

10.32.[01]08 [~~General Licensure Regulations~~] *Physicians*

.01 Scope.

These regulations govern:

A. [~~how an individual becomes licensed in Maryland to practice medicine;~~] *The practice of medicine and establish the qualifications for an individual to become licensed in Maryland to practice medicine as a physician and sets limits on the license; and*

B. *How a physician registers to perform acupuncture.*

.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) "*ACGME-I*" means the Accreditation Council for Graduate Medical Education - International.

~~(4)~~ (5) "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;

(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~~] *ACGME*, the [~~American Osteopathic Association~~] *AOA*, or the [~~Royal College of Physicians and Surgeons of Canada~~] *RCPSC*;

(ii) Is directed by a physician who is actively licensed to practice medicine in the United States or its territories or possessions [~~, Puerto Rico,~~] or Canada;

(iii) Is concurrently offered with ACGME-accredited programs; and

(iv) Is taught at a hospital that is accredited by 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)~~(5)(a), (b), or (c) of this regulation as determined by the Board ~~[of Physicians]~~.

~~[(5)]~~ (6) "AOA" means the American Osteopathic Association.

~~[(6)]~~ (7) "Applicant" means an individual applying for initial licensure, *registration, renewal, or reinstatement pursuant to Health Occupations Article, Titles 14 and 15, Annotated Code of Maryland* ~~[as a physician in Maryland]~~.

~~[(7)]~~ (8) "Application period" means the time between the Board's receipt of an application and the issuance of a license or the closure of an application through withdrawal, determination of ineligibility, or denial of application.

~~[(8)]~~ (9) "Board" ~~[means the Board of Physicians]~~ *has the meaning stated in Health Occupations, §14-101, Annotated Code of Maryland.*

~~[(9)]~~ (10) "Board-certified" means the physician is certified by a public or private board, including a multidisciplinary board, and the certifying board is:

- (a) A member of ABMS;
- (b) An AOA certifying board;
- (c) The Royal College of Physicians and Surgeons of Canada; or
- (d) The College of Family Physicians of Canada.

~~[(10)]~~ (11) "CME" means continuing medical education.

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

(13) *"COMLEX" means Comprehensive Osteopathic Medical Licensing Examination.*

(14) *"COMVEX" means Comprehensive Osteopathic Medical Variable-Purpose Examination—USA.*

~~[(11)]~~ (15) "ECFMG" means the Educational Commission for Foreign Medical Graduates or its successor.

~~[(12)]~~ (16) "FCVS" means the Federal Credentialing Verification Services, *a service of the Federation of State Medical Boards of the United States, Inc. that establishes primary-source verified credentials and is required for all physicians and physician assistants.*

~~[(13)]~~ (17) "Federation" means the Federation of State Medical Boards of the United States, Inc.

(18) *"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.*

~~[(14)]~~ (19) "FLEX examination" means the Federation Licensing Examination designed by the Federation of State Medical Boards in cooperation with the National Board of Medical Examiners.

~~[(15)]~~ (20) "FLEX weighted average" means the method of calculating the grade of the FLEX examination by which the test results on the first day count 1/6, the second day 2/6, and the third day 3/6.

~~[(16)]~~ (21) *"Good standing" means the health care practitioner is not suspended, on probation, under restrictions, or subject to any pending disciplinary proceedings.*

(22) "~~[Foreign]~~ International medical school" means a medical school located outside the United States or its territories~~]; or Canada~~]; or Puerto Rico~~~~.

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

(24) "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.

~~[(17)]~~ (25) "LCME" means Liaison Committee on Medical Education, an organization that accredits programs in medical education leading to the doctor of medicine degree in the United States and territories. ~~[and, in cooperation with the Committee on Accreditation of Canadian Medical Schools, in Canada.~~

~~(18) "Oral Proficiency Interview (OPI)" means the examination of the American Council on the Teaching of Foreign Languages designed to evaluate the spoken English proficiency of those whose native language is not English.~~

~~(19) "Orientation program" means a program of information approved by the Board which includes:~~

~~(a) The statutes and regulations governing the practice of medicine in Maryland;~~

~~(b) Boundary issues; and~~

~~(c) The role and functions of the Board.]~~

(26) "Medical acupuncture course of study" means a sequence of study in acupuncture approved by the Board, which sequence may consist of combinations of course work from unrelated institutions completed within 5 years of the date of application, that includes at least 200 hours of instruction in general and basic aspects, specific uses and techniques of acupuncture, and indications and contraindications of acupuncture administration.

(27) "Medical acupuncture program" means a program of study in acupuncture which has been approved for Category I continuing medical education credit by an institution accredited or recognized by the Accreditation Council on Continuing Medical Education to conduct Category I continuing medical education courses.

(28) "NBOME" means National Board of Osteopathic Medical Examiners;

~~[(20)]~~ (29) "Postgraduate training" means clinical and medical training for medical school graduates, including but not limited to, internships, residencies, and fellowships.

~~[(21)]~~ (30) "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.

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

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

~~[(24)]~~ (31) "RCPSC" means the Royal College of Physicians and Surgeons of Canada.

(32) "SPEX" means the Special Purpose Examination prepared by the Federation of State Medical Boards.

~~[(25)]~~ (33) "Successfully completed year of postgraduate training" means:

(a) ~~[12 months]~~ 1 year 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)]~~(32)(a)(i) and (ii) of this regulation but that did not satisfy the requirements of §B~~[(20-1)]~~(32)(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)]~~(32)(a) of this regulation.

(34) "To perform acupuncture" means to stimulate a certain point or points on or near the surface of the human body by the insertion of needles to prevent or modify the perception of pain or to normalize physiological functions, including pain control, for the treatment of ailments or conditions of the body and for maintenance of good health.

~~[(26)]~~ (35) "TOEFL" means the Test of English as a Foreign Language.

~~[(27)]~~ (36) "Uniform Application" means a Web-based standard licensure application form that collects information in conjunction with the Maryland state-specific addendum application, both portions of which are required for physicians applying for initial medical licensure.

(37) "USMLE" means the United States Medical Licensing Examination.

(38) "WFME" means the World Federation of Medical Education.

(39) "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.

.03 Licensure—Qualifications for Initial Licensure.

