



## Notice - Updates to Hospitals and Nursing Homes on Staffing Shortages

(December 1, 2020)

The Maryland Department of Health (MDH) advises all healthcare facilities of the following:

- All hospitals and nursing homes are expected to make use of the Board of Nursing's March COVID-19 flexibilities to use unlicensed individuals as health care extenders and to perform nursing tasks and include all other healthcare providers (dentists, podiatrists, etc.) in order to create the necessary additional staffed bed capacity.
- MDH gives notice that the required supervised 40-hour Practicum requirement for the certification of community health workers in COMAR 10.68.02.03 may be suspended under the conditions listed in the appendix to this Notice and replaced with supervised employment.
- Hospitals should make use of their community health workers and community health worker students as healthcare extenders in their facilities.
- All hospitals and nursing homes should address and centralize their staffing needs by utilizing the Chesapeake Registry.
- Hospitals should determine what assistance is necessary to provide to staff to reduce barriers to work (i.e. transportation, child care assistance, or temporary housing needs) and provide this assistance whenever possible.
- Hospitals should cancel non-essential time off for staff through January 31, 2021.

This Notice is effective immediately and shall remain in effect until it is revised or until the state of emergency has been terminated and the proclamation of the catastrophic health emergency has been rescinded.

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Robert R. Neall  
Secretary

## **Appendix - Conditions for the Suspension of COMAR 10.68.02.03**

**(December 1, 2020)**

The conditions listed below must be met for the suspension of the supervised 40-hour Practicum requirement in COMAR 10.68.02.03 and the substitution of a supervised employment position in place of the Practicum:

- a. There is a documented good-faith attempt by the student to secure a Practicum position/internship that was unsuccessful;
- b. The accredited CHW certification training program ensures the supervised employment position will require proficiency in the nine Maryland CHW core competencies and the employer will meet all components of the Practicum detailed in the CHW training program accreditation application;
- c. The employer provides documentation to the accredited CHW certification training program that the CHW demonstrated proficiency in the nine Maryland CHW core competencies and completed the number of supervised hours, including any additional components, of the Practicum as described by the training program in their accreditation application;
- d. The accredited CHW certification training program maintains supporting documentation that the supervised employment position will require proficiency in the nine Maryland CHW core competencies and the employer will meet all components of the Practicum detailed in the CHW training program accreditation application for period of time described in their accreditation application for Records Maintenance;
- e. The accredited CHW certification training program maintains documentation from the employer that the CHW demonstrated proficiency in the nine Maryland CHW core competencies and completed the number of supervised hours, including any additional components, of the Practicum as described by the training program in their accreditation application, for the period of time described in their accreditation application for Records Maintenance;
- f. The conditions listed above are satisfied while the student is enrolled in the CHW certification training program and before the student receives a document of successful completion from the accredited CHW certification training program; and
- g. The accredited CHW certification training program reports the number of students, description of employer type, and type of employment position to the Department quarterly or within 30 days of graduating a cohort.



# Board of Nursing

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

## PUBLIC NOTICE

This notice is given by Gary Hicks, President of the Maryland Board of Nursing (the “Board”), on behalf of the Board, acting pursuant to the Proclamation of Governor Lawrence J. Hogan, Jr. (the “Governor”) dated March 5, 2020 proclaiming a state of emergency and a catastrophic health emergency related to COVID-19, as it may be amended or renewed from time to time, and the Order of the Governor dated March 16, 2020 entitled “Relating to Various Health Care Matters,” as it may be amended from time to time, after finding that the actions described herein will not endanger the public health, welfare, or safety.

