

# SENATE BILL 1016

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SB 530/12 – EHE

4lr3042

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By: **Senator Benson**

Introduced and read first time: February 12, 2014

Assigned to: Rules

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## A BILL ENTITLED

AN ACT concerning

### **Maryland Kinesiology Act**

FOR the purpose of requiring the State Board of Physicians to adopt regulations for the licensure and practice of kinesiotherapy; providing that this Act does not limit the rights of certain individuals to practice certain occupations; requiring the Board to set certain fees; establishing the Kinesiotherapy Advisory Committee within the Board; providing for the membership, powers, duties, and chair of the Committee; establishing the terms and requirements for certain members of the Committee; requiring that on or before a certain date an individual be licensed by the Board before the individual may practice kinesiotherapy; providing that certain licensing provisions do not apply to certain students practicing kinesiotherapy under certain circumstances; providing for the qualifications for a license to practice kinesiotherapy; providing for the scope of a license to practice kinesiotherapy; providing for the issuance, expiration, and renewal of certain licenses; requiring a licensee to report certain information to the Board within a certain period of time; establishing a certain penalty; requiring that a license be displayed in a certain manner; authorizing the Board to deny a license to an applicant, refuse to renew a license, reprimand a licensee, suspend or revoke a license, or impose certain penalties under certain circumstances; establishing certain hearing and appeal procedures for licensed kinesiotherapists; prohibiting certain acts; providing for certain criminal and civil penalties; establishing certain reporting requirements; requiring that an evaluation of the Committee be performed on or before a certain date; requiring that initial kinesiotherapist members of the Committee apply for and receive a license within a certain period of time; specifying the terms of the initial members of the Committee; defining certain terms; and generally relating to the licensure and regulation of the practice of kinesiotherapy.

BY renumbering

Article – State Government

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Section 8–403(b)(30) through (56), respectively  
to be Section 8–403(b)(31) through (57), respectively  
Annotated Code of Maryland  
(2009 Replacement Volume and 2013 Supplement)

BY adding to

Article – Health Occupations  
Section 14–5F–01 through 14–5F–24 to be under the new subtitle “Subtitle 5F.  
Kinesiotherapists”  
Annotated Code of Maryland  
(2009 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, without amendments,

Article – State Government  
Section 8–403(a)  
Annotated Code of Maryland  
(2009 Replacement Volume and 2013 Supplement)

BY adding to

Article – State Government  
Section 8–403(b)(30)  
Annotated Code of Maryland  
(2009 Replacement Volume and 2013 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 8–403(b)(30) through (56), respectively, of Article – State Government of the Annotated Code of Maryland be renumbered to be Section(s) 8–403(b)(31) through (57), respectively.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

**Article – Health Occupations**

**SUBTITLE 5F. KINESIOTHERAPISTS.**

**14–5F–01.**

**(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

**(B) “BOARD” MEANS THE STATE BOARD OF PHYSICIANS.**

**(C) “COMMITTEE” MEANS THE KINESIOTHERAPY ADVISORY COMMITTEE ESTABLISHED UNDER § 14–5F–05 OF THIS SUBTITLE.**

(D) “LICENSE” MEANS A LICENSE ISSUED BY THE BOARD TO PRACTICE KINESIOTHERAPY.

(E) “LICENSED KINESIOTHERAPIST” MEANS A KINESIOTHERAPIST WHO IS LICENSED BY THE BOARD UNDER THIS SUBTITLE TO PRACTICE KINESIOTHERAPY.

(F) “PRACTICE KINESIOTHERAPY” MEANS THE APPLICATION OF SCIENTIFICALLY BASED EXERCISE PRINCIPLES ADAPTED TO ENHANCE THE STRENGTH, ENDURANCE, AND MOBILITY OF INDIVIDUALS WITH FUNCTIONAL LIMITATIONS OR INDIVIDUALS REQUIRING EXTENDED PHYSICAL CONDITIONING.

(G) “STUDENT” MEANS AN INDIVIDUAL WHO, IN ACCORDANCE WITH § 14-5F-09 OF THIS SUBTITLE, IS:

(1) ENROLLED IN AN ACCREDITED EDUCATIONAL PROGRAM TO QUALIFY FOR A LICENSE UNDER THIS SUBTITLE; AND

(2) PROVIDING KINESIOTHERAPY SERVICES WITHIN THE ACCREDITED PROGRAM UNDER THE SUPERVISION OF A LICENSED KINESIOTHERAPIST WITHOUT COMPENSATION.

14-5F-02.

