

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	02/09/2015	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 3/20/2015

2. COMAR Codification

Title Subtitle Chapter Regulation

10 38 01 02 and .05

10 38 06 01 and .03

3. Name of Promulgating Authority

Department of Health and Mental Hygiene

4. Name of Regulations Coordinator

Michele Phinney

Telephone Number

410-767-5623

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201 W. Preston Street

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5. Name of Person to Call About this Document

Kristen Neville

Telephone No.

410-764-5978

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kristen.neville@maryland.gov

6. Check applicable items:

New Regulations

Amendments to Existing Regulations

Date when existing text was downloaded from COMAR online: November 19, 2014.

Repeal of Existing Regulations

Recodification

Incorporation by Reference of Documents Requiring DSD Approval

Reproposal of Substantively Different Text:

: Md. R
(vol.) (issue) (page nos) (date)

Under Maryland Register docket no.: --P.

7. Is there emergency text which is identical to this proposal:

Yes No

8. Incorporation by Reference

Check if applicable: Incorporation by Reference (IBR) approval form(s) attached and 18 copies of documents proposed for incorporation submitted to DSD. (Submit 18 paper copies of IBR document to DSD and one copy to AELR.)

9. Public Body - Open Meeting

OPTIONAL - If promulgating authority is a public body, check to include a sentence in the Notice of Proposed Action that proposed action was considered at an open meeting held pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

OPTIONAL - If promulgating authority is a public body, check to include a paragraph that final action will be considered at an open meeting.

10. Children's Environmental Health and Protection

Check if the system should send a copy of the proposal to the Children's Environmental Health and Protection Advisory Council.

11. Certificate of Authorized Officer

I certify that the attached document is in compliance with the Administrative Procedure Act. I also certify that the attached text has been approved for legality by Brett Felter, Assistant Attorney General, (telephone #410-767-1878) on December 16, 2014. A written copy of the approval is on file at this agency.

Name of Authorized Officer

Van T. Mitchell

Title

Secretary of Health and Mental Hygiene

Telephone No.

410-767-6500

Date

February 2, 2015

Title 10
DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 38 BOARD OF PHYSICAL THERAPY EXAMINERS

10.38.01 General Regulations

Subtitle 38 BOARD OF PHYSICAL THERAPY EXAMINERS

10.38.06 Foreign-Educated Licensure Requirements

Authority: See attached.

Notice of Proposed Action

[]

The Secretary of Health and Mental Hygiene proposes to :

- 1) Amend Regulations .02 and .05 under COMAR 10.38.01 General Regulations; and
- 2) Amend Regulations .01 and .03 under COMAR 10.38.06 Foreign-Educated Licensure Requirements.

This action was considered at a public meeting on December 16, 2014, notice of which was given on the Board's website at <http://dhmh.maryland.gov/bphte/Lists/Calendar/calendar.aspx>, pursuant to State Government Article, §10-506(c)(1), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to :

- 1) Require criminal history records of new applicants and foreign-educated applicants for licensure as a physical therapist or physical therapist assistant; and
- 2) Prohibit the Board from issuing a license if the criminal history records check information has not been received.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact.

The cost of the criminal history records check would be paid by the applicant for licensure to the Central Repository of the Criminal Justice Information System (CJIS) within the Department of Public Safety and Correctional Services. The Board cannot

estimate the number of applicants per year, so the impact to the profession and to CJIS is unknown.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	NONE	
B. On other State agencies:	(R+)	Indeterminate
C. On local governments:	NONE	
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	(-)	Indeterminate
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

III. Assumptions. (Identified by Impact Letter and Number from Section II.)

B. The cost of the criminal history records check (approximately \$65) would be paid by the applicant applying for licensure to the Central Repository of the Criminal Justice Information System (CJIS) within the Department of Public Safety and Correctional Services. CJIS will thus realize an increase in revenue, but, given that the Board cannot estimate how many applicants will apply per year, the amount of the revenue increase is unknown.

D. The cost of the criminal history records check (approximately \$65) would be paid by the applicant applying for licensure. The Board cannot estimate how many applicants will apply per year.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499; TTY:800-735-2258, or email

to dhmh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through April 20, 2015. A public hearing has not been scheduled.

Economic Impact Statement Part C

- A. Fiscal Year in which regulations will become effective: FY 2015
- B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?
- C. If 'yes', state whether general, special (exact name), or federal funds will be used:
- D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:
- E. If these regulations have no economic impact under Part A, indicate reason briefly:
- F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.
- To the extent that a small business will pay the cost of an applicant's criminal history records check, there will be a minimal cost to the small business. These regulations do not require a small business to pay the cost.
- G. Small Business Worksheet:

Attached Document:

Title 10

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 38 BOARD OF PHYSICAL THERAPY EXAMINERS

10.38.01 General Regulations

Authority: Health Occupations Article, §§13–206, 13–302, 13–302.1, and 13–305, Annotated Code of Maryland

10.38.01.02 (downloaded 11/19/2014)

.02 Requirements for Licensure.

The following are requirements for an applicant educated in an approved physical therapy or approved physical therapist assistant curriculum in any state:

A.—C. (text unchanged)

D. Additional Requirements. Applicants for licensure shall:

(1) Achieve a passing score on the licensing examinations; [and]

(2) Attend an interview unless the Board waives this requirement; *and*

(3) *Submit to a State and national criminal history records check in accordance with Health Occupations Article, §13–302.1, Annotated Code of Maryland.*

.05 Restrictions.

A.—D. (text unchanged)

E. *The Board may not issue a license under this subtitle if the results of the criminal history records check required pursuant to Regulation .02D(3) of this chapter has not been received.*

10.38.06 Foreign-Educated Licensure Requirements

Authority: Health Occupations Article §§13–206, 13–302, *13–302.1*, 13–305, [and 13–313], Annotated Code of Maryland

10.38.06.01 (downloaded 11/19/2014)

.01 Requirements for Licensure.

A.—B. (text unchanged)

C. Additional Requirements. Applicants for licensure shall:

(1) Achieve a passing score on the licensing examinations; [and]

(2) Attend an interview unless the Board waives this requirement; *and*

(3) *Submit to a State and national criminal history records check in accordance with Health Occupations Article, §13–302.1, Annotated Code of Maryland.*

.03 Issuance of Licenses.

A.—D. (text unchanged)

E. *The Board may not issue a license under this subtitle if the results of the criminal history records check required pursuant to Regulation .01C(3) of this chapter has not been received.*

Van T. Mitchell

Secretary of Health and Mental Hygiene