
By: Senator Collins

Introduced and read first time: January 31, 1997

Assigned to: Economic and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 18, 1997

CHAPTER ____

1 AN ACT concerning

2 **Physical Therapy - Licensure and Practice Requirements**

3 FOR the purpose of ~~extending an exemption from a requirement for physical therapy~~
4 ~~licensure to a physical therapy aide who is supervised by a licensed physical~~
5 ~~therapist assistant under certain circumstances~~; requiring an applicant for physical
6 therapy licensure to demonstrate written competency in the English language
7 subject to a certain exception; altering certain educational requirements for license
8 applicants educated in physical therapy in a state and certain educational and
9 clinical requirements for license applicants educated in physical therapy outside of
10 a state; authorizing the agent of the State Board of Physical Therapy Examiners to
11 provide a certain notice; ~~limiting to one the number of physical therapy aides that~~
12 ~~may be supervised by a physical therapist assistant~~; extending the period of
13 expiration of a certain temporary license after issuance of the license; providing for
14 the expiration of certain temporary licenses under certain circumstances; repealing
15 certain provisions concerning the renewal of a temporary license; altering certain
16 grounds for disciplining certain physical therapy licensees and others; and generally
17 relating to physical therapy.

18 BY repealing and reenacting, with amendments,

19 Article - Health Occupations

20 Section ~~13-301(b)~~, 13-302(e), 13-303, 13-306(c), 13-313(c) and (d), and 13-316(3);
21 ~~(5), and (6) through (23)~~

22 Annotated Code of Maryland

23 (1994 Replacement Volume and 1996 Supplement)

24 ~~BY adding to~~25 ~~Article - Health Occupations~~26 ~~Section 13-310(e)~~

2

1 ~~Annotated Code of Maryland~~
2 ~~(1994 Replacement Volume and 1996 Supplement)~~

3 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
4 MARYLAND, That the Laws of Maryland read as follows:

5 **Article - Health Occupations**

6 ~~13-301.~~

7 ~~(b) This section does not apply to:~~

8 ~~(1) A student who is supervised directly by a licensed physical therapist in a~~
9 ~~Board approved physical therapy educational program; or~~

10 ~~(2) A physical therapy aide, if the physical therapy aide:~~

11 ~~(i) Subject to the rules and regulations adopted by the Board,~~
12 ~~performs only procedures that do not require the professional skills of a licensed physical~~
13 ~~therapist or a licensed physical therapist assistant; and~~

14 ~~(ii) Performs procedures only under the direct supervision of a~~
15 ~~licensed physical therapist [who] OR A LICENSED PHYSICAL THERAPIST ASSISTANT IN~~
16 ~~ACCORDANCE WITH § 13-310 OF THIS SUBTITLE WHILE THE LICENSED PHYSICAL~~
17 ~~THERAPIST OR LICENSED PHYSICAL THERAPIST ASSISTANT personally is present in~~
18 ~~the area where the procedures are performed.~~

19 13-302.

20 (e) (1) [The] EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE
21 Board shall require as part of its examination or licensing procedures that an applicant
22 for a license to practice physical therapy or limited physical therapy demonstrate [an]
23 WRITTEN AND oral competency in the English language.

24 (2) [Graduation from a recognized English-speaking undergraduate school
25 after at least 3 years of enrollment, or from a recognized English-speaking professional
26 school is acceptable as proof of proficiency in the oral communication of the English
27 language under this section] AN APPLICANT SHALL BE EXEMPT FROM ENGLISH
28 COMPETENCY TESTING IF THE APPLICANT GRADUATED FROM A PHYSICAL
29 THERAPY PROGRAM WHICH WAS TAUGHT IN ENGLISH.

30 (3) By regulation, the Board shall develop a procedure for testing
31 individuals who because of their speech impairment are unable to complete satisfactorily
32 a Board approved standardized test of oral competency.

33 (4) If any disciplinary charges or action that involves a problem with the oral
34 communication of the English language are brought against a licensee under this title, the
35 Board shall require the licensee to take and pass a Board approved standardized test of
36 oral competency.

37 13-303.

38 (a) If an applicant for a physical therapy license has been educated in physical
39 therapy in any state, the applicant shall have:

3

1 (1) Graduated from a physical therapy [curriculum that, in the year of
2 graduation, was approved by:

3 (i) The American Medical Association; or

4 (ii) The American Physical Therapy Association; and] PROGRAM
5 ACCREDITED BY THE COMMISSION ON ACCREDITATION OF PHYSICAL THERAPY
6 EDUCATION; AND

7 (2) Completed satisfactorily the clinical training required by the physical
8 therapy curriculum.