THIS SUBTITLE DOES NOT LIMIT THE RIGHT OF AN INDIVIDUAL TO PRACTICE A HEALTH OCCUPATION THAT THE INDIVIDUAL IS AUTHORIZED TO PRACTICE UNDER THIS ARTICLE.

14-5F-03.

THE BOARD SHALL ADOPT REGULATIONS FOR THE LICENSURE AND PRACTICE OF KINESIOTHERAPY.

14-5F-04.

(A) (1) THE BOARD SHALL SET REASONABLE FEES FOR THE ISSUANCE AND RENEWAL OF LICENSES AND THE OTHER SERVICES THE BOARD PROVIDES TO KINESIOTHERAPISTS.

(2) THE FEES CHARGED SHALL BE SET SO AS TO PRODUCE FUNDS TO APPROXIMATE THE COST OF MAINTAINING THE LICENSURE PROGRAM AND THE OTHER SERVICES PROVIDED TO KINESIOTHERAPISTS.

**(B) (1) THE BOARD SHALL PAY ALL FEES COLLECTED UNDER THIS SUBTITLE TO THE COMPTROLLER.**

**(2) THE COMPTROLLER SHALL DISTRIBUTE ALL FEES TO THE BOARD.**

**(C) THE FEES SHALL BE USED TO COVER THE ACTUAL DOCUMENTED DIRECT AND INDIRECT COSTS OF FULFILLING THE STATUTORY AND REGULATORY DUTIES OF THE BOARD AS PROVIDED BY THE PROVISIONS OF THIS SUBTITLE.**

**14-5F-05.**

**THERE IS A KINESIOTHERAPY ADVISORY COMMITTEE WITHIN THE BOARD.**

**14-5F-06.**

**(A) THE COMMITTEE CONSISTS OF FIVE MEMBERS, APPOINTED BY THE BOARD AS FOLLOWS:**

**(1) (I) ON OR BEFORE SEPTEMBER 30, 2015, THREE INDIVIDUALS WHO PRACTICE KINESIOTHERAPY AND WHO:**

**1. ARE GRADUATES OF A PROGRAM OF KINESIOTHERAPY ACCREDITED BY THE COMMISSION ON ACCREDITATION OF ALLIED HEALTH EDUCATION PROGRAMS; AND**

**2. HAVE A MINIMUM OF 2 YEARS EXPERIENCE; AND**

**(II) ON OR AFTER OCTOBER 1, 2015, THREE LICENSED KINESIOTHERAPISTS;**

**(2) ONE PHYSICIAN WHO HAS KNOWLEDGE OF THE PRACTICE OF KINESIOTHERAPY; AND**

**(3) ONE CONSUMER MEMBER.**

**(B) THE CONSUMER MEMBER OF THE COMMITTEE:**

**(1) SHALL BE A MEMBER OF THE GENERAL PUBLIC;**

**(2) MAY NOT PRACTICE OR HAVE EVER PRACTICED KINESIOTHERAPY OR ANY HEALTH CARE PROFESSION;**

(3) MAY NOT BE OR HAVE EVER BEEN IN TRAINING TO PRACTICE KINESIOTHERAPY OR ANY OTHER HEALTH CARE PROFESSION;

(4) MAY NOT HAVE A HOUSEHOLD MEMBER WHO IS A HEALTH CARE PROFESSIONAL OR IS IN TRAINING TO BE A HEALTH CARE PROFESSIONAL; AND

(5) MAY NOT:

(I) PARTICIPATE OR HAVE EVER PARTICIPATED IN A COMMERCIAL OR PROFESSIONAL FIELD RELATED TO KINESIOTHERAPY;

(II) HAVE A HOUSEHOLD MEMBER WHO PARTICIPATES IN A COMMERCIAL OR PROFESSIONAL FIELD RELATED TO KINESIOTHERAPY;

(III) HAVE HAD WITHIN 2 YEARS BEFORE APPOINTMENT A FINANCIAL INTEREST IN A PERSON REGULATED BY THE BOARD; OR

(IV) HAVE HAD WITHIN 2 YEARS BEFORE APPOINTMENT A FINANCIAL INTEREST IN THE PROVISION OF GOODS OR SERVICES TO KINESIOTHERAPISTS OR TO THE FIELD OF KINESIOTHERAPY.

(C) (1) THE TERM OF A MEMBER IS 3 YEARS.

(2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE COMMITTEE ON OCTOBER 1, 2014.

(3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(D) FROM AMONG ITS MEMBERS, THE COMMITTEE SHALL ELECT A CHAIR EVERY 2 YEARS.

14-5F-07.

