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HOUSE BILL 857

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Miele, Morgan, Morhaim, Sample-Hughes, Stein, Szeliga, and P. Young
Introduced and read first time: February 2, 2018
Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 ~~Health Occupations~~ Physicians - ~~Specialty Certifications~~ Board Certification - Effect
of Lack of Maintenance

3 FOR the purpose of ~~authorizing an entity granting physician privileges to use the active~~
4 ~~specialty certification of a physician by a specialty certification board as criteria to~~
5 ~~determine physician privileges; prohibiting an entity granting physician privileges~~
6 ~~from requiring specialty certification by a particular specialty certification board as~~
7 ~~a prerequisite for the granting of physician privileges~~ prohibiting carriers and hospitals from
requiring that physicians participate in certain programs as a prerequisite to or for continuation of the
carrier or hospital taking certain actions; prohibiting a carrier from establishing certain reimbursement
rates for physicians based on the physician's participation in certain programs; altering the definition
of "board certified" for purposes of the Maryland Medical Practice Act to include certification by a
certain board and to include a physician who was certified by a certain board and whose certification was
invalidated solely because the physician failed to participate in certain programs; defining certain
terms; and
8 generally relating to ~~specialty certifications~~ board certification of physicians.

BY adding to

Article - Health - General
Section 19-310.4
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,

Article - Health Occupations
Section 14-101(a)
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,

Article - Health Occupations
Section 14-101(c)
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

9 BY adding to

10 Article - ~~Health Occupations~~ Insurance
11 Section ~~14-509~~ 15-144
12 Annotated Code of Maryland
13 ~~(2014~~ (2017 Replacement Volume and 2017 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
15 That the Laws of Maryland read as follows:

Article - Health - General

19-310.4.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
MEANINGS INDICATED.

(2) "MAINTENANCE OF CERTIFICATION PROGRAM" MEANS A CONTINUING PROFESSIONAL DEVELOPMENT PROGRAM THAT MAY INCLUDE PRACTICE ASSESSMENTS AND EVALUATIONS AND THROUGH THE COMPLETION OF WHICH A PHYSICIAN MAINTAINS SPECIALTY CERTIFICATION BY A MEMBER BOARD OF THE AMERICAN BOARD OF MEDICAL SPECIALTIES OR ANY OTHER NATIONALLY RECOGNIZED ACCREDITING ORGANIZATION RECOGNIZED BY THE STATE BOARD OF PHYSICIANS AND THAT SPECIALIZES IN A SPECIFIC AREA OF MEDICINE.

(3) "OSTEOPATHIC CONTINUOUS CERTIFICATION PROGRAM" MEANS A CONTINUING PROFESSIONAL DEVELOPMENT PROGRAM THAT MAY INCLUDE PRACTICE ASSESSMENTS AND EVALUATIONS AND THROUGH THE COMPLETION OF WHICH A PHYSICIAN MAINTAINS SPECIALTY CERTIFICATION BY THE AMERICAN OSTEOPATHIC ASSOCIATION OR ANY OTHER NATIONALLY RECOGNIZED ACCREDITING ORGANIZATION RECOGNIZED BY THE STATE BOARD OF PHYSICIANS AND THAT SPECIALIZES IN OSTEOPATHIC MEDICINE.

(B) A HOSPITAL MAY NOT REQUIRE THAT A PHYSICIAN PARTICIPATE IN A MAINTENANCE OF CERTIFICATION PROGRAM OR AN OSTEOPATHIC CONTINUOUS CERTIFICATION PROGRAM AS A PREREQUISITE TO OR FOR THE CONTINUATION OF:

- (1) THE APPROVAL OF A CREDENTIAL;
- (2) THE PROVISION OF REIMBURSEMENTS;
- (3) EMPLOYMENT;
- (4) THE RECEIPT OF HOSPITAL ADMITTING PRIVILEGES;

OR

(5) THE PROVISION OF MALPRACTICE COVERAGE BY THE HOSPITAL.

16 Article - Health Occupations

17 ~~14-509.~~

18 ~~(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS~~
19 ~~INDICATED.~~

20 ~~(2) "PHYSICIAN PRIVILEGES" MEANS:~~

21 ~~(i) REIMBURSEMENT;~~

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1 ~~(H) EMPLOYMENT;~~

2 ~~(HH) HOSPITAL ADMITTING PRIVILEGES; OR~~

3 ~~(IV) MALPRACTICE COVERAGE;~~

4 ~~(3) "SPECIALTY CERTIFICATION BOARD" MEANS CERTIFICATION BY:~~

5 ~~(I) A MEMBER BOARD OF THE AMERICAN BOARD OF MEDICAL~~
6 ~~SPECIALTIES;~~

7 ~~(II) THE NATIONAL BOARD OF PHYSICIANS OR SURGEONS; OR~~

8 ~~(III) ANY OTHER NATIONALLY RECOGNIZED ACCREDITING~~
9 ~~ORGANIZATION RECOGNIZED BY THE BOARD THAT SPECIALIZES IN A SPECIFIC AREA~~
10 ~~OF MEDICINE;~~