~~[A. Moral Character. The applicant shall be of good moral character.~~

~~B. Age. The applicant shall be 18 years old or older.~~

~~C. Fee. An applicant for initial licensure shall pay the initial application fee and any additional charges set by the Board.~~

~~⊖.] A. To qualify for a license, a physician shall meet the requirements of 10.32.01 of this subtitle and §§ B and E of this regulation.~~

~~B. [Education and Training:] The applicant for a license as a physician shall submit [meet at least one of the following requirements]:~~

(1) ~~[Have a]~~ Satisfactory evidence of graduation from a ~~[doctor of medicine degree from a]~~ school of medicine accredited by LCME at the time of the applicant's graduation with a doctor of medicine degree and have successfully completed 1 year of postgraduate training at an accredited training program;

(2) ~~[Have]~~ *Satisfactory evidence of graduation from a ~~[a doctor of osteopathy degree from]~~ a school of osteopathy in the United States, its territories or possessions~~[- Puerto Rico,]~~ or Canada that has standards for graduation equivalent to those established by the ~~[American Osteopathic Association (AOA)] AOA~~ with a doctor of osteopathy degree and have successfully completed 1 year of postgraduate training at an accredited training program;*

(3) *Satisfactory evidence of graduation from a school of medicine accredited by the Committee on Accreditation of Canadian Medical Schools with a doctor of medicine degree and have successfully completed 1 year of postgraduate training at an accredited training program;*

(4) ~~[Have a]~~ *Satisfactory evidence of:*

(a) *Graduation from ~~[doctor of medicine degree from]~~ any other medical school with a doctor of osteopathy degree or doctor of medicine degree;*

(b) ~~[have successfully completed]~~ *Successful completion of the requirements for and possession of current ~~[obtained]~~ ECFMG certification; and*

(c) ~~[- and have successfully completed]~~ *Successful completion of 2 years of post-graduate training at an accredited training program; or*

~~[(4) Have]~~ (5) A document stating that the applicant has successfully completed a fifth pathway program as defined in Health Occupations Article, §14-308(a)(2), Annotated Code of Maryland, have successfully completed all of the formal graduation requirements of a ~~[foreign]~~ international medical school except for the postgraduate or social service components as required by the ~~[foreign]~~ international country or its medical school, and have successfully completed 2 years of postgraduate training at an accredited training program.

~~[E:]~~ C. On a case-by-case basis, the Board may consider full-time teaching in an LCME-accredited medical school in the United States as an alternative to the accredited postgraduate clinical medical education programs required in §~~[D]~~B. of this regulation.

~~[F:]~~ D. The Board may consider practice in another state of the United States or in Canada as an alternative to the accredited postgraduate clinical medical education program required in §~~[D]~~ B. of this regulation if:

(1) There is a minimum of 10 years clinical practice in the United States or Canada, with 3 years being within 5 years of the date of the application; and

(2) The clinical practice occurred under a full unrestricted license to practice medicine.

~~[G:]~~ E. Examination.

(1) ~~[An applicant for licensure in Maryland shall successfully complete at least one of the following examination requirements]~~ *The applicant for a license as a physician shall submit satisfactory evidence of:*

(a) ~~[Achieve]~~ *Achievement of a passing score on all parts of the National Board of Medical Examiners examination as evidenced by an endorsement of certification issued by the National Board of Medical Examiners;*

(b) ~~[Achieve]~~ *Achievement of a score as follows:*

(i) At least 75 on each part of the FLEX examination;

- (ii) A FLEX weighted average score of at least 75 on a FLEX examination taken before 1985 and achieved in one sitting; or
- (iii) A FLEX weighted average score of at least 75 on a FLEX examination taken before 1985 and be currently certified by a member board of the *ABMS* [~~American Board of Medical Specialties~~];
- (c) [~~Achieve~~] *Achievement of* a passing score, as evidenced by receipt of either a Diplomate Certification or a Certification of Completion issued by the National Board of Osteopathic Medical Examiners after January 1, 1971, on:
 - (i) All parts of the examination of the [~~National Board of Osteopathic Medical Examiners (NBOME)~~] *NBOME*;
 - (ii) All levels of the [~~Comprehensive Osteopathic Medical Licensing Examination (COMLEX)~~] *COMLEX*; or
 - (iii) A combination of these examinations;
 - (d) [~~Achieve~~] *Achievement of* the recommended passing score on all levels of the [~~Comprehensive Osteopathic Medical Licensing Exam~~] *COMLEX* of the [~~National Board of Osteopathic Medical Examiners~~] *NBOME*;
 - (e) Achieve passing scores on any of the following examination combinations:
 - (i) NBOME Part 1 + NBOME Part 2 + COMLEX Level 3;
 - (ii) NBOME Part 1 + COMLEX Level 2 + COMLEX Level 3;
 - (iii) NBOME Part 1 + COMLEX Level 2 + NBOME Part 3;
 - (iv) COMLEX Level 1 + NBOME Part 2 + NBOME Part 3;
 - (v) COMLEX Level 1 + COMLEX Level 2 + NBOME Part 3; or
 - (vi) COMLEX Level 1 + NBOME Part 2 + COMLEX Level 3;
 - (f) [~~Achieve~~] *Achievement of* a passing score on all parts of the examination of any state board or the District of Columbia Board of Medicine in the United States;
 - (g) [~~Achieve~~] *Achievement of* a passing score on all steps of the [~~United States Medical Licensing Examination (USMLE)~~] *USMLE*;
 - (h) If completed before the year 2000, [~~achieve~~] *achievement of* passing scores on any of the following examination combinations:
 - (i) USMLE Step 1 + NBME Part II + NBME Part III;
 - (ii) USMLE Step 1 + USMLE Step 2 + NBME Part III;
 - (iii) USMLE Step 1 + NBME Part II + USMLE Step 3;
 - (iv) NBME Part I + USMLE Step 2 + USMLE Step 3;
 - (v) NBME Part I + USMLE Step 2 + NBME Part III;
 - (vi) NBME Part I + NBME Part II + USMLE Step 3;
 - (vii) FLEX Component 1 + USMLE 3;
 - (viii) FLEX Component 2 + USMLE Step 1 + NBME Part II;

(ix) FLEX Component 2 + USMLE Step 1 + USMLE Step 2;

(x) FLEX Component 2 + NBME Part I + USMLE Step 2; or

(xi) FLEX Component 2 + NBME Part I + NBME Part II; or

(i) ~~[Achieve]~~ *Achievement* a passing score on each part of the applicable qualifying examination of the Licentiate of the Medical Council of Canada.

(2) An applicant who fails any part, step, level, or component of the examinations or combination of examinations listed in §~~[G]~~E(1) of this regulation three or more times shall meet one of the requirements listed in §~~[G]~~E(3) of this regulation.

(3) An otherwise qualified applicant who passes the examination after having failed the examination or any part of the examinations listed in §~~[G]~~E(1) of this regulation or any part, step, level, or component of any of the examinations listed in §~~[G]~~E(1) three or more times may qualify for a license only if the applicant:

(a) Has successfully completed 2 or more years of a residency or fellowship accredited by the ACGME or the AOA;

(b) Has met the following requirements:

(i) The applicant has a minimum of 5 years clinical practice of medicine in the United States or in Canada, with at least 3 of the 5 years having occurred within 5 years of the date of the application, that occurred under a full unrestricted license to practice medicine; and

(ii) The applicant has no disciplinary action pending and has had no disciplinary action taken against the applicant that would be grounds for discipline under Health Occupations Article, §14-404, Annotated Code of Maryland; or

(c) Is Board-certified.

(4) Notwithstanding §~~[G]~~ E(1) of this regulation, the Board shall require an applicant to pass the SPEX examination or the ~~[Comprehensive Osteopathic Medical Variable Purpose Examination—USA (COMVEX—USA)]~~ *COMVEX* if the applicant:

(a) Last passed a medical licensing examination more than 15 years before this application;

(b) Has never had specialty board certification or last passed a specialty board certification examination given by a member board of the ABMS or the AOA more than 10 years before this application;

(c) Has not had a full, unrestricted medical license in at least one state of the United States or Canada within the 10-year period before this application; and

(d) Has not actively practiced clinical medicine in the United States or Canada for at least 7 of the 10 years before this application.

