

EMERGENCY

EFFECTIVE DATE: January 4, 2022 to July 3, 2022

Title 10 MARYLAND DEPARTMENT OF HEALTH

Subtitle 32 BOARD OF PHYSICIANS

Notice of Emergency Action

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to amendments to:

- (1) Regulations .11 and .17 under COMAR 10.32.01 General Licensure Regulations; and
- (2) Regulation .09 under COMAR 10.32.03 Delegation of Duties by a Licensed Physician — Physician Assistant.

Statement of Purpose

The purpose of this emergency action is to permit flexibilities for the State's overall COVID-19 response and ensure that hospitals in the State are able to maintain health care provider staffing capacity due to any potential surge through Winter 2022.

The broad purpose of these emergency regulatory proposals (3, one for each of the Board of Physicians, Board of Pharmacy, and Board of Nursing) is to implement the following:

- (1) Permit the temporary licensure of recently retired licensees; and
- (2) Simplify or eliminate the administrative burdens for interstate compact or out-of-state healthcare practitioners to practice in Maryland licensed healthcare facilities.

These items were communicated via a press release from the Governor on December 10, 2021 (<https://governor.maryland.gov/2021/12/10/governor-hogan-announces-additional-actions-to-address-rise-in-covid-19-hospitalizations/>), and a letter from the Secretary of Health (<https://health.maryland.gov/phpa/Documents/2021.12.10.02%20-%20Letter%20to%20Physicians%20Nursing%20Pharmacists.pdf>) to the three health occupation boards in question.

Comparison to Federal Standards

There is no corresponding federal standard to this emergency action.

Estimate of Economic Impact

The emergency action has no economic impact.

Economic Impact on Small Businesses

The emergency action has minimal or no economic impact on small businesses.

10.32.01 General Licensure Regulations

Authority: Health Occupations Article, §§1-213, 14-101, 14-205—14-207, 14-301, 14-302, 14-304—14-307, 14-310, 14-311, 14-313, 14-314, 14-316—14-318, 14-320, 14-503, 14-505, and 14-606, Annotated Code of Maryland

.11 Reinstatement of Expired or Inactive Licenses.

A.—H. (text unchanged)

I. For a physician whose license has been placed on inactive status or who has failed to renew a license by the license expiration date during calendar year 2021 and the first 6 months of calendar year 2022, §§C, E, F, G, and H of this regulation are suspended for purposes of reinstatement during the effective period of these regulations, provided that the:

(1) Physician's license status was in good standing when it expired or became inactive; and

(2) Physician submits an affidavit or a letter from an employer stating that they will be practicing medicine at a licensed healthcare facility in the State.

J. Section I of this regulation shall be effective from January 1, 2022 and shall be abrogated with no further action 180 days from now on June 29, 2022, or the end of the federal COVID-19 Public Health Emergency, whichever comes first.

.17 Initial Licensure by Reciprocity.

A.—E. (text unchanged)

F. Section B of this regulation shall be suspended from January 1, 2022 and shall be abrogated with no further action 180 days from now on June 29, 2022, or the end of the federal COVID-19 Public Health Emergency, whichever comes first, provided that the:

(1) Physician submits an affidavit that the individual complies with the requirements of §A of this regulation and shall submit documentation for §B no later than July 1, 2022; and

(2) Physician submits an affidavit or a letter from an employer stating that they will be practicing medicine at a licensed healthcare facility in the State.

10.32.03 Delegation of Duties by a Licensed Physician — Physician Assistant

Authority: Health Occupations Article, §§1-213, 1-606, 14-205, 15-101—15-502, Annotated Code of Maryland

.09 Renewal, Reinstatement, Change in Name or Address, and Continuing Education.

A.—D. (text unchanged)

E. Section B(3) of this regulation shall be suspended from January 1, 2022 and shall be abrogated with no further action 180 days from now on June 29, 2022, or the end of the federal COVID-19 Public Health Emergency, whichever comes first, provided that the:

(1) Physician assistant submits an affidavit that the individual complies with the requirements of §B(1) of this regulation and shall submit documentation for §B(1) of this regulation no later than July 1, 2022; and

(2) Physician assistant submits an affidavit or a letter from a primary supervising physician stating that they will be practicing medicine at a licensed healthcare facility in the State.

DENNIS R. SCHRADER

Secretary of Health