

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulation
Department of Health and Mental Hygiene
(DLS Control No. 15-123)**

Overview and Legal and Fiscal Impact

The regulation authorizes the State Board of Podiatric Medical Examiners to waive, modify, or waive and modify, under certain circumstances, the requirement that an applicant for a license or license renewal possess cardiopulmonary resuscitation (CPR) certification. The regulation also alters the continuing education requirements for license renewal.

The regulation presents no legal issue of concern.

There is no fiscal impact on State or local agencies.

Regulation of COMAR Affected

Department of Health and Mental Hygiene:

Board of Podiatric Medical Examiners: Licensing and Continuing Education
Requirements: COMAR 10.40.02.03

Legal Analysis

Summary of Regulation

The regulation authorizes the board to waive, modify, or waive and modify the requirement that an applicant for a license possess CPR certification if the applicant requests a waiver or modification in writing due to an extraordinary hardship. This same waiver or modification authority is extended to the board when determining the satisfaction of the conditions of license renewal, provided that the board receives the request from the licensee for waiver or modification no later than October 1 of the license renewal year.

The regulation also alters the continuing education requirements for license renewal. A new provision is added to COMAR authorizing a licensee applying for renewal to earn 1 credit hour for every 5 hours of pro bono podiatric services provided that are pre-approved by the board, with a maximum of 5 credit hours per renewal cycle. Further, of the 50 credit hours currently required for license renewal, 25 credit hours must be completed in person (i.e., not completed online), directly related to the practice of podiatric medicine, and may include CPR certification, attendance at various professional or scientific organizations, or attendance at board meetings. All credits must be pre-approved by the board, and no continuing education credit may be less than 1 credit hour.

Legal Issue

The regulation presents no legal issue of concern.

Statutory Authority and Legislative Intent

The Department of Health and Mental Hygiene cites §§ 16-307 and 16-308 of the Health Occupations Article as statutory authority for the regulation. Section 16-307 sets forth the terms of license renewal for the practice of podiatry in the State. This includes authorizing the board to establish continuing education requirements as a condition of license renewal and the payment of a fee, among other conditions. Section 16-308 sets forth the terms of placing a licensee on inactive status and of reinstating a license after it has expired. This includes requiring compliance with continuing education requirements, the payment of a fee, and the submission to the board of various evidence of good standing and competence in the field.

Although the board does not cite § 16-205(a) of the Health Occupations Article as statutory authority for the regulation, this section authorizes the board to adopt regulations to carry out the provisions of law relating to the practice of podiatry in the State. These laws include § 16-301 of the Health Occupations Article, which requires licensure by the board before an individual may practice podiatry in the State.

This authority is correct and complete. The regulation complies 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 regulation authorizes the Board of Podiatric Medical Examiners, under specified circumstances, to waive and/or modify the requirement that applicants for licensure and licensees possess a current CPR certification. The regulation also adds specificity to the required number of, and qualifying activities for, continuing education hours for licensees. The department advises that the regulation has no fiscal impact. The Department of Legislative Services concurs.

Impact on Budget

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

Agency Estimate of Projected Small Business Impact

The department advises that the regulation has minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

Contact Information

Legal Analysis: Sara C. Fidler – (410) 946/(301) 970-5350

Fiscal Analysis: Sasika Subramaniam – (410) 946/(301) 970-5510