

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulations
Department of Health and Mental Hygiene
(DLS Control No. 15-308)**

Overview and Legal and Fiscal Impact

The regulations convert the renewal cycle for licensees of the State Board of Occupational Therapy Practice to be biennial, rather than annual, and make other changes relating to continuing education requirements.

The regulations present no legal issues of concern.

Special fund revenues for the State Board of Occupational Therapy Practice increase by \$229,250 in fiscal 2016 only, due to implementation of a staggered, biennial renewal cycle for occupational therapists and occupational therapy assistants.

Regulations of COMAR Affected

Department of Health and Mental Hygiene:

Board of Occupational Therapy Practice: Continuing Competency Requirement:
COMAR 10.46.04.02 and .04-.07

Legal Analysis

Summary of Regulations

The regulations convert the renewal cycle for licensees of the State Board of Occupational Therapy Practice to be biennial, rather than annual. Under the regulations, licensees who are born in even-numbered years would renew in even-numbered years, and licensees who are born in odd-numbered years would renew in odd-numbered years. The regulations also double the number of specified types of continuing education hours, and the total number of continuing education hours (from 12 to be 24), required to be obtained during a licensure period in light of the increase in time for this period from one year to be two years. Further, continuing education hours provided by the National Board for Certification in Occupational Therapy are considered pre-approved by the board.

Legal Issues

The regulations present no legal issues of concern.

Statutory Authority and Legislative Intent

The Department of Health and Mental Hygiene cites §§ 10-205 and 10-311 of the Health Occupations Article as statutory authority for the regulations. Section 10-205 authorizes the board to adopt regulations to carry out the provisions of the title that governs the practice of occupational therapy in the State. Section 10-311 specifies that a license expires on a date set by the board, unless the license is renewed. This section also authorizes the board to establish continuing competency requirements as a condition to the renewal of licenses.

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

Fiscal Analysis

Special fund revenues for the State Board of Occupational Therapy Practice increase by \$229,250 in fiscal 2016 only, due to implementation of a staggered, biennial renewal cycle for occupational therapists and occupational therapy assistants.

Agency Estimate of Projected Fiscal Impact

The regulations require that, on or after July 1, 2016, and before July 1, 2017, the board renew the licenses of licensees born in odd-numbered years for a one-year term and renew the licenses of licensees born in even-numbered years for a two-year term. Beginning July 1, 2017, a license is valid for a two-year term that expires on June 30 of the year of expiration. The regulations also make the continuing education requirements for licensees consistent with a two-year renewal cycle.

The board advises that licensees will have to pay double the current fee to renew their license for a two-year term instead of paying the fee to renew for a one-year term; therefore, there is no economic impact. The Department of Legislative Services disagrees. Although special fund board revenues remain unchanged in future fiscal years, revenues to the board increase in the first year of implementation of a biennial renewal cycle.

The board advises that implementation of the biennial renewal cycle will begin with licenses issued at the end of fiscal 2016 (renewals are issued in May and June) that are valid beginning July 1, 2016. Therefore, board special fund revenues increase in fiscal 2016 by approximately \$229,250 as described below.

Under an annual renewal cycle, board special fund revenues for fiscal 2016 would be approximately \$458,500. However, in the first year of a new biennial cycle, board special fund revenues are estimated to be \$687,750, based on the following:

- one-half of the current 3,000 occupational therapists (those born in odd-numbered years) renew for a one-year term at a fee of \$127;

- the other half of the current 3,000 occupational therapists (those born in even-numbered years) renew for a two-year term at a fee of \$254;
- one-half of the current 775 occupational therapist assistants (those born in odd-numbered years) renew for a one-year term at a fee of \$100; and
- the other half of the current 775 occupational therapist assistants (those born in even-numbered years) renew for a two-year term at a fee of \$200.

Beginning in fiscal 2017, board special fund revenues stabilize at approximately \$458,500 as one-half of all licensees pay double the renewal fee in each fiscal year. This estimate assumes that one-half of all licensee are born in odd-numbered years.

Impact on Budget

Special fund revenues for the State Board of Occupational Therapy Practice increase by \$229,250 in fiscal 2016 only. Board expenditures are not affected.

Agency Estimate of Projected Small Business Impact

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

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