

**Maryland General Assembly  
Department of Legislative Services**

**Proposed Regulation  
Department of Health and Mental Hygiene  
(DLS Control No. 16-189)**

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**Overview and Legal and Fiscal Impact**

The regulation requires an applicant for an initial license to practice podiatry to submit to a State and national criminal history records check. The State Board of Podiatric Medical Examiners is prohibited from issuing a license if the board does not receive the required criminal history record information.

The regulation presents no legal issues 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

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**Legal Analysis**

**Background**

Chapter 48 of 2016 required applicants for licensure and licensees of the board to submit to a criminal history records check by applying to the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services for a criminal history records check and to submit to the Central Repository a set of fingerprints and specified fees.

**Summary of Regulation**

The regulation requires an applicant for an initial license to practice podiatry to submit to a State and national criminal history records check in accordance with § 16-302.1 of the Health Occupations Article. The board is prohibited from issuing a license if the board does not receive the required criminal history record information.

**Legal Issues**

The regulation presents no legal issues of concern.

## **Statutory Authority and Legislative Intent**

The Department of Health and Mental Hygiene cites §§ 16-205(a), 16-301, 16-307, and 16-308 of the Health Occupations Article as statutory authority for the regulation. Section 16-205(a) authorizes the board to adopt regulations to carry out specified provisions of law. Section 16-301 requires an individual to be licensed before the individual may practice podiatry in the State. Section 16-307 specifies the term of a license and the procedures for renewal of the license. Section 16-308 authorizes the board to place a licensee on inactive status and to reinstate an expired license under specified circumstances.

Chapter 48 of 2016 required applicants for licensure and licensees of the board to submit to a criminal history records check by applying to the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services for a criminal history records check and to submit to the Central Repository a set of fingerprints and specified fees.

With the addition of §§ 16-302(h), 16-302.1, 16-303(a), 16-305(c), and 16-311(26)(27), and (28) of the Health Occupations Article as enacted by Chapter 48 of 2016, this authority is correct and complete. The regulations comply with the legislative intent of the law.

## **Technical Corrections and Special Notes Section**

In response to a suggestion from the Department of Legislative Services, counsel for the board is inclined to agree with staff for the department to make the following change to the regulation: adding §§ 16-302(h), 16-302.1, 16-303(a), 16-305(c), and 16-311(26)(27), and (28) of the Health Occupations Article as statutory authority for the regulation. The Executive Director of the board would like the board to discuss the proposed change at the board meeting scheduled for September 7, 2016.

## **Fiscal Analysis**

There is no fiscal impact on State or local agencies.

### **Agency Estimate of Projected Fiscal Impact**

The regulation implements provisions of Chapter 48 of 2016 (Senate Bill 109), which required applicants of the State Board of Podiatric Medical Examiners to submit to a criminal history records check. Any fiscal impact has already been assumed under the fiscal and policy note for Senate Bill 109.

### **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**

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