~~[(5) Notwithstanding §G(1) of this regulation, the Board may require an applicant to pass the SPEX examination or the Comprehensive Osteopathic Medical Variable Purpose Examination—USA (COMVEX USA) if the applicant meets one or more of the conditions listed in §G(4) of this regulation.~~

~~H. Additional Requirements:~~

~~(1) Each applicant shall submit a chronological list of all activities beginning with the date of completion of medical school through the date of application. The activities shall be listed by month and year, account for all periods of time, and include but not be limited to the following:~~

- ~~(a) All postgraduate training programs attended, regardless of whether the program was completed or not;~~
- ~~(b) Each job held, regardless of whether the job was:~~
 - ~~(i) Medically related or not; or~~
 - ~~(ii) Compensated or not;~~
- ~~(c) Any other activity engaged in, including all periods of unemployment;~~
- ~~(d) An action, by a state licensing or disciplinary board, or a comparable body in the armed services, denying an application for licensure, reinstatement, or renewal;~~
- ~~(e) An action taken against the physician's license, by a state licensing or disciplinary board, or a comparable body in the armed services, including but not limited to limitations of practice, required education, admonishment, reprimand, suspension, or revocation for an act that would be grounds for disciplinary action under Health Occupations Article, §14-404, Annotated Code of Maryland;~~
- ~~(f) An investigation or charge brought against the physician by a licensing or disciplinary body or comparable body in the armed services;~~
- ~~(g) A medical or health professional license for which the physician has applied if the application was withdrawn for reasons that would be grounds for disciplinary action under Health Occupations Article, §14-404, Annotated Code of Maryland;~~
- ~~(h) An investigation or charge brought against the physician by a hospital, related institution, or alternative health care system that would be grounds for action under Health Occupations Article, §14-404, Annotated Code of Maryland;~~
- ~~(i) Any limitation or loss in privileges by a hospital, related health care facility, or alternative health care system that would be grounds for disciplinary action under Health Occupations Article, §14-404, Annotated Code of Maryland;~~
- ~~(j) A plea of guilty or nolo contendere, a conviction, or receipt of probation before judgment for a criminal act;~~
- ~~(k) A plea of guilty or nolo contendere, a conviction, or receipt of probation before judgment for an alcohol or controlled dangerous substance offense, including but not limited to driving while under the influence of alcohol or controlled dangerous substances;~~
- ~~(l) An arrest which would provide a basis for investigation or charge which would be grounds for disciplinary action under Health Occupations Article, §14-404, Annotated Code of Maryland;~~
- ~~(m) A physical or mental condition that currently impairs the physician's ability to practice medicine;~~
- ~~(n) The filing or settling of a medical malpractice action in which the physician is, or has been, named as a defendant within the past 5 years.~~
- ~~(2) An applicant shall submit the following additional information:~~
 - ~~(a) Copies of the complaints, pleadings, and judgments in all malpractice claims if the applicant has had 3 or more claims in the 5 years before the filing of the application for licensure;~~
 - ~~(b) Copies of all arrests, disciplinary actions, judgments, and final orders which occurred or were issued within the 7 years before submitting the application for licensure for driving while intoxicated, driving while under the influence of a chemical substance or medication, or any license probation, suspension, or revocation; and~~

~~(c) All medical licensure, certification, and recertification examination results and the dates when these examinations were taken.~~

~~(3) On forms supplied by the Board, an applicant shall agree to release to the Board relevant information from appropriate individuals, other institutions, and government agencies including, but not limited to, the National Practitioner Data Bank, hospitals, and other licensing bodies.~~

~~(4) On forms supplied by the Board, an applicant shall allow the Board to release information which is not statutorily protected.~~

~~(5) During the application process, an applicant for licensure shall have the duty to inform the Board by electronic or first class mail of any of the circumstances listed in §H(1) and (2) of this regulation within 30 days of the occurrence of or notification about these circumstances.~~

~~(6) If reasonable questions regarding an applicant's physical, mental, or professional competency have been raised by the information provided on the application, the Board may request additional information regarding the applicant's competency from the chief of staff of a hospital where the applicant has practiced.~~

~~I. English Language Competency. The applicant shall demonstrate oral and written English language competency as described in Regulation .04D of this chapter.~~

~~J. Speech Impairment. An applicant wishing to claim speech impairment shall submit documentation of the impairment to the Board as described in Regulation .04E of this chapter.]~~

F. Complete Application.

(1) A complete application for initial licensure shall include, but is not limited to, proof of the following through documentation on forms supplied by the Board:

(a) Verification of medical education;

(b) Written and electronic statements from an authorized official of each of the applicant's accredited training programs which:

(i) Summarize the experience and performance of the applicant during training;

(ii) Detail all actions taken against the applicant by any training program, hospital, medical board, licensing authority, or court for an act that would be grounds for disciplinary action under Health Occupations Article, §14-404, Annotated Code of Maryland;

(iii) Document specifically whether or not the applicant successfully completed the years of training;

(iv) Detail any limitations of privileges during the postgraduate training years; and

(v) Detail any physical and mental health problems of the applicant that affected the applicant's ability to practice during the years of postgraduate training;

(c) Documentation of successful completion of the examination requirements as described in § E of this regulation, including submission of all applicant's scores sent directly to the Board from the examination authority or authorities.

(2) The Board may waive the requirement of § F(1)(b) of this regulation on a case-by-case basis, if the applicant's education or training occurred in countries with which reasonable efforts to obtain the required information have been unsuccessful.

(3) If licensure in another state preceded the requirement for ECFMG, the Board may waive the requirement for the ECFMG certificate.

(4) A complete application which contains a statement from the applicant listing all:

(a) Hospitals, following training, at which the applicant has had privileges during the preceding 5 years; and

(b) Disciplinary or adverse actions taken against the applicant by a:

(i) Hospital,

(ii) Medical board,

(iii) Licensing authority,

(iv) Court, or

(v) Adjudicatory body.

(5) A complete application shall include:

(a) All application and licensing fees as required in Regulation .11 of this chapter, payable to the Board at the time the application is submitted to the Board; and

(b) The applicant's Social Security number, Individual Tax Identification Number, or alternative documentation, which the Board shall use only for evaluation and identification of applicants and physicians, but may not disclose in any other context.