- 1) COMAR 10.27.01.03.A.(3) permits registered nurses (RN) and licensed practical nurses (LPN) who hold a current active license in any other state or jurisdiction to render nursing care in Maryland during an emergency situation for not more than 30 days. The 30-day limitation is suspended until the state of emergency is terminated and the catastrophic health emergency is rescinded.
- 2) Inactive licensees must apply to the Board for reactivation of the license, but will not be required to meet the minimum qualifications under § 8-309(d)(1)(i) of the Health Occupations Article, Annotated Code of Maryland (“Health Occ.”) or COMAR 10.27.01.14.C.(1) and (2)(b) for reactivation of the license:
  - a. During the state of emergency and catastrophic health emergency;
  - b. While working at a health care facility in Maryland; and
  - c. If the employment is necessary to meet required staffing ratios or otherwise ensure the continued and safe delivery of health care services.

**SPECIAL NOTE REGARDING MEDICAL INACTIVE:** Inactive licensees who were placed on inactive status under Health Occ., § 8-309(b)(1)(iii) because of a medical condition that prevented the licensee from practicing as an RN or LPN will still be required to provide documentation with their reactivation application that the medical condition for which the inactive status was granted no longer exists.

- 3) A Nursing Graduate (a graduate of a Board-approved nursing or licensed practical nursing education program, or an out-of-State nursing education program determined

to be equivalent by the Board) may practice nursing without a license in Maryland, in accordance with the requirements under COMAR 10.27.01.03.C.(3)-(7), for the duration of the state of emergency and catastrophic health emergency. The Board will suspend the effect of COMAR 10.27.01.03.C.(2), which limits the amount of time a Nursing Graduate may practice nursing in Maryland before being licensed, until the state of emergency is terminated and the catastrophic health emergency is rescinded.

- 4) RNs and LPNs may delegate nursing tasks to unlicensed individuals, in accordance with the requirements under COMAR 10.27.11.01-.06, for the duration of the state of emergency and catastrophic health emergency. The Board will suspend the effect of Health Occ., § 8-6A-02(c) and COMAR 10.27.11.01.G and 10.27.11.05.E, which prohibit delegation of nursing tasks to an unlicensed individual if acceptance of delegated nursing tasks becomes a routine part of the unlicensed individual's job duties, until the state of emergency is terminated and the catastrophic health emergency is rescinded.
- 5) The language in COMAR 10.27.11.04.C requiring a delegating nurse case manager to perform a supervisory on-site visit to the client every 45 days shall be modified to every 60 days during the state of emergency. This modification shall end upon termination of the state of emergency and catastrophic health emergency.

Any effect of Title 8 of the Health Occupations Article and the implementing regulations in COMAR 10.27 and 10.39 that is inconsistent with the foregoing is temporarily suspended.

This Notice is effective immediately and shall remain in effect until the state of emergency has been terminated and the proclamation of the catastrophic health emergency has been rescinded.



Date March 24, 2020

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Gary Hicks, MS, RN, CEN, CNE  
President  
Maryland State Board of Nursing

**PLEASE BE ADVISED:** The suspension and/or modification of statutes and regulations during the state of emergency and catastrophic health emergency, as approved by the Board in this public notice, and as proclaimed by the Governor in the March 16, 2020 Executive Order "Relating to Various Health Care Matters," will not be considered as a basis for making these temporary changes permanent.





# Board of Nursing

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

Dear Licensee/Certificate Holder:

This communication is to inform you about some of the measures that Governor Hogan and the Board of Nursing have taken to reinforce and extend nursing workforce capacity in Maryland to meet the anticipated increase in demand for nursing care during the COVID-19 pandemic and National State of Emergency. Although this communication is lengthy, please read it in full, as it contains important information.

Governor Hogan issued 2 Executive Orders that affect the Board's licensees, on March 12th <https://governor.maryland.gov/wp-content/uploads/2020/03/Licenses-Permits-Registration.pdf> and 16th <https://governor.maryland.gov/wp-content/uploads/2020/03/Executive-Order-Health-Care-Matters.pdf>. On March 20th, the Board met in an open meeting and took actions to suspend or modify the effect of certain provisions of Title 8 of the Health Occupations Article and regulations in COMAR 10.27, in accordance with the Executive Orders. <https://mbon.maryland.gov/Pages/covid-19-executive-orders.aspx>. The following is a summary of the provisions of the Executive Orders and the Board's actions.