IN ADDITION TO THE POWERS SET FORTH ELSEWHERE IN THIS SUBTITLE, THE COMMITTEE SHALL:

(1) DEVELOP AND RECOMMEND TO THE BOARD:

(I) REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SUBTITLE;

(II) A CODE OF ETHICS FOR THE PRACTICE OF KINESIOTHERAPY FOR ADOPTION BY THE BOARD;

(III) RECOMMENDATIONS CONCERNING THE PRACTICE OF KINESIOTHERAPY, INCLUDING STANDARDS OF CARE FOR THE PRACTICE OF KINESIOTHERAPY; AND

(IV) CONTINUING EDUCATION REQUIREMENTS FOR LICENSE RENEWAL; AND

(2) KEEP A RECORD OF THE COMMITTEE'S PROCEEDINGS.

**14-5F-08.**

(A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, ON OR AFTER OCTOBER 1, 2015, AN INDIVIDUAL SHALL BE LICENSED BY THE BOARD BEFORE THE INDIVIDUAL MAY PRACTICE KINESIOTHERAPY IN THE STATE.

(B) THIS SECTION DOES NOT APPLY TO A STUDENT ENROLLED IN AN EDUCATION PROGRAM UNDER § 14-5F-09 OF THIS SUBTITLE WHILE PRACTICING KINESIOTHERAPY IN THAT PROGRAM.

**14-5F-09.**

(A) TO QUALIFY FOR A LICENSE, AN APPLICANT SHALL BE AN INDIVIDUAL WHO MEETS THE REQUIREMENTS OF THIS SECTION.

(B) THE APPLICANT SHALL:

(1) BE OF GOOD MORAL CHARACTER; AND

(2) BE AT LEAST 18 YEARS OLD.

(C) AN APPLICANT FOR A LICENSE TO PRACTICE KINESIOTHERAPY SHALL:

(1) SUBMIT TO THE BOARD SATISFACTORY EVIDENCE OF GRADUATION FROM A PROGRAM OF KINESIOTHERAPY ACCREDITED BY THE COMMISSION ON ACCREDITATION OF ALLIED HEALTH EDUCATION PROGRAMS;

**(2) HAVE SATISFACTORILY PASSED AN EXAMINATION APPROVED BY THE BOARD; AND**

**(3) MEET ANY OTHER EDUCATIONAL OR CLINICAL REQUIREMENTS ESTABLISHED BY THE COMMITTEE AND APPROVED BY THE BOARD.**

**14-5F-10.**

**(A) TO APPLY FOR A LICENSE, AN APPLICANT SHALL:**

**(1) SUBMIT AN APPLICATION TO THE BOARD ON THE FORM THAT THE BOARD REQUIRES; AND**

**(2) PAY TO THE BOARD THE APPLICATION FEE SET BY THE BOARD.**

**(B) THE BOARD SHALL ISSUE A LICENSE TO AN APPLICANT WHO MEETS THE REQUIREMENTS OF THIS SUBTITLE.**

**14-5F-11.**

**A LICENSE AUTHORIZES AN INDIVIDUAL TO PRACTICE KINESIOTHERAPY IN THE STATE WHILE THE LICENSE IS EFFECTIVE.**

**14-5F-12.**

**(A) (1) A LICENSE EXPIRES ON A DATE SET BY THE BOARD, UNLESS THE LICENSE IS RENEWED FOR AN ADDITIONAL TERM AS PROVIDED IN THIS SECTION.**

**(2) A LICENSE MAY NOT BE RENEWED FOR A TERM LONGER THAN 2 YEARS.**

**(B) AT LEAST 1 MONTH BEFORE A LICENSE EXPIRES, THE BOARD SHALL SEND TO THE LICENSED KINESIOTHERAPIST A RENEWAL NOTICE THAT STATES:**

**(1) THE DATE ON WHICH THE CURRENT LICENSE EXPIRES;**

**(2) THE DATE BY WHICH THE RENEWAL APPLICATION MUST BE RECEIVED BY THE BOARD FOR THE RENEWAL TO BE ISSUED AND SENT BEFORE THE LICENSE EXPIRES; AND**

**(3) THE AMOUNT OF THE RENEWAL FEE.**

**(C) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, BEFORE A LICENSE EXPIRES, THE LICENSED KINESIOTHERAPIST MAY RENEW THE LICENSE PERIODICALLY FOR AN ADDITIONAL TERM IF THE LICENSEE:**

