

NOTE: This document was created by MHCC to reflect amendments proposed at HGO but not adopted because the introduced bill was withdrawn. *This is not an official version of HB 857.*

EXPLANATION: **CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**

[Brackets] indicate matter deleted from existing law.

~~Strikethrough~~ indicates matter deleted from introduced bill

~~Double strikethrough~~ indicates MHCC deletions to amendment text (technical corrections).

Grey italics are the amendment instructions

HOUSE BILL 857

A BILL ENTITLED

1 AN ACT concerning

2 **Health Occupations – Physicians – Specialty Certifications**

3 FOR the purpose of authorizing an entity granting physician privileges to use the
4 active

5 specialty certification of a physician by a specialty certification board as
6 criteria to

7 determine physician privileges; prohibiting an entity granting physician
8 privileges

9 from requiring specialty certification by a particular specialty certification
10 board as

11 a prerequisite for the granting of physician privileges; defining certain
12 terms; and

13 generally relating to specialty certifications of physicians.

14 BY adding to

15 Article – Health Occupations

16 Section 14–509

17 Annotated Code of Maryland

(2014 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
MARYLAND,

That the Laws of Maryland read as follows:

Article – Health Occupations

14–509.

Amendment No. 1 On Page 1, at Line 18, delete beginning with "(A)" down through "PRIVILEGES" on Page 2, Line 16.

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

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

21 (i) ~~REIMBURSEMENT;~~

1 ~~—————~~ (ii) ~~EMPLOYMENT;~~

2 ~~—————~~ (iii) ~~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~~
10 ~~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;~~
14 ~~BUT~~

14 ~~—————~~ (2) ~~MAY NOT REQUIRE SPECIALTY CERTIFICATION BY A~~
~~PARTICULAR~~
15 ~~SPECIALTY CERTIFICATION BOARD AS A PREREQUISITE FOR THE GRANTING~~

OF PHYSICIAN PRIVILEGES.

Amendment No. 3 On Page 1, at Line 17, insert:

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

(2) "CARRIER" MEANS:

- (a) AN INSURER;
- (b) A NONPROFIT HEALTH SERVICE PLAN;
- (c) A HEALTH MAINTENANCE ORGANIZATION; OR
- (d) ANY OTHER PERSON THAT PROVIDES HEALTH BENEFIT PLANS SUBJECT TO REGULATION BY THE STATE.

(3) "HOSPITAL" HAS THE MEANING STATED IN §19-301 OF THE HEALTH-GENERAL ARTICLE.

(4) (a) "MAINTENANCE OF CERTIFICATION" MEANS A CONTINUING PROFESSIONAL DEVELOPMENT PROGRAM THROUGH WHICH PHYSICIANS CERTIFIED BY ONE OR MORE OF THE MEDICAL SPECIALTY BOARDS OF THE AMERICAN BOARD OF MEDICAL SPECIALTIES OR ANY OTHER ENTITY PROVIDING MEDICAL SPECIALTY CERTIFICATION MAINTAIN SPECIALTY CERTIFICATION OR COMPLETE PRACTICE ASSESSMENTS AND EVALUATIONS.

(5) "OSTEOPATHIC CONTINUOUS CERTIFICATION" MEANS A CONTINUING PROFESSIONAL DEVELOPMENT PROGRAM THROUGH WHICH PHYSICIANS CERTIFIED BY ONE OR MORE OF THE MEDICAL SPECIALTY BOARDS OF THE AMERICAN OSTEOPATHIC ASSOCIATION OR ANY OTHER ENTITY PROVIDING MEDICAL SPECIALTY CERTIFICATION MAINTAIN SPECIALTY CERTIFICATION OR COMPLETE PRACTICE ASSESSMENTS AND EVALUATIONS.

(B) A CARRIER MAY NOT:

(1) REQUIRE ANY MAINTENANCE OF CERTIFICATION OR OSTEOPATHIC CONTINUOUS CERTIFICATION AS A CONDITION FOR CREDENTIALING, PARTICIPATION WITH THE CARRIER, OR REIMBURSEMENT BY THE CARRIER; OR

(2) ESTABLISH DIFFERENT RATES OF REIMBURSEMENT FOR PHYSICIANS BASED IN WHOLE OR PART ON PARTICIPATION IN ANY MAINTENANCE OF CERTIFICATION OR OSTEOPATHIC CONTINUOUS CERTIFICATION.

(C) A HOSPITAL MAY NOT REQUIRE ANY MAINTENANCE OF CERTIFICATION OR OSTEOPATHIC CONTINUOUS CERTIFICATION AS A CONDITION OF CREDENTIALING AT THE HOSPITAL OR AS A CONDITION OF MAINTAINING PRIVILEGES AT THE HOSPITAL.

(D) A HOSPITAL OR CARRIER MAY REQUIRE BOARD CERTIFICATION AS DEFINED IN §14-101(C) OF THIS TITLE.

Amendment No. 2

§ 14-101

(c) ~~(c)~~ "Board certified" means the physician is certified, WAS INITIALLY CERTIFIED OR RECEIVED PRIMARY CERTIFICATION by a public or private board, including a multidisciplinary board, and the certifying board:

(1) Is:

- (i) A member of the American Board of Medical Specialties;
- (ii) An American Osteopathic Association certifying board;
- (iii) The Royal College of Physicians and Surgeons of Canada; [or]
- (iv) The College of Family Physicians of Canada; OR
- (v) THE NATIONAL BOARD OF PHYSICIANS AND SURGEONS;

~~(b)~~ (2) Has been approved by the Board under § 14-101.1 of this subtitle; or

- ~~{(3)}~~(e) Requires that, in order to be certified, the physician:
- (i) Complete a postgraduate training program that:
 - 1. Provides complete training in the specialty or subspecialty; and
 - 2. Is accredited by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association; and
 - (ii) Be certified by:
 - 1. The member board of the American Board of Medical Specialties;
 - 2. The American Osteopathic Association in the training field;
 - 3. The Royal College of Physicians and Surgeons of Canada; or
 - 4. The College of Family Physicians of Canada.

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