9 (b) If an applicant for a physical therapy license has been educated in physical
10 therapy outside of any state, the applicant shall have:

11 (1) [Graduated from a physical therapy curriculum] EARNED ALL
12 CREDITS EARNED AT AN INSTITUTION OF HIGHER LEARNING that has educational
13 requirements [comparable to those approved by:

14 (i) The American Medical Association; or

15 (ii) The American Physical Therapy Association; and] EQUIVALENT
16 TO A BACHELOR'S DEGREE IN PHYSICAL THERAPY FROM A UNITED STATES
17 PROGRAM ACCREDITED BY THE COMMISSION ON ACCREDITATION OF PHYSICAL
18 THERAPY EDUCATION;

19 (2) EARNED A MINIMUM OF 120 CREDIT HOURS IN THE FOLLOWING
20 MANNER:

21 (I) 50 CREDIT HOURS IN GENERAL EDUCATION TO INCLUDE AT
22 LEAST ONE SEMESTER COURSE IN:

- 23 1. HUMANITIES;
- 24 2. SOCIAL SCIENCE;
- 25 3. BEHAVIORAL SCIENCE;
- 26 4. PHYSICS WITH A LAB;
- 27 5. CHEMISTRY WITH A LAB;
- 28 6. BIOLOGY WITH A LAB; AND
- 29 7. MATHEMATICS;

30 (II) 60 CREDIT HOURS IN A PROFESSIONAL PHYSICAL THERAPY
31 PROGRAM TO INCLUDE AT LEAST ONE COURSE IN:

- 32 1. HUMAN ANATOMY;
- 33 2. HUMAN PHYSIOLOGY;
- 34 3. NEUROLOGY;
- 35 4. PHYSIOLOGY;

4

- 1 5. FUNCTIONAL ANATOMY;
- 2 6. KINESIOLOGY;
- 3 7. ORTHOPEDICS;
- 4 8. PEDIATRICS;
- 5 9. GERIATRICS;
- 6 10. PHYSICAL AGENTS;
- 7 11. MUSCULOSKELETAL ASSESSMENT AND TREATMENT;
- 8 12. NEUROMUSCULAR ASSESSMENT AND TREATMENT; AND
- 9 13. CARDIOPULMONARY ASSESSMENT AND TREATMENT;

10 AND

11 (III) 10 CREDIT HOURS AS ELECTIVES IN GENERAL OR
12 PROFESSIONAL EDUCATION;

13 (3) COMPLETED AT LEAST TWO CLINICAL AFFILIATIONS TOTALLING AT
14 LEAST 800 HOURS; AND

15 [(2)] (4) Completed [in any state] a preceptorship that fulfills the
16 requirements set by the Board.

17 13-306.

18 (c) The Board OR ITS AGENT shall[:

19 (1) Notify each qualified applicant of the time and place of examination;
20 and

21 (2) Publish notice of the time and place of each examination given under
22 this subtitle:

23 (i) At least one time in a daily newspaper of general circulation in this
24 State; and

25 (ii) In any other manner that the Board determines] NOTIFY EACH
26 QUALIFIED APPLICANT OF THE TIME AND PLACE OF THE EXAMINATION.

27 ~~13-310.~~

28 ~~(C) A PHYSICAL THERAPIST ASSISTANT MAY SUPERVISE NO MORE THAN ONE~~
29 ~~PHYSICAL THERAPY AIDE.~~

30 13-313.

31 (c) (1) Unless the Board revokes a temporary license, [each] A temporary
32 license expires [60] 90 days after [the date of the next scheduled examination]
33 ISSUANCE.

5

1 (2) If a holder of a temporary license applies for a license by examination
 2 but does not report to take the [next scheduled] examination WHEN SCHEDULED, the
 3 temporary license expires on the date of [that] THE SCHEDULED examination.

4 (d) The Board may[:

5 (1) Extend a temporary license to complete a preceptorship; or

6 (2) Renew a temporary license once for an additional term under subsection
 7 (c) of this section, if the holder:

8 (i) Otherwise meets the requirements of this section;

9 (ii) Submits a renewal application to the Board on the form that the
 10 Board requires; and

11 (iii) Pays to the Board a temporary license renewal fee set by the
 12 Board] EXTEND A TEMPORARY LICENSE TO COMPLETE A PRECEPTORSHIP.