G. Review of an application for licensure shall include:

(1) Verification of licensure from all states where the applicant has ever held a license;

(2) Verification of voluntary licensure nonrenewal, or voluntary surrender of license while the applicant was in good standing and not under disciplinary charges or investigation at the time the license was surrendered from states where the applicant no longer holds a license;

(3) Information in the data bank of the Federation pertaining to the qualifications of the applicant;

(4) Information in the National Practitioner Data Bank including but not limited to the following:

(a) Medical malpractice judgments against the applicant;

(b) Settlements made by the applicant in medical malpractice actions;

(c) Actions taken against the applicant or the applicant's license by state disciplinary or licensing authorities; and

(d) Actions taken against the applicant or the applicant's privileges by a hospital or hospital disciplinary authority which result in a loss, limitation, or suspension of privileges for a period greater than 30 days; and

~~§.04 Licensure — Documentation for Initial Licensure.~~

~~A. The applicant shall submit an application on a form supplied by the Board.~~

~~B. Complete Application:~~

~~(1) A complete application for initial licensure shall include, but is not limited to, proof of the following through documentation on forms supplied by the Board:~~

~~(a) Verification of medical education;~~

~~(b) Written and electronic statements from an authorized official of each of the applicant's accredited training programs which:~~

~~(i) Summarize the experience and performance of the applicant during training;~~

~~(ii) Detail all actions taken against the applicant by any training program, hospital, medical board, licensing authority, or court for an act that would be grounds for disciplinary action under Health Occupations Article, §14-404, Annotated Code of Maryland;~~

~~(iii) Document specifically whether or not the applicant successfully completed the years of training;~~

~~(iv) Detail any limitations of privileges during the postgraduate training years; and~~

~~(v) Detail any physical and mental health problems of the applicant that affected the applicant's ability to practice during the years of postgraduate training;~~

~~(c) Documentation of successful completion of the examination requirements as described in Regulation .03G of this chapter, including submission of all applicant's scores sent directly to the Board from the examination authority or authorities.~~

~~(2) The Board may waive the requirement of §B(1)(b) of this regulation on a case-by-case basis, if the applicant's education or training occurred in countries with which reasonable efforts to obtain the required information have been unsuccessful.~~

~~(3) If licensure in another state preceded the requirement for ECFMG, the Board may waive the requirement for the ECFMG certificate.~~

~~(4) A complete application which contains a statement from the applicant listing all:~~

~~(a) Hospitals, following training, at which the applicant has had privileges during the preceding 5 years; and~~

~~(b) Disciplinary or adverse actions taken against the applicant by a:~~

~~(i) Hospital;~~

~~(ii) Medical board;~~

~~(iii) Licensing authority;~~

~~(iv) Court, or~~

~~(v) Adjudicatory body.~~

~~(5) A complete application shall include:~~

~~(a) All application and licensing fees as required in Regulation .12 of this chapter, payable to the Board at the time the application is submitted to the Board; and~~

~~(b) The applicant's Social Security number, which the Board shall use only for evaluation and identification of applicants and licensees, but may not disclose in any other context.~~

~~C. Additional Requirements. Review of an application for licensure shall include:~~

~~(1) Verification of licensure from all states where the applicant has ever held a license;~~

~~(2) Verification of voluntary licensure nonrenewal, or voluntary surrender of license while the applicant was in good standing and not under disciplinary charges or investigation at the time the license was surrendered from states where the applicant no longer holds a license;~~

~~(3) Information in the data bank of the Federation pertaining to the qualifications of the applicant;~~

~~(4) Information in the National Practitioner Data Bank including but not limited to the following:~~

~~(a) Medical malpractice judgments against the applicant;~~

~~(b) Settlements made by the applicant in medical malpractice actions;~~

~~(c) Actions taken against the applicant or the applicant's license by state disciplinary or licensing authorities; and~~

~~(d) Actions taken against the applicant or the applicant's privileges by a hospital or hospital disciplinary authority which result in a loss, limitation, or suspension of privileges for a period greater than 30 days; and~~

~~(5) If reasonable questions regarding an applicant's physical, mental, or professional competency have been raised by the information provided on the application, original letters of reference from all of the hospitals at which the applicant has had privileges, describing the kind of experience received, the performance of the applicant, and explaining under what circumstances those privileges were limited, revoked, or allowed to lapse.~~

~~D. English Language Competency. The applicant shall demonstrate oral and written competency in English by any of the following:~~

~~(1) Documentation of graduation from a recognized English-speaking high school or undergraduate school after at least 3 years of enrollment;~~

~~(2) Documentation of graduation from a recognized English-speaking professional school;~~

~~(3) Documentation of a passing score on the USMLE step 2 Clinical Skills; or~~

~~(4) Documentation of receiving:~~

~~(a) A score of at least 26 on the "Speaking Section" of the Internet Based TOEFL; or~~

~~(b) A score of Advanced or higher on the OPI.~~

~~E. Claims of Speech Impairment.~~

~~(1) Applicants wishing to claim a speech impairment after failing either the TOEFL or the OPI shall submit documentation of this impairment on forms supplied by the Board.~~

~~(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 TOEFL or the OPI.~~

~~(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 the applicant has properly claimed and documented a speech impairment, the Board shall accept the documentation if the applicant is able to prove the ability to communicate with allied health personnel and patients. Proof shall include:~~

~~(a) Documentation from 3 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.~~

~~F. The certifying or verifying authority shall send all certificates and verifications directly to the Board for applicants. The Board may not accept certificates and verifications sent to, or by, the applicant.~~

~~G. If any of the documents required under this chapter are in a language other than English, the applicant shall submit the certified translation and bear the expense of translation by a certified translator.~~

~~H. The Board has designated a 4-month period for acting upon applications as follows:~~

~~(1) Within 60 days after receipt of an application, the Board or its Executive Director will determine whether an application is complete;~~

~~(2) If the Board or the Executive Director determines that the application is not complete, the Executive Director or the Executive Director's designee shall send a notice of deficiency to the applicant;~~

~~(3) Upon receipt of the notice, the applicant shall correct the deficiency within 60 days or other period specified in the notice;~~

~~(4) If the applicant fails to correct the deficiency within the required period, the application may lapse and the applicant shall be required to submit a new application and pay the required fees.~~

~~I. Withdrawal of Application:~~

~~(1) An applicant may not withdraw an application for initial licensure, renewal of a license, or reinstatement of a license without permission of the Board, if:~~

~~(a) The applicant is currently charged in another jurisdiction with conduct which would be grounds for discipline under the Health Occupations Article, §14-404, Annotated Code of Maryland, if the applicant were licensed in this State;~~

~~(b) The applicant is under investigation in another jurisdiction for an allegation concerning conduct that would be grounds for discipline under Health Occupations Article, §14-404, Annotated Code of Maryland, if the applicant were licensed in this State; or~~

~~(c) The Board is investigating the applicant or application or has issued a notice of intent to deny licensure.~~

~~(2) In determining whether to allow the withdrawal of a licensure application, the Board may consider such factors as the following:~~

~~(a) Issues of competence or conduct which caused the matter to be investigated;~~

~~(b) Duty to protect the public in other jurisdictions from duplicative expenditures on investigation of licensure applications; and~~

~~(c) Truthfulness of the applicant during the application process.~~

~~J. The Board may accept documentation from the FCVS as evidence of having met some of the requirements of Regulations .03 and .04 of this chapter.]~~

~~[.05]~~ .04 Inactive and Emeritus Licensure.