**(1) OTHERWISE IS ENTITLED TO BE LICENSED;**

**(2) PAYS TO THE BOARD A RENEWAL FEE SET BY THE BOARD;**

**AND**

**(3) SUBMITS TO THE BOARD:**

**(I) A RENEWAL APPLICATION ON THE FORM THAT THE BOARD REQUIRES; AND**

**(II) SATISFACTORY EVIDENCE OF COMPLIANCE WITH ANY CONTINUING EDUCATION OR COMPETENCY REQUIREMENTS AND OTHER REQUIREMENTS SET UNDER THIS SECTION FOR LICENSE RENEWAL.**

**(D) IN ADDITION TO ANY OTHER QUALIFICATIONS AND REQUIREMENTS ESTABLISHED BY THE BOARD, THE BOARD SHALL ESTABLISH CONTINUING EDUCATION OR COMPETENCY REQUIREMENTS AS A CONDITION OF THE RENEWAL OF A LICENSE UNDER THIS SECTION.**

**(E) THE BOARD SHALL RENEW THE LICENSE OF EACH LICENSEE WHO MEETS THE REQUIREMENTS OF THIS SECTION.**

**(F) THE BOARD SHALL REINSTATE THE LICENSE OF AN INDIVIDUAL WHO HAS NOT BEEN PLACED ON INACTIVE STATUS BUT HAS FAILED TO RENEW THE LICENSE FOR ANY REASON IF THE INDIVIDUAL:**

**(1) APPLIES FOR REINSTATEMENT WITHIN 30 DAYS AFTER THE DATE THE LICENSE EXPIRES;**

**(2) MEETS THE RENEWAL REQUIREMENTS OF THIS SECTION; AND**

**(3) PAYS TO THE BOARD THE REINSTATEMENT FEE SET BY THE BOARD.**

**14-5F-13.**

**(A) (1) A LICENSED KINESIOTHERAPIST SHALL NOTIFY THE BOARD IN WRITING OF A CHANGE IN NAME OR ADDRESS WITHIN 60 DAYS AFTER THE CHANGE.**

**(2) A LICENSED KINESIOTHERAPIST WHO FAILS TO COMPLY WITH THE REQUIREMENTS OF PARAGRAPH (1) OF THIS SUBSECTION IS SUBJECT TO AN ADMINISTRATIVE PENALTY OF \$100.**

**(B) EACH LICENSED KINESIOTHERAPIST SHALL DISPLAY THE LICENSE CONSPICUOUSLY IN THE OFFICE OR PLACE OF EMPLOYMENT OF THE LICENSEE.**

**14-5F-14.**

**UNLESS THE BOARD AGREES TO ACCEPT THE SURRENDER OF A LICENSE, A LICENSED KINESIOTHERAPIST MAY NOT SURRENDER THE LICENSE NOR MAY THE LICENSE LAPSE BY OPERATION OF LAW WHILE THE LICENSEE IS UNDER INVESTIGATION OR WHILE CHARGES ARE PENDING AGAINST THE LICENSEE.**

**14-5F-15.**

**(A) SUBJECT TO THE HEARING PROVISIONS OF § 14-405 OF THIS TITLE, THE BOARD MAY DENY A LICENSE TO ANY APPLICANT, REPRIMAND ANY LICENSEE, PLACE ANY LICENSEE ON PROBATION, OR SUSPEND OR REVOKE A LICENSE IF AN APPLICANT OR LICENSEE:**

**(1) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO OBTAIN A LICENSE FOR THE APPLICANT OR LICENSEE OR FOR ANOTHER;**

**(2) FRAUDULENTLY OR DECEPTIVELY USES A LICENSE;**

**(3) IS GUILTY OF UNPROFESSIONAL OR IMMORAL CONDUCT IN THE PRACTICE OF KINESIOTHERAPY;**

**(4) IS PROFESSIONALLY, PHYSICALLY, OR MENTALLY INCOMPETENT;**

**(5) ABANDONS A PATIENT;**

**(6) IS HABITUALLY INTOXICATED;**

**(7) IS ADDICTED TO OR HABITUALLY ABUSES ANY NARCOTIC OR CONTROLLED DANGEROUS SUBSTANCE AS DEFINED IN § 5-101 OF THE CRIMINAL LAW ARTICLE;**

**(8) PROVIDES PROFESSIONAL SERVICES WHILE:**

**(1) UNDER THE INFLUENCE OF ALCOHOL; OR**

(II) USING ANY NARCOTIC OR CONTROLLED DANGEROUS SUBSTANCE AS DEFINED IN § 5-101 OF THE CRIMINAL LAW ARTICLE OR ANY OTHER DRUG THAT IS IN EXCESS OF THERAPEUTIC AMOUNTS OR WITHOUT VALID MEDICAL INDICATION;