## I. March 12, 2020 Executive Order.

This Executive Order is entitled "Extending Certain Licenses, Permits, Registrations, and Other Governmental Authorizations, and Authorizing Suspension of Legal Time Requirements." <https://governor.maryland.gov/wp-content/uploads/2020/03/Licenses-Permits-Registration.pdf>.

**Expiration Date of License or Certificate.** This Executive Order:

- Delays the expiration date of all licenses, certificates, permits, registrations, or other authorizations issued by the State of Maryland that would otherwise expire during the state of emergency and be renewable during the state of emergency; and
- Extends the expiration date of such licenses, certificates, permits, registrations, and authorizations automatically to the 30<sup>th</sup> day after the state of emergency is terminated and the catastrophic health emergency is rescinded.

What does this mean?

- If your license or certificate is due to expire during the state of emergency, then the expiration date is automatically postponed until 30 days after the state of emergency is terminated, so you may continue to practice during the state of emergency. You will not be expected to meet renewal requirements until 30 days after the state of emergency is terminated.

## II. March 16, 2020 Executive Order.



This Executive Order is entitled "Relating to Various Health Care Matters."

<https://governor.maryland.gov/wp-content/uploads/2020/03/Executive-Order-Health-Care-Matters.pdf>.

**License or Certificate Holders from Other States.** This Executive Order:

- Permits any person who holds a valid, unexpired license issued by another state to engage in activities authorized under that license without first obtaining a license in Maryland, but only:
  - During the state of emergency;
  - At a health care facility in Maryland, as defined under Section 19-114(d) of the Health-General Article, Annotated Code of Maryland; and
  - If doing so is necessary to allow the health care facility to meet required staffing ratios or otherwise ensure the continued and safe delivery of health care services.

What does this mean?

- Valid, unexpired licensees and certificate holders from other states, including registered nurses (RNs), licensed practical nurses (LPNs), advanced practice registered nurses (APRNs), certified nursing assistants (CNAs), geriatric nursing assistants (GNAs), certified medication technicians (CMTs), certified medicine aides (CMAs), can work at health care facilities in Maryland during the state of emergency without first obtaining a Maryland license/certificate.
- **NOTE:** Out-of-State certificate holders (CNAs, GNAs, CMTs, and CMAs) must apply for a temporary practice certificate within 10 days after first working at a health care facility in Maryland under the Executive Order. Once issued, the temporary certificate will not expire until the state of emergency is terminated.
- **NOTE:** Nothing in the Executive Order impacts the ability of an RN or LPN who has an active multistate license under the Nurse Licensure Compact from continuing to practice in Maryland under his/her multistate licensure privilege. The restrictions in the Executive Order related to the location and conditions of practice (*i.e.*, only during state of emergency, only at a health care facility, and only if necessary to maintain staffing ratios or safe delivery of care) do not apply to a registered nurse or licensed practical nurse working in Maryland on a multistate privilege.

#### **Board action taken for RNs and LPNs from Other States**

- The Board suspended the 30-day limitation in COMAR 10.27.01.03.A.(3) that permits RNs and LPNs who hold a current active license in any other state or jurisdiction to render nursing care in Maryland during an emergency situation. The 30-day limitation is suspended until the state of emergency is terminated and the catastrophic health emergency is rescinded.

What does this mean?

- Any RN or LPN who holds a current active license in any other state or jurisdiction may render nursing care in Maryland until the state of emergency is terminated, and can do so outside of the specific limitations regarding setting (*i.e.*, a "health care facility") and conditions (*i.e.*, only if necessary to maintain staffing ratios or safe delivery of care) that are imposed in the March 16th Executive Order. If the licensee practices outside of those settings, though, he/she must practice **ONLY** within the scope of their current license.



