

10.32.~~[25]~~14 Supervised Medical Graduates

.01 Scope.

A. This chapter governs the delegation of duties by a delegating physician to a supervised medical graduate ~~[in accordance with Regulations .04 and .05 of this chapter].~~

B. This chapter may not be construed:

- (1) As establishing licensure, certification, or registration by the Board for supervised medical graduates;
- (2) To apply to certified, registered, or licensed professionals or health occupation students acting in accordance with Health Occupations Article, Annotated Code of Maryland; and
- (3) To mean that this chapter overrides or is to be used in lieu of more stringent regulations, policies, and procedures established by State licensure or certification requirements or Board-recognized accrediting agencies.

.02 Definitions.

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

B. Terms Defined.

(1) “Board” ~~[means the State Board of Physicians.]~~ *has the meaning stated in Health Occupations, § 14-101, Annotated Code of Maryland.*

(2) “Delegated duty” means a routine medical or surgical act that does not require medical judgment and is performed under the supervision of a delegating physician.

(3) “Delegating physician” means a physician possessing an active license to practice medicine in the State who directs ~~[a supervised medical graduate to perform delegated duties]~~ *an unlicensed individual*.

(4) “Direct supervision” means oversight exercised by a delegating physician who is:

(a) Personally treating the patient;

(b) In the same medical office as the patient and the supervised medical graduate; and

(c) Immediately available to provide assistance and guidance to the supervised medical graduate for the duration of the delegated duty.

(5) “ECFMG” means the Educational Commission for Foreign Medical Graduates or its successor.

(6) “LCME” means the Liaison Committee on Medical Education, an organization which accredits programs in medical education leading to the doctor of medicine degree in the United States and its territories and, in cooperation with the Committee on Accreditation of Canadian Medical Schools, in Canada.

(7) Medical Office.

(a) “Medical office” means any facility or location used for the delivery of health services.

(b) “Medical office” includes but is not limited to:

(i) A health care facility as defined in Health-General Article, §19-114, Annotated Code of Maryland; and

(ii) An ambulatory surgical facility as defined in Health-General Article, §19-3B-01(b), Annotated Code of Maryland.

(8) “Supervised medical graduate” means an individual who meets the requirements ~~[of Regulations .03 and .04]~~ of this chapter and is delegated duties by a delegating physician ~~[in accordance with Regulation .05 of this chapter]~~.

.03 Qualifications.

A supervised medical graduate shall:

A. Have a degree of:

(1) Doctor of Medicine from a school of medicine accredited by the LCME or its successor at the time of graduation;

(2) Doctor of Osteopathy 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; or

(3) Have a doctor of medicine degree from any other medical school and have successfully completed the requirements for and obtained ECFMG certification; and

B. Receive a passing score in Part 1 and Part 2 of the:

(1) United States Medical Licensing Examination[-]; *or*

(2) *The Comprehensive Osteopathic Medical Licensing Examination of the United States.*

.04 Requirements.

A. An individual may not practice as a supervised medical graduate for a period of more than 2 years.

B. A supervised medical graduate may only be delegated duties by a delegating physician while under the direct supervision of the physician.

C. A supervised medical graduate shall wear an identification badge while on the premises of the medical office that states in readily visible type:

(1) The name of the supervised medical graduate; and

(2) The title "Supervised Medical Graduate".

D. A supervised medical graduate shall comply with all additional requirements established by:

- (1) Maryland Department of the Environment;
- (2) The Joint Commission; and
- (3) Any federal or State agency, including any federal or State laws or regulations.

E. A medical office employing a supervised medical graduate shall:

- (1) Issue the supervised medical graduate an identification badge in accordance with §C of this regulation;
- (2) Verify all credentials of the supervised medical graduate;
- (3) Maintain documentation that the supervised medical graduate meets the requirements of this chapter on the premises of the medical office;
- (4) Permit the Board to inspect the maintained documentation to ensure compliance with this chapter; and
- (5) Verify all duties delegated to and performed by the supervised medical graduate are in accordance with Health Occupations Article, §14-306, Annotated Code of Maryland, and this chapter.

.05 Scope of Delegation to a Supervised Medical Graduate.

- A. A delegating physician may delegate duties consistent with national standards in the medical community and the approved policies and procedures of the medical office.
- B. A delegating physician is not required to be in the presence of a supervised medical graduate and the patient during the performance of delegated duties.
- C. A delegating physician may delegate duties to a supervised medical graduate only while physically on the premises of the same medical office as the supervised medical graduate.

.06 Prohibited Conduct.

A. A supervised medical graduate acting beyond the scope of this chapter may be:

- (1) Considered to be engaged in the unlicensed practice of medicine; and
- (2) Subject to all applicable penalties and fines in accordance with Health Occupations Article, §§14-601,14-602, 14-606 Annotated Code of Maryland and COMAR 10.32.02.

B. A delegating physician, through either act or omission, facilitation, or otherwise enabling or forcing a supervised medical graduate to practice beyond the scope of this chapter, may be subject to discipline for grounds within Health Occupations Article, §14-404(a), Annotated Code of Maryland including, but not limited to, practicing medicine with an unauthorized person or aiding an unauthorized person in the practice of medicine.

C. A delegating physician may not:

- (1) Require a supervised medical graduate to perform delegated duties; or
- (2) Permit a supervised medical graduate to delegate duties to another individual.

.07 Enforcement.

The Board shall conduct any necessary investigation regarding the failure to comply with the requirements of Health Occupations Article, §14-306, Annotated Code of Maryland and this chapter.