



Board of Physicians

Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Robert R. Neall, Secretary

Executive Order Relating to Various Health Care Matters issued March 16, 2020

Frequently Asked Questions

On March 16, 2020, Governor Hogan issued the following Executive Order addressing out-of-state health care practitioners and inactive Maryland licensees working at health care facilities in the State of Maryland under certain conditions. <https://governor.maryland.gov/wp-content/uploads/2020/03/Executive-Order-Health-Care-Matters.pdf>.

The Board of Physicians has received a number of questions regarding this Executive Order and hopes to address many of them here. Please continue to check the Board's website for updated information.

General Questions

Q: Who is eligible to practice in Maryland without an active Maryland license for the duration of the COVID-19 Maryland State of Emergency?

- A: 1) Out-of-state health care practitioners ("HCP") with a valid, unexpired license issued by another state may engage in the activities authorized under the license at a Maryland health care facility; and
- 2) HCPs with inactive Maryland licenses¹ who are deemed competent by qualified supervisory personnel at a Maryland health care facility.

Q: Does the Executive Order pertain to all professions licensed by the Board of Physicians?

A: Yes.

Q: Where may an HCP provide care?

A: The out-of-state HCP or inactive Maryland licensees may provide services only to patients at a health care facility² located in the State of Maryland.

¹ An inactive licensee is an individual who has applied for and has been placed on inactive status pursuant to Health Occupations Article § 14-320.

² A health care facility is:

- (i) A hospital, limited service hospital, or a related institution, as defined in § 19-301 of this title;
- (ii) An ambulatory surgical facility;
- (iii) An inpatient facility that is organized primarily to help in the rehabilitation of disabled individuals, through an integrated program of medical and other services provided under competent professional supervision;
- (iv) A home health agency, as defined in § 19-401 of this title;

Q: Under what circumstances may an HCP or inactive Maryland licensee practice at a Maryland health care facility?

- A:
- 1) If a health care facility needs HCPs or inactive Maryland licensees to meet required staffing ratios; or
 - 2) If a health care facility deems it necessary to ensure the continued and safe delivery of health care services.

Q: What responsibilities do health care facilities have?

- A:
- 1) It is the responsibility of any health care facility located in Maryland that is utilizing the services of an out-of-state HCP or an inactive Maryland licensee to verify the credentials and licensure status of the HCP to ensure a valid, unexpired license in the home state or an inactive license in the State of Maryland.
 - 2) The health care facility shall put in place a process by which HCP credentials and licensure status are routinely verified during the state of emergency and catastrophic health emergency and that the out-of-state HCP is only engaging in the activities authorized under the license.
 - 3) The health care facility shall ensure that the HCP or an inactive Maryland licensee can competently engage in such activities and is properly supervised while engaged in such activities.
 - 4) Health care facilities are responsible for determining whether the employment of an out-of-state HCP or an inactive Maryland licensee is necessary to meet required staffing ratios or otherwise ensure the continued and safe delivery of health care services.
 - 5) If the health care facility determines that the HCP no longer meets the requirements for waiver of licensure or the assistance of the out-of-state or inactive HCPs is no longer necessary, the health care facility shall immediately cease allowing the HCP to continue providing care.

Q: Has the Board suspended any licensure requirements pursuant to §XI of the Executive Order?

- A: The Board has suspended the following requirements for the duration of the state of emergency:
- 1) Physician Assistants working at a health care facility may perform medical acts as soon as they send a delegation agreement to the Board. The Physician Assistant need

(v) A hospice, as defined in § 19-901 of this title;

(vi) A freestanding medical facility, as defined in § 19-3A-01 of this title; and

(vi) Any other health institution, service, or program for which this Part II of this subtitle requires a certificate of need or any other facility designated or established by the Secretary for treatment, isolation, and/or quarantine.

not wait for an acknowledgement by the Board to begin working at a health care facility. Health Occ. § 15-302.1(a).

- 2) Physicians are not limited to supervising 4 Physician Assistants at any one time. Health Occ. § 15-302(h).
- 3) Inactive Maryland licensees are not required to apply to the Board for reactivation of their license while working at a health care facility if the employment is necessary to meet required staffing ratios or otherwise ensure the continued and safe delivery of health care services. Health Occ. § 14-320(b).
- 4) An out-of-state HCP with an active, unexpired license issued by another state may, at a health care facility in Maryland, engage in the activities authorized under the license during the state of emergency without applying for and obtaining a Maryland license if the employment is necessary to meet required staffing ratios or otherwise ensure the continued and safe delivery of health care services. Health Occ. § 14-301.
- 5) HCPs who hold a valid, unexpired license issued by an adjoining state may practice telehealth to the extent authorized by the home state license without obtaining a Maryland license to treat existing Maryland patients to provide continuity of care during the state of emergency. COMAR 10.32.05.03.

Specific Questions

Q: Does the Board issue temporary licenses? What requirements must I complete before I can work in Maryland under the exceptions provided in the Executive Order?

A: The Board does not issue temporary licenses. Each health care facility will determine whether the out-of-state HCP or inactive Maryland licensee meets the requirements to practice under the Executive Order. There is no special authorization or application process through the Board.

Q: As an inactive licensee, do I have to apply for reactivation of my license prior to practicing under this exception to licensure?

A: No. For the duration of the state of emergency, the Board has suspended the requirement for inactive Maryland licensees to file an application for reinstatement with the Board.

Q: I allowed my license to expire, may I practice under the Executive Order?

A: No. The Executive Order only pertains to Maryland licensees on inactive status. If you would like to apply for reinstatement of your Maryland license, you may do so by filling out an application for reinstatement on the Board's Website.

https://www.mbp.state.md.us/resource_information/res_pro/resource_Practitioner_forms.aspx

Q: Does the Executive Order apply to physicians licensed in another country?

A: No. The Executive Order only pertains to HCPs licensed in another State.