**Inactive Licensees.** This Executive Order also:

- Permits inactive Maryland licensees to engage in activities that would have been authorized under that active license without first reactivating the inactive license, but only:
  - During the state of emergency;
  - At a health care facility in Maryland, as defined under Section 19-114(d) of the Health-General Article, Annotated Code of Maryland;
  - If doing so is necessary to allow the health care facility to meet required staffing ratios or otherwise ensure the continued and safe delivery of health care services;
  - If the person could not reasonably reactivate the inactive license in sufficient time to meet the needs of the health care facility; and
  - If qualified supervisory personnel at the health care facility reasonably conclude that the inactive practitioner can competently engage in such activities.

What does this mean?

- An inactive Maryland licensee may begin practicing immediately in health care facilities in Maryland during the state of emergency without first reactivating that inactive license, **but only if all of the conditions set forth in the Executive Order are met.**
- **NOTE:** While the Executive Order allows inactive licensees to start working in health care facilities in Maryland immediately, provided all the conditions in the Executive Order are met, it does NOT suspend the requirement to apply for reactivation of the inactive license when time reasonably permits.

#### **Board action taken for Inactive Licensees**

- Inactive Maryland RN and LPN licensees must apply to the Board for reactivation of the license, but will not be required to meet the minimum qualifications under § 8-309(d)(1)(i) of the Health Occupations Article, Annotated Code of Maryland ("Health Occ.") or COMAR 10.27.01.14.C.(1) and (2)(b) for reactivation of the license:
  - a. During the state of emergency and catastrophic health emergency;
  - b. While working at a health care facility in Maryland; and
  - c. If the employment is necessary to meet required staffing ratios or otherwise ensure the continued and safe delivery of health care services.
- **SPECIAL NOTE REGARDING MEDICAL INACTIVE:** Inactive RN and LPN licensees who were placed on inactive status under Health Occ., § 8-309(b)(1)(iii) because of a medical condition that prevented the licensee from practicing as an RN or LPN will still be required to provide documentation with their reactivation application that the medical condition for which the inactive status was granted no longer exists.

What does this mean?

- Inactive RN and LPN licensees who are working in health care facilities in Maryland under the conditions set forth in the March 16th Executive Order need only submit an application for



reactivation of their inactive license to the Board (as time permits). During the state of emergency, these individuals will not be required to meet the minimum qualifications for reactivation of their inactive licenses, and the Board will expedite processing of their reactivation applications.

**Engaging in Activities Not Authorized by a License.** The Executive Order also:

- Permits a health care practitioner to engage in activities that are not authorized by his/her license, *i.e.*, beyond the licensee's authorized scope of practice, but only:
  - During the state of emergency;
  - At a health care facility in Maryland, as defined under Section 19-114(d) of the Health-General Article, Annotated Code of Maryland;
  - If doing so is necessary to allow the health care facility to meet required staffing ratios or otherwise ensure the continued and safe delivery of health care services;
  - If qualified supervisory personnel at the health care facility reasonably conclude that the health care practitioner can competently engage in the activity; and
  - If qualified supervisory personnel reasonably supervise the health care practitioner while he/she is engaged in the activity.

What does this mean?

- A licensed/certified health care practitioner may engage in activities that are normally outside the authorized scope of his/her practice, ***but only if all of the conditions in the Executive Order are met.***

**Board action taken for Nursing Graduates**

- A Nursing Graduate (a graduate of a Board-approved nursing or licensed practical nursing education program, or an out-of-State nursing education program determined to be equivalent by the Board) may practice nursing without a license in Maryland, in accordance with the requirements under COMAR 10.27.01.03.C.(3)-(7), for the duration of the state of emergency and catastrophic health emergency. The Board has suspended the effect of COMAR 10.27.01.03.C.(2) (which limits the amount of time a Nursing Graduate may practice nursing in Maryland before being licensed) until the state of emergency is terminated and the catastrophic health emergency is rescinded.

