

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	06/25/2015	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 8/7/2015

2. COMAR Codification

Title Subtitle Chapter Regulation

10 40 02 03

3. Name of Promulgating Authority

Department of Health and Mental Hygiene

4. Name of Regulations Coordinator

Michele Phinney

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410-767-5623

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5. Name of Person to Call About this Document

Kristen Neville

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6. Check applicable items:

New Regulations

Amendments to Existing Regulations

Date when existing text was downloaded from COMAR online: June 11, 2015.

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 Anthony DeFranco, Assistant Attorney General, (telephone #410-767-6935) on June 18, 2015. A written copy of the approval is on file at this agency.

Name of Authorized Officer

Van T. Mitchell

Title

Secretary

Telephone No.

410-767-6500

Date

June 24, 2015

Title 10
DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 40 BOARD OF PODIATRIC MEDICAL EXAMINERS

10.40.02 Licensing and Continuing Education Requirements

Authority: Health Occupations Article, §§ 16–307 and 16–308, Annotated Code of Maryland

Notice of Proposed Action

[]

The Secretary of Health and Mental Hygiene proposes to amend Regulation .03 under COMAR 10.40.02 Licensing and Continuing Education Requirements.

This action was considered at a public meeting on May 14, 2015, notice of which was given by publication on the Board’s website at <http://dhmh.maryland.gov/mbpme/SitePages/Home.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) Authorize the Board under certain circumstances to waive, modify, or waive and modify the requirement that applicants for licensure possess a certain CPR certification;
- 2) Specify that licensees applying for renewal may earn a certain number of continuing education units for a certain amount of pro-bono podiatric services performed and pre-approved by the Board; and
- 3) Specify the composition of continuing education units to be earned by a licensee applying for renewal and the amount of units that can be earned by completing certain activities.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

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 September 7, 2015. A public hearing has not been scheduled.

Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: FY 2016

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:

This proposal does not increase the current requirement for continuing education to be earned to renew a license, but rather specifies how many continuing education credits may be earned in certain activities.

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

It is incumbent upon a licensee to complete the required continuing education for initial licensure and renewal, not upon a small business.

G. Small Business Worksheet:

Attached Document:

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Authority: Health Occupations Article, §§ 16–307 and 16–308, Annotated Code of Maryland

10.40.02 (downloaded 6/11/2015)

.03 Initial Licensing and License Renewal.

A. Initial Licensing.

(1) [To qualify for licensure, an [individual] applicant shall:

[(1)] (a) (text unchanged)

[(2) Possess] (b) *Except as provided in §A(2) of this regulation, at the time of application, possess a current cardiopulmonary resuscitation (CPR) certification that was attained through completion of a Board-approved cardiopulmonary resuscitation (CPR) course that includes a hands-on practical component.*

(2) *The Board may waive, modify, or waive and modify the cardiopulmonary resuscitation (CPR) certification required in §A(1)(b) of this regulation if the applicant submits a written request and documentation that sufficiently demonstrates an extraordinary hardship.*

B. License Renewal.

(1)—(5) (text unchanged)

(6) To qualify for renewal, a licensee shall [possess]:

(a) *Possess a current cardiopulmonary resuscitation (CPR) certification that was attained through completion of a Board-approved cardiopulmonary resuscitation (CPR) course that [includes]:*

(i) *Includes a hands-on practical component; and*

(ii) *Is worth 3 credit hours;*

(7) *The Board may waive, modify, or waive and modify the cardiopulmonary resuscitation (CPR) certification required in §B(6)(a) of this regulation if:*

(a) *The licensee submits a written request and documentation that sufficiently demonstrates an extraordinary hardship; and*

(b) *The Board receives the licensee's request not later than October 1 of the license renewal year.*

(8) *A licensee applying for renewal may earn 1 credit hour for every 5 hours of pro bono podiatric services provided and pre-approved by the Board on a case-by-case basis with a maximum of five credit hours per renewal cycle;*

C. [A] *Unless granted a waiver by the Board in accordance with §B(7) of this regulation, a licensee may not allow the required cardiopulmonary resuscitation (CPR) certification to lapse at any time while licensed by the Board.*

D. *Of the 50 credit hours required under §B(2) of this regulation:*

(1) *25 credit hours:*

(a) *Shall be completed in person;*

(b) *Shall be directly related to the practice of podiatric medicine; and*

(c) *May include:*

(i) *The cardiopulmonary resuscitation (CPR) certification required in §B(6)(a) of this regulation;*

(ii) *Attendance at programs offered at professional or scientific meetings of local, State, regional, national, or international professional or scientific organizations; or*

(iii) *Attendance at regularly scheduled Board meetings;*

(2) *No more than 25 credit hours shall be completed online or via other sources;*

(3) *All credit hours shall be pre-approved by the Board; and*

(4) *The Board may not accept a submission for continuing education credit of less than one hour.*

VAN T. MITCHELL

Secretary of Health and Mental Hygiene