13 13-316.

14 Subject to the hearing provisions of § 13-317 of this subtitle, the Board may deny a
 15 license, temporary license, or restricted license to any applicant, reprimand any licensee
 16 or holder of a temporary license or restricted license, place any licensee or holder of a
 17 temporary license or restricted license on probation, or suspend or revoke a license,
 18 temporary license, or restricted license if the applicant, licensee, or holder:

19 (3) ~~Practices physical therapy inconsistent with any written or oral order~~
 20 of:

21 (i) A physician authorized to practice medicine in any state;

22 (ii) A dentist authorized to practice dentistry in any state; or

23 (iii) A podiatrist authorized to practice podiatry in any state];

24 ~~(4) FAILS TO MEET APPROPRIATE STANDARDS FOR THE DELIVERY OF~~
 25 QUALITY PHYSICAL THERAPY CARE;

26 ~~[(4)] (5) Unless specifically licensed with respect to the treatment, treats or~~
 27 ~~attempts to treat a health condition of an individual by means other than physical~~
 28 ~~therapy;~~

29 ~~(5)] (6) In the case of an individual who is authorized to practice physical~~
 30 therapy [under this title], is grossly negligent:

31 (I) [in] IN the practice of physical therapy; [or]

32 (II) [in] IN the direction of an individual who is authorized to practice
 33 limited physical therapy [under this title]; OR

34 (III) IN THE SUPERVISION OF A PHYSICAL THERAPY AIDE;

35 ~~(6)] (7) In the case of an individual who is authorized to practice limited~~
 36 physical therapy [under this title]:

6

1 (i) Practices LIMITED physical therapy other than as authorized by
2 this title; [or]

3 (ii) Is grossly negligent while practicing limited physical therapy; OR

4 (III) IS GROSSLY NEGLIGENT IN THE SUPERVISION OF A PHYSICAL
5 THERAPY AIDE;

6 ~~[(7)]~~ (8) Is convicted of or pleads guilty or nolo contendere to a felony or to
7 a crime involving moral turpitude, whether or not any appeal or other proceeding is
8 pending to have the conviction or plea set aside;

9 ~~[(8)]~~ (9) Is convicted of a violation of a narcotic law;

10 ~~[(9)]~~ (10) To an extent that impairs professional competence, habitually uses
11 any:

12 (i) Drug; or

13 (ii) Alcoholic beverage;

14 ~~[(10)]~~ (11) Pays or agrees to pay any sum to any person for bringing or
15 referring a patient;

16 ~~[(11)]~~ (12) Is disciplined by a licensing or disciplinary authority of any other
17 state or country or convicted or disciplined by a court of any state or country for an act
18 that would be grounds for disciplinary action under the Board's disciplinary statutes;

19 ~~[(12)]~~ (13) Practices physical therapy or limited physical therapy with an
20 unauthorized person or supervises or aids an unauthorized person in the practice of
21 physical therapy or limited physical therapy;

22 ~~[(13)]~~ (14) Willfully makes or files a false report or record in the practice of
23 physical therapy or limited physical therapy;

24 ~~[(14)]~~ (15) Willfully fails to file or record any report as required by law,
25 willfully impedes or obstructs the filing or recording of the report, or induces another to
26 fail to file or record the report;

27 ~~[(15)]~~ (16) Submits a false statement to collect a fee;

28 ~~[(16)]~~ (17) Violates any rule or regulation adopted by the Board;

29 ~~[(17)]~~ (18) Uses or promotes or causes the use of any misleading, deceiving, or
30 untruthful advertising matter, promotional literature, or testimonial;

31 ~~[(18)]~~ (19) Is professionally, physically, or mentally incompetent;

32 ~~[(19)]~~ (20) Promotes the sale of devices, appliances or goods to a patient so as
33 to exploit the patient for financial gain;

34 ~~[(20)]~~ (21) Commits an act of unprofessional conduct in the practice of
35 physical therapy;

36 ~~[(21)]~~ (22) Grossly overutilizes health care services;

7

1 [(22)] (23) Is convicted under insurance fraud under Article 48A, § 233A of
2 the Code; or

3 [(23)] (24) Refuses, withholds from, denies, or discriminates against an
4 individual with regard to the provision of professional services for which the licensee is
5 licensed and qualified to render because the individual is HIV positive.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 1997.