieving a score of 220 on the Test of Spoken English or equivalent score on an equivalent examination approved by the Board, and achieving a score of 550 on the Test of English as a Foreign Language or equivalent examination approved by the Board.]

G. Claim of Speech Impairment.

[1] An applicant wishing to claim a speech impairment shall submit documentation of this impairment on forms supplied by the Board as described in COMAR 10.32.01.04 E.

[2) Documentation of a speech impairment shall be submitted from a:

(a) Licensed physician; and

(b) Speech-language pathologist who is currently licensed to practice speech pathology in the United States.

(3) Documentation should be submitted with the applicant's initial application but, in all cases, shall be submitted before the applicant's second attempt at passing the Test of Spoken English or its equivalent.

(4) After the second examination, documentation of an impairment may not be submitted or accepted unless there has been an intervening medical/surgical event which has created the impairment.

(5) The applicant shall be allowed to claim the impairment only if:

(a) This event was reported to the Board before a third examination; and

(b) The Board determines that the medical/surgical event did indeed create the impairment.
(6) If an applicant has properly claimed and documented a speech impairment, the Board shall grant a license if the applicant is able to prove the ability to communicate with allied health personnel and patients. The Board shall request the following proof:

(a) Documentation from three licensed physicians that the applicant can communicate in a professionally competent manner with patients and health care providers; or

(b) A hearing before the Board where the applicant is asked to describe the manner in which the applicant would obtain a history and physical examination from a typical patient.

H. Evaluation. The Board may require that an applicant under this chapter be evaluated by the Specialty Identification Committee of the Medical and Chirurgical Faculty of Maryland or other committee, and may require that the applicant be interviewed and be subject to peer review of the applicant's practice in accordance with Health Occupations Article, §14-401(b), Annotated Code of Maryland.

[I.] H. Withdrawals. An application may not be withdrawn if the applicant is under investigation or charges for reasons that may be grounds under Health Occupations Article, §14-404, Annotated Code of Maryland, if the applicant were lic

ROBERT R. NEALL
Secretary of Health