11 ~~(B) AN ENTITY GRANTING PHYSICIAN PRIVILEGES;~~

12 ~~(1) MAY USE ACTIVE CERTIFICATION OF A PHYSICIAN BY A SPECIALTY~~
13 ~~CERTIFICATION BOARD AS CRITERIA TO DETERMINE PHYSICIAN PRIVILEGES; BUT~~

14 ~~(2) MAY NOT REQUIRE SPECIALTY CERTIFICATION BY A PARTICULAR~~
15 ~~SPECIALTY CERTIFICATION BOARD AS A PREREQUISITE FOR THE GRANTING OF~~
16 ~~PHYSICIAN PRIVILEGES.~~

14-101.

(a) In this title the following words have the meanings indicated.

(c) (1) "Board certified" means the physician is certified by a public or private board, including a multidisciplinary board, and the certifying board:

[(1)] (I) Is:

[(i)] 1. A member of the American Board of Medical Specialties;

[(ii)] 2. An American Osteopathic Association certifying board;

[(iii)] 3. The Royal College of Physicians and Surgeons of Canada; [or]

[(iv)] 4. The College of Family Physicians of Canada; OR

5. THE NATIONAL BOARD OF PHYSICIANS AND SURGEONS;

[(2)] (II) Has been approved by the Board under § 14-101.1 of this subtitle; or

[(3)] (III) Requires that, in order to be certified, the physician:

[(i)] 1. Complete a postgraduate training program that:

[1.] A. Provides complete training in the specialty or subspecialty; and

[2.] B. Is accredited by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association; and

[ii] 2. Be certified by:

[1.] A. The member board of the American Board of Medical Specialties;

[2.] B. The American Osteopathic Association in the training field;

[3.] C. The Royal College of Physicians and Surgeons of Canada; or

[4.] D. The College of Family Physicians of Canada.

(2) "BOARD CERTIFIED" INCLUDES A PHYSICIAN:

(I) WHO WAS CERTIFIED BY A CERTIFYING BOARD LISTED IN PARAGRAPH (1) OF THIS SUBSECTION; AND

(II) WHOSE CERTIFICATION WAS INVALIDATED SOLELY BECAUSE THE PHYSICIAN FAILED TO PARTICIPATE IN A MAINTENANCE OF CERTIFICATION PROGRAM, AS DEFINED IN § 19-310.4 OF THE HEALTH - GENERAL ARTICLE, OR AN OSTEOPATHIC CONTINUOUS CERTIFICATION PROGRAM, AS DEFINED IN § 19-310.4 OF THE HEALTH - GENERAL ARTICLE.

Article - Insurance

15-144.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "CARRIER" MEANS:

(I) AN INSURER;

(II) A NONPROFIT HEALTH SERVICE PLAN;

(III) A HEALTH MAINTENANCE ORGANIZATION; OR

(IV) ANY OTHER PERSON THAT PROVIDES HEALTH BENEFIT PLANS SUBJECT TO REGULATION BY THE STATE.

(3) "MAINTENANCE OF CERTIFICATION PROGRAM" HAS THE MEANING STATED IN § 19-310.4 OF THE HEALTH - GENERAL ARTICLE.

(4) "OSTEOPATHIC CONTINUOUS CERTIFICATION PROGRAM" HAS THE MEANING STATED IN § 19-310.4 OF THE HEALTH - GENERAL ARTICLE.

(B) A CARRIER MAY NOT:

(1) REQUIRE THAT A PHYSICIAN PARTICIPATE IN A MAINTENANCE OF CERTIFICATION PROGRAM OR AN OSTEOPATHIC CONTINUOUS CERTIFICATION PROGRAM AS A PREREQUISITE TO OR FOR THE CONTINUATION OF:

(I) THE APPROVAL OF A CREDENTIAL;

(II) THE PROVISION OF REIMBURSEMENTS; OR

(III) APPROVAL FOR PARTICIPATION ON A PROVIDER PANEL;

OR

**(2) ESTABLISH DIFFERENT RATES OF REIMBURSEMENT FOR PHYSICIANS
BASED ON A PHYSICIAN'S PARTICIPATION IN A MAINTENANCE OF CERTIFICATION PROGRAM
OR AN OSTEOPATHIC CONTINUOUS CERTIFICATION PROGRAM.**

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2018.