A. Inactive Status.

~~(1) A physician [licensee in good standing who will not practice medicine in this State] may apply for inactive status if the physician:~~

~~(a) Is in good standing;~~

~~(b) Is not under investigation by the Board;~~

~~(c) Will not practice medicine in this State; and~~

~~[(2) A licensee applying for an inactive license shall pay the inactive license fee and any additional charges set by the Board.~~

~~(3) A licensee may apply for inactive status if the licensee] (d) Has an unrestricted active license to practice medicine in this State or is within 60 days of the expiration of the [licensee's] physician's unrestricted active license.~~

~~[(4)] (2) Renewal. [(a)] An inactive status shall be renewed every 2 years.~~

~~(b) At the end of 2 years, a [licensee] physician with inactive status shall complete the renewal application, and pay the renewal fee, and any charges set by the Board.~~

~~(c) If the [licensee] physician fails to renew their inactive license for any reason, the license will expire.~~

~~[(5)] (3) A [licensee] physician with an inactive license may not:~~

~~(a) Practice medicine within Maryland;~~

~~(b) Prescribe medication within Maryland; or~~

~~(c) Conduct peer reviews of physicians within Maryland.~~

~~[(6) A licensee on inactive status shall have the duty to inform the Board by electronic or first-class mail of any of the circumstances listed in Regulation .03H(1) and (2) of this chapter within 30 days of the occurrence of or notification about these circumstances.~~

~~(7)] (4) The inactive status of a [licensee] physician does not deprive the Board of its authority to institute or continue a disciplinary proceeding against a [licensee] physician.~~

~~[(8)]~~ (5) To reinstate a license to active status, a licensee on inactive status shall apply for reinstatement on a form supplied by the Board and meet the requirements for reinstatement in Regulation ~~[.11]~~ .08 of this chapter, including the continuing medical education requirements. The physician may not practice medicine until the license is reinstated to active status.

B. Emeritus Status.

(1) A ~~[licensee]~~ *physician* who meets the requirements under §B~~[(3)]~~(2) of this regulation, who will not practice medicine in this State, and who is retired from practicing medicine in this State may apply for emeritus status.

~~(2) [A licensee applying for emeritus status shall complete the emeritus application and pay the application fee as set by the Board.]~~

~~(3)~~ A ~~[licensee]~~ *physician* may apply for emeritus status if the ~~[licensee]~~ *physician*:

- (a) Has practiced medicine in Maryland for at least 10 years;
- (b) Has an active, unrestricted license to practice medicine in Maryland or is within 60 days of the expiration of an active, unrestricted license;
- (c) Has never been the subject of disciplinary action that has resulted in revocation or suspension of a medical license in any jurisdiction in which they have been licensed to practice medicine;
- (d) Is not under investigation by the Board; and
- (e) Is in good standing.

~~[(4)]~~ (3) A ~~[licensee]~~ *physician* with emeritus status may not:

- (a) Practice, offer to practice, or attempt to practice medicine within Maryland;
- (b) Delegate medical acts within Maryland;
- (c) Prescribe medication within Maryland; or
- (d) Conduct peer review of physicians within Maryland.

~~[(5)]~~ (4) A ~~[licensee]~~ *physician* with emeritus status shall complete the renewal application and pay the emeritus renewal fee and any charges set by the Board every third renewal cycle.

~~[(6) A licensee on emeritus status shall have the duty to inform the Board by email or first class mail of any of the circumstances listed in Regulation .03H(1) and (2) of this chapter, including a change of address, within 30 days of the occurrence of or notification about these circumstances.]~~

~~(7)~~ (5) The emeritus status of a ~~[licensee]~~ *physician* does not deprive the Board of authority to institute or continue a disciplinary proceeding against a ~~[licensee]~~ *physician*.

~~[(8)]~~ (6) To reinstate a license to active status, a physician whose license is on emeritus status shall apply for reinstatement on a form supplied by the Board and meet the requirements for reinstatement in Regulation ~~[.11]~~ .08 of this chapter, including the continuing medical education requirements. The physician may not practice medicine until the license is reinstated to active status.

~~[.06]~~ .05 Qualifications for Limited License for Postgraduate Teaching of Medicine.

~~[A. Moral Character. The applicant for a limited license for postgraduate teaching shall be of good moral character.~~

~~B. Age. The applicant for a limited license for postgraduate teaching shall be 18 years old or older.]~~

~~C. Education, Training, and Experience.~~

~~(+) A. To qualify for a license, a physician shall meet the requirements of 10.32.01 of this subtitle and §§ B and C of this regulation.~~

~~B. [To meet the education and training requirements, a qualified applicant for a limited license for postgraduate teaching shall have:] The applicant for a limited license for postgraduate teaching shall submit:~~

~~(a) Satisfactory evidence of graduation [graduated] from an LCME-accredited medical school or [a foreign] an international 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] Satisfactory evidence of satisfactory completion of 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] international specialty board to the Board; and~~

~~(c) [Passed] Satisfactory evidence of a passing result on 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.~~

~~C. An applicant for a postgraduate teaching license shall agree that the applicant will:~~

~~(a) Only practice within the teaching institutions and programs specified within the application;~~

~~(b) Practice medicine only in conjunction with the applicant's teaching responsibilities; and~~

~~(c) Not practice medicine outside the applicant's teaching responsibilities.~~

~~[D. Fees. An applicant for a limited license for postgraduate teaching shall pay the limited license fee for postgraduate teaching and any additional charges set by the Board.~~

~~E. Additional Requirements for Postgraduate Teaching Licenses.~~

~~(1) The Board may require additional information which includes, but is not limited to, the following:~~

~~(a) Letter from the chief of staff of any hospital where the applicant has practiced within the 5 years preceding the application for a postgraduate teaching license, detailing the applicant's competence to practice medicine;~~

~~(b) Malpractice history;~~

~~(c) Driving record including, but not limited to, convictions for driving while intoxicated or while under the influence of a chemical substance or medication;~~

~~(d) Medical licensing examination results;~~

~~(e) Physical or mental examinations, or both, by a physician or evaluation program for treatment of impaired physicians, or both, chosen by the Board.~~

~~[(2) On forms supplied by the Board, an applicant shall agree to release to the Board information from other institutions and government agencies including, but not limited to, the National Practitioner Data Bank, hospitals, and other licensing bodies.~~

~~(3) During the application process, an applicant for a limited license for postgraduate teaching shall have the duty to inform the Board by electronic or first-class mail of any of the circumstances listed in Regulation .03H(1) and (2) of this chapter within 30 days of the occurrence of or notification about these circumstances.]~~

~~[(4)] (D) A teaching institution seeking to obtain limited licenses for their postgraduate teachers shall present the Board with the following information:~~

~~[(a)] (1) Detailed evidence of the physician's qualifications and competence including the nature of the physician's proposed responsibilities, reasons for any limitations of those practice responsibilities, and the degree of supervision under which the physician will function, if any;~~

~~[(b)] (2) A copy of the relevant sections of the hospital bylaws which detail the requirements for, and mechanism of, supervising physicians; and~~

~~[(c)] (3) A copy of the relevant section of the hospital bylaws which detail the requirements for, and mechanism of, supervision of postgraduate physician teachers.~~

~~[(5) An applicant for a postgraduate teaching license shall agree that the applicant will:~~

~~(a) Only practice within the teaching institutions and programs specified within the application;~~

~~(b) Practice medicine only in conjunction with the applicant's teaching responsibilities; and~~

~~(c) Not practice medicine outside the applicant's teaching responsibilities.~~

~~F. English Language Competency. The applicant shall demonstrate oral and written English language competency as described in Regulation .04D of this chapter.~~

~~G.. Speech Impairment. Applicants wishing to claim speech impairments shall submit documentation of these impairments to the Board as described in Regulation .04E of this chapter.]~~

~~[(H)] E. Terms and Renewal of Postgraduate Teaching Licenses.~~

~~(1) The Board shall issue a postgraduate teaching license with a term of 1 year.~~

(2) The Board may renew a limited license for postgraduate teaching only once for a maximum period of 1 year.

