

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
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		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 9/16/2016

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

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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, §§16–205(a), 16–301, 16–307, 16–308,
Annotated Code of Maryland

Notice of Proposed Action

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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 July 14, 2016, notice of which was given by publication on the Board’s website at

<http://dhmh.maryland.gov/mbpme/Pages/index.aspx> pursuant to General Provisions Article, §3–302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to require applicants for initial licensure to submit to a criminal history records check as part of the application process as required by Health Occupations Article, §16–302.1, Annotated Code of Maryland. In addition, this proposal will prohibit the Board from issuing an initial license until the criminal history records check information has 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.

Applicants for initial licensure would be required to submit to a criminal history records check, which costs \$32 – \$52, depending on where the check is performed. The fee for the check goes to CJIS, within the Department of Public Safety and Correctional Services, not to the Board.

II. Types of Economic Impact.	Revenue (R+/R-)	Expenditure (E+/E-)	Magnitude
A. On issuing agency:	NONE		
B. On other State agencies:	(R+)		Indeterminable
C. On local governments:	NONE		

	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	(-)	Indeterminable
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 board cannot estimate how many people will apply for initial licensure nor exactly how much they will pay for the check, as the cost varies depending on where the check is performed.

D. See B. above.

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 October 17, 2016. A public hearing has not been scheduled.

Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: FY 2017

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.

It is incumbent upon an individual licensee to pay the cost of the criminal history records check, not upon a small business.

G. Small Business Worksheet:

Attached Document:

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, §§16–205(a), 16–301, 16–307, 16–308, Annotated Code of Maryland

10.40.02.03 (downloaded 7/7/2016)

.03 Initial Licensing and License Renewal.

A. Initial Licensing.

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

(a) Meet all of the requirements as identified in Health Occupations Article, §§16-302—16-305, Annotated Code of Maryland, *including submit to a State and national criminal history records check in accordance with Health Occupations Article, §16–302.1, Annotated Code of Maryland*; and

(b) (text unchanged)

(2) (text unchanged)

(3) *The Board may not issue a license if the criminal history record information required under Health Occupations Article, §16–302.1, Annotated Code of Maryland has not been received.*

B.—D. (text unchanged)

VAN T. MITCHELL

Secretary of Health and Mental Hygiene