(9) PROMOTES THE SALE OF SERVICES, DRUGS, DEVICES, APPLIANCES, OR GOODS TO A PATIENT SO AS TO EXPLOIT THE PATIENT FOR FINANCIAL GAIN;

(10) WILLFULLY MAKES OR FILES A FALSE REPORT OR RECORD IN THE PRACTICE OF KINESIOTHERAPY;

(11) WILLFULLY FAILS TO FILE OR RECORD ANY REPORT AS REQUIRED UNDER LAW, WILLFULLY IMPEDES OR OBSTRUCTS THE FILING OR RECORDING OF A REPORT, OR INDUCES ANOTHER TO FAIL TO FILE OR RECORD A REPORT;

(12) BREACHES PATIENT CONFIDENTIALITY;

(13) PAYS OR AGREES TO PAY ANY SUM OR PROVIDE ANY FORM OF REMUNERATION OR MATERIAL BENEFIT TO ANY PERSON FOR BRINGING OR REFERRING A PATIENT OR ACCEPTS OR AGREES TO ACCEPT ANY SUM OR ANY FORM OF REMUNERATION OR MATERIAL BENEFIT FROM AN INDIVIDUAL FOR BRINGING OR REFERRING A PATIENT;

(14) KNOWINGLY MAKES A MISREPRESENTATION WHILE PRACTICING KINESIOTHERAPY;

(15) KNOWINGLY PRACTICES KINESIOTHERAPY WITH AN UNAUTHORIZED INDIVIDUAL OR AIDS AN UNAUTHORIZED INDIVIDUAL IN THE PRACTICE OF KINESIOTHERAPY;

(16) KNOWINGLY DELEGATES A KINESIOTHERAPY DUTY TO AN UNLICENSED INDIVIDUAL;

(17) OFFERS, UNDERTAKES, OR AGREES TO CURE OR TREAT DISEASE BY A SECRET METHOD, TREATMENT, OR MEDICINE;

(18) IS DISCIPLINED BY A LICENSING OR DISCIPLINARY AUTHORITY OR IS CONVICTED OR DISCIPLINED BY A COURT OF ANY STATE OR COUNTRY OR IS DISCIPLINED BY ANY BRANCH OF THE UNITED STATES UNIFORMED SERVICES OR THE U.S. DEPARTMENT OF VETERANS AFFAIRS FOR AN ACT THAT WOULD BE GROUNDS FOR DISCIPLINARY ACTION UNDER THE BOARD'S DISCIPLINARY STATUTES;

**(19) FAILS TO MEET APPROPRIATE STANDARDS FOR THE DELIVERY OF KINESIOTHERAPY SERVICES;**

**(20) KNOWINGLY SUBMITS FALSE STATEMENTS TO COLLECT FEES FOR WHICH SERVICES ARE NOT PROVIDED;**

**(21) (I) HAS BEEN SUBJECT TO INVESTIGATION OR DISCIPLINARY ACTION BY A LICENSING OR DISCIPLINARY AUTHORITY OR BY A COURT OF ANY STATE OR COUNTRY FOR AN ACT THAT WOULD BE GROUNDS FOR DISCIPLINARY ACTION UNDER THE BOARD'S DISCIPLINARY STATUTES; AND**

**(II) HAS:**

**1. SURRENDERED THE LICENSE, IF ANY, ISSUED BY THE STATE OR COUNTRY; OR**

**2. ALLOWED THE LICENSE, IF ANY, ISSUED BY THE STATE OR COUNTRY TO EXPIRE OR LAPSE;**

**(22) KNOWINGLY FAILS TO REPORT SUSPECTED CHILD ABUSE IN VIOLATION OF § 5-704 OF THE FAMILY LAW ARTICLE;**

**(23) SELLS, PRESCRIBES, GIVES AWAY, OR ADMINISTERS DRUGS FOR ILLEGAL OR ILLEGITIMATE MEDICAL PURPOSES;**

**(24) PRACTICES OR ATTEMPTS TO PRACTICE BEYOND THE AUTHORIZED SCOPE OF PRACTICE;**

**(25) IS CONVICTED OF OR PLEADS GUILTY OR NOLO CONTENDERE TO A FELONY OR TO A CRIME INVOLVING MORAL TURPITUDE, WHETHER OR NOT ANY APPEAL OR OTHER PROCEEDING IS PENDING TO HAVE THE CONVICTION OR PLEA SET ASIDE;**