~~[.07 Setting of Fees.]~~ .06 Application for Special License by Conceded Eminence

~~[All fees, not set by statute, will be set by the Board. A copy of the current fee schedule is set forth in Regulation 12 of this chapter. Fees paid to the Board are nonrefundable.]~~

A. The Board shall issue a Special License by Conceded Eminence to an applicant who meets the requirements of 10.32.01 of this subtitle and Section B, 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. Limited Practice.

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

(a) Practice medicine only in the limited field approved by the Board that is consistent with the applicant's area of conceded eminence experience;

(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;

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

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

(b) 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 in the profession to practice beyond the scope of these regulations without having qualified for an unrestricted license under Health Occupations Article, §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.

(2) 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 10.32.01.11.

(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 these regulations, including practicing without notifying the Board and without approval of the Board at any institution or place outside the institution approved by the Board, constitutes practicing without a license under Health Occupations Article, §14-404(a)(3), Annotated Code of Maryland.

I. Termination.

(1) On termination of the physician's approved appointment, the conceded eminence 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.

J. New Appointment.

(1) If a physician wishes to receive a conceded eminence 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.

[.08] .07 Renewals and Reinstatement.

A. Renewal.

(1) The Board may not renew a license until the Comptroller of Maryland has verified that the individual has paid all undisputed taxes and unemployment insurance contributions, or arranged for repayment, as required by COMAR 10.31.02.

(2) The Board shall renew the license of a physician if the physician meets:

(a) The requirements of 10.32.01 of this subtitle; and

(b) The continuing education requirements of Regulation .09 of this chapter.

B. Reinstatement.

(1) This section does not apply to a post-disciplinary reinstatement as defined under 10.32.02.

(2) A physician applying for reinstatement may be denied reinstatement subject to the hearing provisions of Health Occupations Article, §14-405, Annotated Code of Maryland, for any of the grounds listed in Health Occupations Article, §14-404, Annotated Code of Maryland.

(3) Subject to § B(2) and (4) of this regulation, the Board shall reinstate the license of a physician who has failed to renew the license if the physician:

(a) Is of good moral character;

(b) Applies for reinstatement after the date the license expires;

(c) Provides documentation of the continuing education requirements of .09 of this chapter;

(d) Completes a criminal history records check in accordance with Health Occupations, 14-308.1, Annotated Code of Maryland; and

(e) Pays to the Board the reinstatement fee set by the Board in accordance with Regulation .11 of this chapter.

(f) Provide the Board with a detailed description of activities which have occurred since the last renewal application or, in the case of a physician who has never renewed, since the date when a medical licensure application was submitted to the Board, including, but not necessarily be limited to, the information required under Regulations 10.32.01 of this subtitle.

(4) A physician applying for reinstatement may be required to pass the SPEX or COMVEX examination if the physician:

(a) Last passed a medical licensing examination more than 15 years before this application;

(b) Has never had specialty board certification or last passed a specialty board certification examination given by a member board of the ABMS or the AOA Bureau of Osteopathic Specialists more than 10 years before this application;

(c) Has not had a full, unrestricted medical license in at least one state of the United States or Canada within the 10-year period before this application; or

(d) Has not actively practiced clinical medicine in the United States or Canada for at least 7 of the 10 years before this application.

~~[A licensee shall renew the license every 2 years.~~

~~C. At least 1 month before the license expires, the Board shall send to the last known address of record of the licensee, by electronic or first-class mail:~~

~~(1) A renewal notice that states:~~

~~(a) The date on which the current license expires;~~

~~(b) The date by which the renewal application shall be received by the Board for the renewal to be issued and mailed before the license expires;~~

~~(c) The amount of the renewal fee and any additional charges set by the Board; and~~

~~(2) A blank panel data sheet supplied by the Health Care Alternative Dispute Resolution Office.~~

~~D. If the Board chooses to send renewal notices exclusively by electronic mail, the Board shall send a renewal notice by first-class mail to a licensee on request of the licensee.~~

~~E. The failure to receive a renewal notice does not excuse a licensee from complying with §B of this regulation.~~

~~F. Before the expiration date of the license, a licensee applying for renewal shall complete the application for renewal on a form supplied by the Board.~~

~~G. A licensee shall inform the Board by electronic or first-class mail of any of the circumstances listed in Regulation .03H(1) and (2) of this chapter within 30 days of the occurrence of or notification about these circumstances.~~

~~H. A licensee applying for renewal shall complete the CME requirements as defined in Regulation .10 of this chapter.~~

~~I. A licensee applying for renewal shall pay the renewal fee and any additional charges set by the Board.~~

~~J. After the expiration date of the license, the physician is no longer licensed to practice medicine.~~

~~K. The Board may impose a fine of up to \$50,000 for practicing without a license if a formerly licensed physician:~~

~~(1) Fails to submit an application and to pay the requisite renewal fee within 60 days of the expiration of the license; or~~

~~(2) Practices medicine 60 days after the expiration of the license or thereafter.~~

~~L. A holder of a restricted license to practice osteopathy shall renew the license every year as follows:~~

~~(1) Submit a renewal form supplied by the Board; and~~

~~(2) Pay a renewal fee and any additional charges set by the Board.~~

~~M. A licensee applying for the first renewal shall have completed an orientation program approved by the Board. The Board may defer this requirement for physicians practicing out of State or in cases of individual hardship.]~~

~~[.09]~~ .08 Expired Licensure.

A. A ~~[licensee]~~ *physician* with an expired license may not:

(1) Practice medicine within Maryland;

(2) Prescribe medicine within Maryland; or

(3) Conduct peer review of physicians within Maryland.

B. A physician whose license is expired and who wishes to practice medicine in Maryland shall apply for reinstatement on a form supplied by the Board and meet the requirements for reinstatement in Regulation ~~[.11]~~ .07 of this chapter, including the continuing medical education requirements. The physician is not licensed to practice medicine until the license is reinstated.

[.10] .09 Continuing Medical Education.

