

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulations
Department of Health and Mental Hygiene
(DLS Control No. 15-002)**

Overview and Legal and Fiscal Impact

The regulations require criminal history records checks of new applicants and foreign-educated applicants for licensure as a physical therapist or a physical therapist assistant. Accordingly, the regulations prohibit the Board of Physical Therapy Examiners from issuing a license, if the board has not received the results of the criminal history records check.

The regulations present no legal issue of concern.

There is no fiscal impact on State or local agencies.

Regulations of COMAR Affected

Department of Health and Mental Hygiene:

Board of Physical Therapy Examiners: General Regulations:
COMAR 10.38.01.02 and .05

Foreign-Educated Licensure Requirements: COMAR 10.38.06.01 and .03

Legal Analysis

Summary of Regulations

The regulations require an applicant for licensure as a physical therapist or a physical therapist assistant to submit to a State and national criminal history records check. If the board has not received the results of a criminal history records check, the board may not issue the license.

The regulations require an applicant for licensure as a physical therapist or a physical therapist assistant educated in a physical therapy core curriculum outside the United States or its territories to submit to a State and national criminal history records check. If the board has not received the results of a criminal history records check, the board may not issue the license.

Legal Issue

The regulations present no legal issue of concern.

Statutory Authority and Legislative Intent

The Department of Health and Mental Hygiene cites §§ 13-206, 13-302, 13-302.1, and 13-305 of the Health Occupations Article as legal authority for the regulations. Section 13-206 authorizes the Board to adopt regulations to carry out the provisions of law relating to the practice of physical therapy in the State. Section 13-302 establishes qualifications for a physical therapy license and a physical therapy assistant license, including submitting to a criminal history records check. Section 13-302.1 establishes requirements for an application submitted to the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services for a State and national criminal history records check. Section 13-305 establishes requirements for an application for a physical therapy license and a physical therapy assistant license, including submitting to a criminal history records check.

This authority is correct and complete. The regulations comply with the legislative intent of the law.

Fiscal Analysis

There is no fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

The regulations require applicants and foreign-educated applicants for licensure as a physical therapist or a physical therapist assistant to submit to criminal history records checks as a qualification for licensure. The department indicates that the regulations have no fiscal impact. The Department of Legislative Services concurs, and notes that the regulations implement, in part, Chapter 598 of 2014 (House Bill 401). The fiscal and policy note for House Bill 401 estimated that there was no fiscal impact on State or local agencies.

Impact on Budget

There is no impact on the State operating or capital budget.

Agency Estimate of Projected Small Business Impact

The department indicates that the regulations have minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

Contact Information

Legal Analysis: Lynne Blume Rosen – (410) 946/(301) 970-5350

Fiscal Analysis: Kathleen P. Kennedy – (410) 946/(301) 970-5510