What does this mean?

- Nursing Graduates may begin or continue practicing nursing in Maryland, under the limitations in COMAR 10.27.01.03.C.(3)-(7), until the state of emergency is terminated. The Board has temporarily suspended the limitations in COMAR 10.27.01.03.C.(2) on how long a Nursing Graduate may practice before being licensed.

**Board action taken for RN and LPN delegation of nursing tasks to unlicensed persons**

- RNs and LPNs may delegate nursing tasks to unlicensed individuals, in accordance with the requirements under COMAR 10.27.11.01-.06, for the duration of the state of emergency and



catastrophic health emergency. The Board has suspended the effect of Health Occ., § 8-6A-02(c) and COMAR 10.27.11.01.G and 10.27.11.05.E (which prohibit delegation of nursing tasks to an unlicensed individual if acceptance of delegated nursing tasks becomes a routine part of the unlicensed individual's job duties) until the state of emergency is terminated and the catastrophic health emergency is rescinded.

What does this mean?

- RNs and LPNs may delegate nursing tasks to unlicensed individuals as a routine part of the unlicensed individual's job duties during the state of emergency. The delegating nurse must comply with all other limitations regarding delegation under COMAR 10.27.11.01-.06, other than the provisions that are specifically suspended by the Board's action.

**Board action taken to lengthen time for delegating nurse case managers to do on-site visits**

- The Board modified the language in COMAR 10.27.11.04.C requiring a delegating nurse case manager to perform a supervisory on-site visit to the client from every 45 days to every 60 days during the state of emergency. This modification shall end upon termination of the state of emergency and catastrophic health emergency.

What does this mean?

- A delegating nurse case manager may extend the period between on-site client visits to 60 days during the state of emergency.

The Board hopes that these actions, combined with the actions taken by Governor Hogan in his Executive Orders will expand and reinforce nursing workforce capacity in Maryland throughout the COVID-19 state of emergency. Please check the Board's website frequently for updated information and breaking news.



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Gary Hicks, MS, RN, CEN, CNE  
President  
Maryland State Board of Nursing



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Karen E.B. Evans, MSN, RN-BC, SD-CLTC, CLC  
Executive Director  
Maryland Board of Nursing



# Board of Physicians

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

## March 16, 2020 Executive Order Relating to Various Health Care Matters issued and May 6, 2020 Executive Order Amending March 30, 2020 Executive Order

### Frequently Asked Questions

The Governor has issued a series of Executive Orders and interpretive guidance related to COVID-19. The March 16, 2020, Executive Order related to Health Care Matters. Governor Hogan addressed 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>. On May 6, 2020 an Amended Executive Order was issued allowing the resumption of elective and non-urgent medical procedures that had been prohibited by the prior March 16, 2020 Executive Order and the March 23, 2020 Order issued by the Secretary of Health. <https://governor.maryland.gov/wp-content/uploads/2020/05/Gatherings-FIFTH-AMENDED-5.6.20.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 licenses<sup>1</sup> 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?**

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



A: The out-of-state HCP or inactive Maryland licensees may provide services only to patients at a health care facility<sup>2</sup> located in the State of Maryland.

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

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<sup>2</sup> 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;
- (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.

- 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](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.