[A. Definitions:

(1) ~~In this regulation, the following terms have the meanings indicated.~~

(2) ~~Terms Defined.~~

(a) ~~“2-year period” means:~~

(i) ~~For license renewal, the 2 years preceding the expiration of the physician license; or~~

(ii) ~~For license reinstatement, the 2 years preceding the date of the submission of the application for reinstatement of the physician license.~~

(b) ~~“Applicant” means:~~

(i) ~~A licensed physician applying for renewal of the physician license; or~~

(ii) ~~A physician applying for reinstatement of the physician license.]~~

A. A physician shall complete the continuing education requirements specified in § C(2) of this regulations earning during the 2-year period preceding:

(1) For license renewal, the expiration of a medical license; or

(3) For license reinstatement, the date of submission of the application for reinstatement.

B. The Board recognizes and accepts CME activities which serve to maintain, develop, or increase knowledge, skills, and professional performance and relationships that a physician uses to provide services for patients, the public, or the profession, and are within the basic medical sciences, the disciplines of clinical medicine, and the provision of health care to the public.

C. Requirements.

(1) In accordance with the requirements specified in §C(2) of this regulation, in a 2-year period, an applicant shall earn at least 50 credit hours of Category I or II CME, with at least ~~[25]~~ 40 of those CME credit hours being Category 1.

(2) The Board shall recognize for Category I or II CME credit those activities which meet at least one of the following additional requirements for the activity:

(a) ~~[Be accredited]~~ Defined as Category I or II by the ~~[ACCME]~~ American Medical Association;

(b) Be sponsored by an international, national, or state medical society, and meet the standards adopted by the ACCME;

(c) Be an accredited training program and have been attended by the applicant within a 2-year period, on the basis of either of the following:

(i) 1 year of full-time service earns 50 CME credit hours; and

(ii) Full-time service for a portion of a year earns 1 credit hour per week; and

(d) Is a service performed by a Board designee and involves medical record review for the Board and the service is performed without compensation and is credited up to a maximum of 10 credit hours for a 2-year period.

D. On the application form for renewal ~~[or reinstatement]~~, the applicant shall attest to the fact that the applicant has completed the CME requirement.

E. Documentation of CME Credits.

(1) The applicant has the affirmative obligation to obtain the requisite documentation of CME attendance and retain this documentation for the succeeding 6 years for possible inspection by the Board.

(2) The applicant shall be considered to have met the requirements of §C(1) of this regulation if the applicant:

(a) Currently holds an active time-limited certification issued by:

(i) A member of the *ABMS* ~~[American Board of Medical Specialties]~~;

(ii) An ~~[American Osteopathic Association]~~ *AOA* Certifying Board;

(iii) The Royal College of Physicians and Surgeons of Canada; or

(iv) The College of Family Physicians of Canada; and

(b) Provides proof of maintenance of a time-limited Board certification that is dated no longer than 5 years prior to the renewal date.

(3) The required documentation of attendance at a *Category 1* CME program as described in §C(2)(a) and (b) of this regulation shall be a certificate or other documentation of attendance which shall:

(a) Contain at a minimum the:

(i) Program title;

(ii) Sponsor's name;

(iii) Physician's name;

(iv) Inclusive date or dates and location of the CME event;

(v) CME category designation and the number of designated or prescribed CME credit hours; and

(vi) Documented verification of successful completion by stamp, signature, hospital printout, or other official proof; and

(b) Demonstrate that the CME activity fell within a 2-year period.

(4) The required documentation of a *Category 2* CME program as described in §C(2)(a) and (b) of this regulation shall be provided on a Board approved CME transcript form.

~~[(4)]~~ (5) The required documentation of attendance at an accredited residency or fellowship as described in §C(2)(c) of this regulation shall be a certificate or other form of documentation which shall contain at the minimum the:

(a) Program title;

(b) ACGME accredited sponsor's name and location;

(c) Physician's name;

(d) Inclusive dates of the residency or fellowship;

(e) Specialty area of residency or fellowship; and

(f) Documented verification of completion by the sponsor.

~~[F. The Board shall apply the CME requirement to all renewal and reinstatement applications after the first renewal, or, in the case of an applicant who has never renewed, after initial licensure.]~~

F. The continuing education requirement applies to all renewal applications after the first renewal.

~~[.11 Reinstatement of Expired, Emeritus, or Inactive Licenses] .10~~

Acupuncture Registration.

~~[A. A physician who has failed to renew a license by the license expiration date and whose license has been placed on inactive status or whose license has been placed on emeritus status shall apply for reinstatement on a form supplied by the Board in order to resume the practice of medicine in this State.~~

~~B. A physician applying for reinstatement shall pay a reinstatement fee and any additional charges set by the Board.~~

~~C. A physician applying for reinstatement shall submit documentation of completing the required number of CME hours for reinstatement as defined in Regulation .10 of this chapter.~~

~~D. A physician applying for reinstatement may be denied reinstatement subject to the hearing provisions of Health Occupations Article, §14-405, Annotated Code of Maryland, for any of the grounds listed in Health Occupations Article, §14-404, Annotated Code of Maryland.~~

~~E. A physician applying for reinstatement shall provide the Board with a detailed description of activities which have occurred since the last renewal application or, in the case of a physician who has never renewed, since the date when a medical licensure application was submitted to the Board. This description may include, but not necessarily be limited to, the information required under Regulations .03 and .04 of this chapter.~~

~~F. A physician applying for reinstatement may be required to pass the SPEX or COMVEX-USA examination if the physician:~~

~~(1) Last passed a medical licensing examination more than 15 years before this application;~~

~~(2) Has never had specialty board certification or last passed a specialty board certification examination given by a member board of the ABMS or the AOA Bureau of Osteopathic Specialists more than 10 years before this application;~~

~~(3) Has not had a full, unrestricted medical license in at least one state of the United States or Canada within the 10-year period before this application; or~~

~~(4) Has not actively practiced clinical medicine in the United States or Canada for at least 7 of the 10 years before this application.~~

~~G. The physician shall include a statement on the application form for reinstatement agreeing to the above examination requirements:]~~

A. To qualify for an acupuncture registration, a physician shall:

- (1) Complete an application on a form supplied by the Board;
 - (2) Enclose the required supplementary materials in the application; and
 - (3) Submit evidence of having successfully completed 200 hours of training in a medical acupuncture program or course of study, including any required examinations.
- B. If any documents required are in a language other than English, the applicant shall submit the certified translation and bear the expense of translation by a certified translator;

~~[-12]~~ .11 Fees.

The fees are as follows:

A. ~~[Application fees:]~~ Initial Licensure.

- (1) ~~[Original physician or osteopath licensure application]~~ Initial licensure application fee, American and ~~[foreign]~~ international school graduate ... \$310;
- (2) ~~[Conceded eminence application fee... \$1,090;]~~ Fee for remaining months until first renewal ... \$20 per month;
- (3) ~~[Physician license fee per month until expiration of initial license ... \$20]~~ Conceded eminence application fee... \$1,090;
- (4) Physician inactive license application fee...\$218;
- (5) Postgraduate teaching license application fee... \$300;
- (6) Physician emeritus license application fee... \$120;

B. Renewal of Licensure ~~[fees]:~~

- (1) ~~[Physician biennial]~~ License renewal application fee... \$486;
- (2) Inactive ~~[biennial]~~ renewal application fee ... \$218;
- (3) Physician emeritus renewal application fee ... \$120;

C. ~~[Physician]~~ Reinstatement fee ... \$700;

D. Other fees:

- (1) ~~[Replacement of license]~~ 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;
- ~~[(4) Electronic records fee... \$45 plus \$0.05 per record]~~

~~[.13]~~ .12 Advertising and Solicitation.