**(26) REFUSES, WITHHOLDS FROM, DENIES, OR DISCRIMINATES AGAINST AN INDIVIDUAL WITH REGARD TO THE PROVISION OF PROFESSIONAL SERVICES FOR WHICH THE LICENSEE IS LICENSED AND QUALIFIED TO RENDER BECAUSE THE INDIVIDUAL IS HIV POSITIVE;**

**(27) PRACTICES OR ATTEMPTS TO PRACTICE A KINESIOTHERAPY PROCEDURE OR USES OR ATTEMPTS TO USE KINESIOTHERAPY EQUIPMENT IF THE APPLICANT OR LICENSEE HAS NOT RECEIVED EDUCATION AND TRAINING IN THE PERFORMANCE OF THE PROCEDURE OR THE USE OF THE EQUIPMENT; OR**

**(28) FAILS TO COOPERATE WITH A LAWFUL INVESTIGATION OF THE BOARD.**

**(B) EXCEPT AS OTHERWISE PROVIDED IN TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE, BEFORE THE BOARD TAKES ANY ACTION UNDER SUBSECTION (A) OF THIS SECTION, IT SHALL GIVE THE INDIVIDUAL AGAINST WHOM THE ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE THE BOARD IN ACCORDANCE WITH THE HEARING REQUIREMENTS OF § 14-405 OF THIS TITLE.**

**(C) (1) ON THE FILING OF CERTIFIED DOCKET ENTRIES WITH THE BOARD BY THE OFFICE OF THE ATTORNEY GENERAL, THE BOARD SHALL ORDER THE SUSPENSION OF A LICENSE IF THE LICENSEE IS CONVICTED OF OR PLEADS GUILTY OR NOLO CONTENDERE WITH RESPECT TO A CRIME INVOLVING MORAL TURPITUDE, WHETHER OR NOT ANY APPEAL OR OTHER PROCEEDING IS PENDING TO HAVE THE CONVICTION OR PLEA SET ASIDE.**

**(2) AFTER COMPLETION OF THE APPELLATE PROCESS IF THE CONVICTION HAS NOT BEEN REVERSED OR THE PLEA HAS NOT BEEN SET ASIDE WITH RESPECT TO A CRIME INVOLVING MORAL TURPITUDE, THE BOARD SHALL ORDER THE REVOCATION OF A LICENSE ON THE CERTIFICATION BY THE OFFICE OF THE ATTORNEY GENERAL.**

**14-5F-16.**

**(A) (1) ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE BOARD UNDER THIS SUBTITLE MAY NOT APPEAL TO THE SECRETARY OR BOARD OF REVIEW BUT MAY TAKE A DIRECT JUDICIAL APPEAL.**

**(2) THE APPEAL SHALL BE MADE AS PROVIDED FOR JUDICIAL REVIEW OF FINAL DECISIONS IN TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.**

**(B) AN ORDER OF THE BOARD MAY NOT BE STAYED PENDING JUDICIAL REVIEW.**

**(C) THE BOARD MAY APPEAL FROM ANY DECISION THAT REVERSES OR MODIFIES ITS ORDER.**

**14-5F-17.**

**(A) EXCEPT AS PROVIDED IN SUBSECTIONS (B) AND (D) OF THIS SECTION, HOSPITALS, RELATED INSTITUTIONS, ALTERNATIVE HEALTH SYSTEMS AS DEFINED IN § 1-401 OF THIS ARTICLE, AND EMPLOYERS SHALL FILE WITH**

THE BOARD A REPORT THAT THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH SYSTEM, OR EMPLOYER LIMITED, REDUCED, OTHERWISE CHANGED, OR TERMINATED ANY LICENSED KINESIOTHERAPIST FOR ANY REASON THAT MIGHT BE GROUNDS FOR DISCIPLINARY ACTION UNDER § 14-5F-15 OF THIS SUBTITLE.

(B) A HOSPITAL, A RELATED INSTITUTION, AN ALTERNATIVE HEALTH SYSTEM, OR AN EMPLOYER THAT HAS REASON TO KNOW THAT A LICENSED KINESIOTHERAPIST HAS COMMITTED AN ACT OR HAS A CONDITION THAT MIGHT BE GROUNDS FOR REPRIMAND OR PROBATION OF THE LICENSED KINESIOTHERAPIST OR SUSPENSION OR REVOCATION OF THE LICENSE BECAUSE THE LICENSED KINESIOTHERAPIST IS ALCOHOL IMPAIRED OR DRUG IMPAIRED IS NOT REQUIRED TO REPORT THE LICENSED KINESIOTHERAPIST TO THE BOARD IF:

(1) THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH SYSTEM, OR EMPLOYER KNOWS THAT THE LICENSED KINESIOTHERAPIST IS:

(i) IN AN ALCOHOL OR DRUG TREATMENT PROGRAM THAT IS ACCREDITED BY THE JOINT COMMISSION ON ACCREDITATION OF HEALTHCARE ORGANIZATIONS OR IS CERTIFIED BY THE DEPARTMENT; OR

(ii) UNDER THE CARE OF A HEALTH CARE PRACTITIONER WHO IS COMPETENT AND CAPABLE OF DEALING WITH ALCOHOLISM AND DRUG ABUSE; AND

(2) (i) THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH SYSTEM, OR EMPLOYER IS ABLE TO VERIFY THAT THE LICENSED KINESIOTHERAPIST REMAINS IN THE TREATMENT PROGRAM UNTIL DISCHARGE; AND

(ii) THE ACTION OR CONDITION OF THE LICENSED KINESIOTHERAPIST HAS NOT CAUSED INJURY TO ANY PERSON WHILE THE KINESIOTHERAPIST IS PRACTICING AS A LICENSED KINESIOTHERAPIST.

(C) (1) IF THE LICENSED KINESIOTHERAPIST ENTERS OR IS CONSIDERING ENTERING AN ALCOHOL OR DRUG TREATMENT PROGRAM THAT IS ACCREDITED BY THE JOINT COMMISSION ON ACCREDITATION OF HEALTHCARE ORGANIZATIONS OR THAT IS CERTIFIED BY THE DEPARTMENT, THE LICENSED KINESIOTHERAPIST SHALL NOTIFY THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH SYSTEM, OR EMPLOYER OF THE LICENSED KINESIOTHERAPIST'S DECISION TO ENTER THE TREATMENT PROGRAM.

**(2) IF THE LICENSED KINESIOTHERAPIST FAILS TO PROVIDE THE NOTICE REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION, AND THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH SYSTEM, OR EMPLOYER LEARNS THAT THE LICENSED KINESIOTHERAPIST HAS ENTERED A TREATMENT PROGRAM, THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH SYSTEM, OR EMPLOYER SHALL REPORT TO THE BOARD THAT THE LICENSED KINESIOTHERAPIST HAS ENTERED A TREATMENT PROGRAM AND HAS FAILED TO PROVIDE THE REQUIRED NOTICE.**

**(3) IF THE LICENSED KINESIOTHERAPIST IS FOUND TO BE NONCOMPLIANT WITH THE TREATMENT PROGRAM'S POLICIES AND PROCEDURES WHILE IN THE TREATMENT PROGRAM, THE TREATMENT PROGRAM SHALL NOTIFY THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH SYSTEM, OR EMPLOYER OF THE LICENSED KINESIOTHERAPIST'S NONCOMPLIANCE.**

**(4) ON RECEIPT OF THE NOTIFICATION REQUIRED UNDER PARAGRAPH (3) OF THIS SUBSECTION, THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH SYSTEM, OR EMPLOYER OF THE LICENSED KINESIOTHERAPIST SHALL REPORT THE LICENSED KINESIOTHERAPIST'S NONCOMPLIANCE TO THE BOARD.**

**(D) A PERSON IS NOT REQUIRED UNDER THIS SECTION TO MAKE ANY REPORT THAT WOULD BE IN VIOLATION OF ANY FEDERAL OR STATE LAW, RULE, OR REGULATION CONCERNING THE CONFIDENTIALITY OF ALCOHOL- AND DRUG-ABUSE RELATED PATIENT RECORDS.**

**(E) THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH SYSTEM, OR EMPLOYER SHALL SUBMIT THE REPORT WITHIN 10 DAYS OF ANY ACTION DESCRIBED IN THIS SECTION.**

**(F) A REPORT MADE UNDER THIS SECTION IS NOT SUBJECT TO SUBPOENA OR DISCOVERY IN ANY CIVIL ACTION OTHER THAN A PROCEEDING ARISING OUT OF A HEARING AND DECISION OF THE BOARD UNDER THIS TITLE.**

**(G) (1) THE BOARD MAY IMPOSE A CIVIL PENALTY OF UP TO \$1,000 FOR FAILURE TO REPORT UNDER THIS SECTION.**

**(2) THE BOARD SHALL REMIT ANY PENALTY COLLECTED UNDER THIS SUBSECTION INTO THE GENERAL FUND OF THE STATE.**

ON THE APPLICATION OF AN INDIVIDUAL WHOSE LICENSE HAS BEEN REVOKED, THE BOARD, ON THE AFFIRMATIVE VOTE OF A MAJORITY OF ITS FULL AUTHORIZED MEMBERSHIP, MAY REINSTATE A REVOKED LICENSE.