**Q: Are there changes regarding Controlled Dangerous Substances (CDS) Prescribing and Dispensing during the State of Emergency?**

A: Please refer to the Office of Controlled Dangerous Substances (OCSA) website

<https://health.maryland.gov/OCSA/Pages/home.ASPX>

OCSA FAQs:

[https://health.maryland.gov/ocsa/Documents/Controlled%20Dangerous%20Substances%20\(CDS\)%20Frequently%20Asked%20Questions%20during%20COVID-19.pdf](https://health.maryland.gov/ocsa/Documents/Controlled%20Dangerous%20Substances%20(CDS)%20Frequently%20Asked%20Questions%20during%20COVID-19.pdf)



**Q: How can I volunteer to assist with the COVID-19 response?**

A: Register at <https://mdresponds.health.maryland.gov/>

**Q: Does the Executive Order issued by Governor Hogan permit healthcare practitioners with suspended, surrendered or revoked licenses to practice in Maryland during the state of emergency?**

A: No. The Executive Order issued by Governor Hogan only applies to health care practitioners with inactive Maryland licenses or valid, unexpired licenses in other states. <https://governor.maryland.gov/wp-content/uploads/2020/03/Executive-Order-Health-Care-Matters.pdf>

**Q: Does the Executive Order issued by Governor Hogan permit healthcare practitioners with an expired license to practice in Maryland during the state of emergency?**

A: No. The Executive Order issued by Governor Hogan only applies to health care practitioners with inactive Maryland licenses or valid, unexpired licenses in other states. If your license has expired, you may apply for reinstatement at the following websites for physicians and for allied health, respectively:  
[https://www.mbp.state.md.us/resource\\_information/res\\_pro/resource\\_Practitioner\\_forms\\_phy.aspx](https://www.mbp.state.md.us/resource_information/res_pro/resource_Practitioner_forms_phy.aspx)  
[https://www.mbp.state.md.us/resource\\_information/res\\_pro/resource\\_practitioner\\_forms\\_ah.aspx](https://www.mbp.state.md.us/resource_information/res_pro/resource_practitioner_forms_ah.aspx)

**Q: What businesses must be closed?**

A: The Governor's executive Order Number 20-03-23-01 closed non-essential businesses effective at 5 p.m. on March 23, 2020.

**Q: What is an essential business?**

A: Essential businesses include offices of health care providers, hospitals, healthcare systems and clinics, diagnostic facilities, pharmacies, and more. For guidance see:  
<https://governor.maryland.gov/covid-19-pandemic-orders-and-guidance/>  
<https://governor.maryland.gov/wp-content/uploads/2020/03/OLC-Interpretive-Guidance-COVID19-04.pdf> and  
<https://www.cisa.gov/publication/guidance-essential-critical-infrastructure-workforce>

**Q: Can a physician perform x-rays with a radiographer providing direction to reduce the risk of spreading COVID-19?**

A: There are no Board of Physicians statutes or regulations that govern scope of practice for physicians. A medical license allows a physician to perform any task within the practice of medicine. There may, however, be other requirements through the Maryland Department of Environment, Joint Commission, etc. regarding radiation safety that are separate and apart from the Board's requirements.

**Q: Can Unlicensed Medical Practitioners (UMPs) such as a resident, medical student or fellow, practice medicine independently?**

A: UMPs are allowed to practice in Maryland without a license while enrolled in a Board-approved program (ACGME) while performing the assigned duties by the program at any office of a licensed physician, hospital clinic, or similar facility. The facility can decide

what duties to assign and whether supervision is needed so long as the UMP remains enrolled in the Board-approved program.

**Q: Where can clinicians find additional resources?**

A: COVID-19 Pandemic: Orders and Guidance:

<https://governor.maryland.gov/covid-19-pandemic-orders-and-guidance/>

Governor Hogan's COVID-19 Response:

<https://governor.maryland.gov/coronavirus/>

Maryland Unites:

<https://governor.maryland.gov/marylandunites/>

The Maryland Department of Health Coronavirus website has extensive resources:

<https://coronavirus.maryland.gov/>

See also "Resources for Health Care Professionals":

<https://coronavirus.maryland.gov/pages/provider-resources>

Behavioral Health Administration:

<https://bha.health.maryland.gov/Pages/bha-covid-19.aspx>

Maryland Medicaid:

<https://mmcp.health.maryland.gov/Pages/home.aspx>

Centers for Disease Control and Prevention:

<https://www.cdc.gov/coronavirus/2019-ncov/index.html>

### **May 6 Amended Executive Order Questions**

**Q: A May 6, 2020 Order allows the resumption of elective and non-urgent medical procedures that had been prohibited by the prior March 16, 2020 Executive Order and the March 23, 2020 Order issued by the Secretary of Health. Can all medical offices reopen regardless of the services provided and the procedures performed?**

A: No. A May 6, 2020 Order allows the resumption of elective and non-urgent medical procedures that had previously been restricted by the March 23, 2020 Order issued by the Secretary of Health required all health care practitioners to cease all elective and non-urgent medical procedures and appointments. However, the May 6, 2020 Executive Order requires licensed healthcare providers to exercise their independent professional judgment to determine what procedures are appropriate to perform, which appointments should occur, and which patients to see in light of widespread COVID-19 community transmission. Additionally, the Order has several measures that need to be in place, including required use of personal protective equipment (PPE), social distancing requirements, screening for COVID-19, and implementation of infection control measures. Those unable to comply with these additional requirements, and in particular the PPE requirements, may not resume elective and non-urgent medical procedures.  
<https://governor.maryland.gov/wp-content/uploads/2020/05/Gatherings-FIFTH-AMENDED-5.6.20.pdf>  
<https://governor.maryland.gov/wp-content/uploads/2020/03/03.23.2020-Sec-NeallHealthcare-Matters-Order.pdf>

**Q: The May 6, 2020 Executive Order allows the resumption of elective and non-urgent medical procedures that had been prohibited by the prior March 16, 2020 Executive Order and March 23, 2020 Order issued by the Secretary of Health. What are the new requirements in order to reopen?**



A: The updated May 6, 2020 Executive Order has several additional requirements in order to reopen. All providers resuming elective and non-urgent medical procedures shall have at least one-week supply of personal protective equipment (PPE) for themselves, staff and as appropriate, for patients. Social distancing requirements must be strictly maintained in all settings where people must wait in order to minimize direct contact between individuals within the healthcare settings and use of non-traditional alternatives is encouraged, such as call ahead registration and waiting in a car until called. All healthcare workers, patients, and others must be screened for COVID-19 symptoms upon arrival for shift or visit. Staff must stay home if they are showing COVID-19 symptoms. All healthcare providers must plan for and implement enhanced workplace infection control measures in accordance with the most current CDC guidelines: <https://www.cdc.gov/coronavirus/2019-ncov/hcp/infection-control.html> This includes provider and staff wearing face coverings and patients should wear face coverings when possible. See Governor Hogan's most recent Executive Order: <https://governor.maryland.gov/wp-content/uploads/2020/05/Gatherings-FIFTH-AMENDED-5.6.20.pdf>

Finally, if unable to provide PPE for yourself, staff, and patients when appropriate, operations shall be restricted to urgent and non-elective procedures and appointments, in accordance with the prior directives. The 3/23/2020 Secretary's Directive and Order on Various Health Care Matters includes language regarding the provision of services: "medical procedures that are critically necessary for the maintenance of health for a patient." The determination of what this means is something that is within each practitioner's clinical judgment as each individual patient's/client's case. The Board cannot advise a practitioner on whether a procedure is elective and non-urgent. There is also further guidance on the MDH website regarding surgical procedures: <https://phpa.health.maryland.gov/Documents/Surgical%20Procedures%20Guidelines%20-%203-23-2020.pdf>

**Q: What certifications do I need to submit before reopening?**

A: A healthcare facility's managing authority or the responsible healthcare provider shall certify to MDH via [secretary.health@maryland.gov](mailto:secretary.health@maryland.gov) that all of the above conditions for resumption of elective and non-urgent medical procedures have been met prior to resuming operations. A copy of this self-certification notice shall be posted prominently in the facility for the attention of patients and staff.