A. Advertising.

(1) A physician may place advertisements.

~~[B:]~~ (2) An advertisement may not contain:

~~[(+)]~~ (a) Statements containing misrepresentation of facts;

~~[(2)]~~ (b) Statements that cannot be verified by the Board for truthfulness;

~~[(3)]~~ (c) Statements likely to mislead or deceive because in context the statements make only a partial disclosure of relevant facts;

~~[(4)]~~ (d) Statements intended to, or likely to, create false or unjustified expectations of favorable results;

~~[(5)]~~ (e) Statements specifying a fee for professional service which does not include the cost of all related procedures, services, and products which to a substantial likelihood will be necessary for the completion of the advertised service as it would be understood by an ordinarily prudent person;

~~[(6)]~~ (f) Statements advertising discounted or free services, examinations, or treatments when there will be an additional charge for any additional services, examinations, or treatments which are performed as a result of and within 72 hours of the initial office visit in response to the advertisement unless the professional services rendered are a result of a bona fide emergency;

~~[(7)]~~ (h) Statements conveying the impression that the physician could improperly influence any public body, official, corporation, or any person on behalf of a patient;

~~[(8)]~~ (i) Statements containing representations or implications that in reasonable probability can be expected to cause an ordinary prudent person to misunderstand or be deceived; or

~~[(9)]~~ (j) Statements containing representations that the physician is willing to perform any procedure which is illegal under the laws or regulations of Maryland or the United States.

~~[C:]~~ (3) A physician who is not board certified as defined in Regulation .02B~~[(9)]~~(10) of this chapter may not use the term "board certified" to describe the physician's qualifications or make any representation that the physician has received formal recognition as a specialist in any aspect of the practice of medicine.

~~[D:]~~ (4) A physician who is board certified may not use the term "board certified" to indicate certification or expertise in a specialty or subspecialty area other than that in which the physician is certified by the certifying board.

~~[E:]~~ (5) An advertisement may represent that a physician subspecializes in an area of medicine if the physician first identifies the physician's specialty.

~~[F:]~~ (6) This regulation does not prevent a physician from accurately describing a focus of the physician's practice in a field within the scope of the physician's training and board certification.

~~[G:]~~ (7) A physician shall also be accountable under this regulation if ~~[he]~~ *the physician* uses an agent, *website manager*, partnership, professional association, or health maintenance organization to implement actions prohibited by this regulation.

~~[H:]~~ (8) An advertisement may state a range of prices for specifically described services if reasonable disclosure of all relevant variables and consideration is made.

(9) A physician registered to perform acupuncture may not represent that they are a licensed acupuncturist under Health Occupations Article, §1A-101 et seq., Annotated Code of Maryland, unless licensed by the State Acupuncture Board.

~~[F. The Board shall keep a record of those physicians who have been:~~

~~(1) Identified by the Board of Physician Quality Assurance as specialists before October 1, 1996; or~~

~~(2) Certified by the American Board of Medical Specialties and the American Osteopathic Association.]~~

B. Solicitation.

(1) A physician may not engage in solicitation that:

(a) Amounts to fraud, undue influence, intimidation, or overreaching;

(b) Contains statements which would be improper under § A of this regulation; and

(c) Is done so through means of in-person, telephone, direct mail, electronic means, a website, or social media.

C. A physician shall also be accountable under this regulation if he uses an agent, partnership, professional association, or health maintenance organization to implement actions prohibited by this regulation.

~~[.14 Solicitation.~~

~~A. A physician may not engage in solicitation, including in-person, telephone, or direct mail solicitation which:~~

~~(1) Amounts to fraud, undue influence, intimidation, or overreaching;~~

~~(2) Contains statements which would be improper under Regulation .13B of this chapter.~~

~~B. A physician shall also be accountable under this regulation if he uses an agent, partnership, professional association, or health maintenance organization to implement actions prohibited by this regulation.]~~

~~[.15 Name under which Licensee May Practice.~~

~~A. A physician shall be licensed to practice only under the name on the license.~~

~~B. A licensee wishing to change the name under which the licensee practices shall obtain the Board's approval under Regulation .15B and C of this chapter.~~

~~C. The failure of a licensee to practice under the name on the license shall be considered unprofessional conduct by the Board and grounds for disciplinary action.]~~

~~[.16 Replacement Licenses.~~

~~A. The Board shall issue a replacement license or registration card if the original license is lost, destroyed, stolen, or damaged, or if there has been a change of the licensee's name.~~

~~B. The Board shall require that the following accompany requests for replacement licenses:~~

~~(1) The proper fee;~~

~~(2) Any required application forms which are to include the reason for the replacement license request;~~

~~(3) A passport quality photograph of the licensee, taken within 60 days of the application, affixed to the affidavit form supplied by the Board; and~~

~~(4) Return of the original license if the license is damaged or a replacement is sought for reasons of a name change.~~

~~C. If the request for a replacement license results from a change of name, the licensee shall submit a certified copy of the official document (marriage certificate, divorce decree, court order, or other document) indicating the name change, date, and place of change. If the change occurred during naturalization, the applicant shall also include the naturalization number, name and address of the court, and the date of naturalization, as well as the name change.~~

~~D. The Board shall issue a replacement license which bears the same number and expiration date as the original and shall print "Replacement" and the date of replacement across the front of the license.]~~

~~[.17 Initial Licensure by Reciprocity.~~

~~A. Requirements. An applicant for initial licensure by reciprocity shall:~~

~~(1) Have an active, unrestricted license to practice medicine in another jurisdiction that:~~

~~(a) At the time the applicant was licensed, had licensure requirements substantially equivalent to the Board's current licensure requirements as set forth in Regulation .03 of this chapter *and 10.32.01 of this subtitle*; and~~

~~(b) Offers a similar reciprocal licensure process to physicians licensed by the Board; *and*~~

~~(2) Be in good standing under the laws of every jurisdiction where the individual is licensed[; and]~~

~~(3) Submit to a State and national criminal history records check in accordance with Health Occupations Article, §14-308.1, Annotated Code of Maryland.~~

~~B. Documentation. An applicant for initial licensure by reciprocity shall submit:~~

~~(1) An application for reciprocity on a form provided by the Board;~~

~~(2) The application fee as set by the Board;~~

~~(3) Evidence of compliance with §A of this regulation; and~~

~~(4) Any additional documentation set forth in Regulation .04 of this chapter that is needed for the Board to evaluate an application.~~

~~C. On receipt of the documentation required in §B of this regulation, the Board shall process the application for initial license by reciprocity in an expedited manner.~~

~~D. The Board may not issue a license if the criminal history records information, pursuant to §A of this regulation, has not been received.~~

~~E. After a license is issued, the licensee is subject to the Board's jurisdiction and shall comply with all laws and regulations governing the practice of medicine in the State.]~~