**14-5F-19.**

EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A PERSON MAY NOT PRACTICE, ATTEMPT TO PRACTICE, OR OFFER TO PRACTICE KINESIOTHERAPY IN THIS STATE UNLESS LICENSED TO PRACTICE KINESIOTHERAPY BY THE BOARD.

**14-5F-20.**

(A) UNLESS AUTHORIZED TO PRACTICE KINESIOTHERAPY UNDER THIS SUBTITLE, A PERSON MAY NOT REPRESENT TO THE PUBLIC BY TITLE, BY DESCRIPTION OF SERVICES, METHODS, OR PROCEDURES, OR OTHERWISE, THAT THE PERSON IS AUTHORIZED TO PRACTICE KINESIOTHERAPY IN THIS STATE.

(B) UNLESS AUTHORIZED TO PRACTICE KINESIOTHERAPY UNDER THIS SUBTITLE, A PERSON MAY NOT USE THE TITLE "LICENSED KINESIOTHERAPIST", THE ABBREVIATIONS "K.T.", "L.K.T.", OR "R.K.T.", OR ANY OTHER WORDS, LETTERS, OR SYMBOLS WITH THE INTENT TO REPRESENT THAT THE PERSON PRACTICES KINESIOTHERAPY OR HOLDS A LICENSE AS A LICENSED KINESIOTHERAPIST ISSUED BY THE BOARD.

**14-5F-21.**

A PERSON MAY NOT PROVIDE, ATTEMPT TO PROVIDE, OFFER TO PROVIDE, OR REPRESENT THAT THE PERSON PROVIDES KINESIOTHERAPY SERVICES UNLESS THE KINESIOTHERAPY IS PROVIDED BY AN INDIVIDUAL WHO IS AUTHORIZED TO PRACTICE KINESIOTHERAPY UNDER THIS SUBTITLE.

**14-5F-22.**

(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.

(B) A PERSON WHO VIOLATES § 14-5F-19 OF THIS SUBTITLE IS SUBJECT TO A CIVIL FINE OF NOT MORE THAN \$5,000 TO BE LEVIED BY THE BOARD.

**(C) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER THIS SECTION INTO THE BOARD OF PHYSICIANS FUND.**

**14-5F-23.**

**THIS SUBTITLE MAY BE CITED AS THE MARYLAND KINESIOLOGY ACT.**

**14-5F-24.**

**SUBJECT TO THE EVALUATION AND REESTABLISHMENT PROVISIONS OF THE MARYLAND PROGRAM EVALUATION ACT AND SUBJECT TO THE TERMINATION OF THIS TITLE UNDER § 14-702 OF THIS TITLE, THIS SUBTITLE AND ALL REGULATIONS ADOPTED UNDER THIS SUBTITLE SHALL TERMINATE AND BE OF NO EFFECT AFTER JULY 1, 2024.**

### **Article – State Government**

8-403.

(a) On or before December 15 of the evaluation year specified, the Department shall:

(1) conduct a preliminary evaluation of each governmental activity or unit to be evaluated under this section; and

(2) prepare a report on each preliminary evaluation conducted.

(b) Each of the following governmental activities or units and the statutes and regulations that relate to the governmental activities or units are subject to preliminary evaluation in the evaluation year specified:

**(30) KINESIOTHERAPY ADVISORY COMMITTEE (§ 14-5F-05 OF THE HEALTH OCCUPATIONS ARTICLE: JULY 1, 2023);**

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) (1) Notwithstanding the provisions of § 14-5F-06 of the Health Occupations Article, as enacted by Section 2 of this Act, each initial kinesiotherapist member of the Kinesiotherapy Advisory Committee shall apply for and receive a license to practice kinesiotherapy within 90 days of the appointment of all initial members of the Kinesiotherapy Advisory Committee.

(2) If an initial kinesiotherapist member of the Kinesiotherapy Advisory Committee fails to apply for and receive a license in accordance with paragraph (1) of this subsection:

(i) the term of the initial kinesiotherapist member shall terminate immediately; and

(ii) the State Board of Physicians shall appoint a licensed kinesiotherapist to serve the remainder of the term.

(b) The terms of the initial members of the Kinesiotherapy Advisory Committee shall expire as follows:

- (1) two members in 2016;
- (2) two members in 2017; and
- (3) one member in 2018.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.