
By: **Senator Collins**
Introduced and read first time: February 5, 1998
Assigned to: Economic and Environmental Affairs

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 13, 1998

CHAPTER _____

1 AN ACT concerning

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

3 FOR the purpose of altering certain English language proficiency requirements for
4 physical therapy licensure; specifying certain educational requirements for
5 physical therapy licensure for certain applicants; requiring the agent of the
6 State Board of Physical Therapy Examiners to provide a certain notice
7 concerning the time and place of a certain examination; extending the period of
8 expiration of a certain temporary license after issuance of the license; providing
9 for the expiration of certain temporary licenses under certain circumstances;
10 repealing a certain authorization for the renewal of a certain temporary license;
11 altering certain grounds for disciplinary action by the Board; providing for
12 certain medical or psychological evaluation of certain licensees under certain
13 circumstances; authorizing certain judicial actions to enjoin certain conduct;
14 specifying a certain place where a certain judicial action may be held and a
15 certain evidentiary standard and legal effect applicable to that action; and
16 generally relating to physical therapy.

17 BY repealing and reenacting, with amendments,
18 Article - Health Occupations
19 Section 13-302, 13-303, 13-306, 13-313, and 13-316
20 Annotated Code of Maryland
21 (1994 Replacement Volume and 1997 Supplement)

22 BY adding to
23 Article - Health Occupations
24 Section 13-316.1 and 13-318.1
25 Annotated Code of Maryland

1 (1994 Replacement Volume and 1997 Supplement)

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

4 **Article - Health Occupations**

5 13-302.

6 (a) (1) To qualify for a physical therapy license, an applicant shall be an
7 individual who meets the requirements of:

8 (i) This section; and

9 (ii) § 13-303 of this subtitle.

10 (2) To qualify for a physical therapist assistant license, an applicant
11 shall be an individual who meets the requirements of:

12 (i) This section; and

13 (ii) § 13-304 of this subtitle.

14 (b) The applicant shall be of good moral character.

15 (c) Except as otherwise provided in this title, the applicant shall pass the
16 appropriate examination given by the Board under this subtitle.

17 (d) The applicant shall meet any other qualifications or requirements that the
18 Board establishes for license applicants.

19 (e) (1) [The] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
20 SUBSECTION, THE Board shall require as part of its examination or licensing
21 procedures that an applicant for a license to practice physical therapy or limited
22 physical therapy demonstrate [an] WRITTEN AND oral competency in the English
23 language.

24 (2) [Graduation from a recognized English-speaking undergraduate
25 school after at least 3 years of enrollment, or from a recognized English-speaking
26 professional school is acceptable as proof of proficiency in the oral communication of
27 the English language under this section] AN APPLICANT IS EXEMPT FROM ENGLISH
28 LANGUAGE COMPETENCY TESTING UNDER PARAGRAPH (1) OF THIS SUBSECTION IF
29 THE APPLICANT GRADUATED FROM A PHYSICAL THERAPY PROGRAM THAT WAS
30 TAUGHT IN ENGLISH.

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

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

5 13-303.

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

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

10 (i) The American Medical Association; [or]

11 (ii) The American Physical Therapy Association; [and] OR

12 (III) THE COMMISSION ON ACCREDITATION OF PHYSICAL THERAPY
13 EDUCATION; AND

14 (2) Completed satisfactorily the clinical training required by the physical
15 therapy curriculum.

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

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

21 (i) The American Medical Association; or

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

26 (2) EARNED A MINIMUM OF 120 CREDIT HOURS IN THE FOLLOWING
27 MANNER:

28 (I) 50 CREDIT HOURS IN GENERAL EDUCATION TO INCLUDE AT
29 LEAST A ~~TWO~~ ONE SEMESTER COURSE IN:

30 1. HUMANITIES;

31 2. SOCIAL SCIENCE;

32 3. BEHAVIORAL SCIENCE;

33 4. PHYSICS WITH A LABORATORY;

- 1 5. CHEMISTRY WITH A LABORATORY;
- 2 6. BIOLOGY WITH A LABORATORY; AND
- 3 7. MATHEMATICS;

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

- 6 1. HUMAN ANATOMY;
- 7 2. HUMAN PHYSIOLOGY;
- 8 3. NEUROLOGY;
- 9 4. PHYSIOLOGY;
- 10 5. FUNCTIONAL ANATOMY;
- 11 6. KINESIOLOGY;
- 12 7. ORTHOPEDECS;
- 13 8. PEDIATRICS;
- 14 9. GERIATRICS;
- 15 10. PHYSICAL AGENTS;
- 16 11. MUSCULOSKELETAL ASSESSMENT AND TREATMENT;
- 17 12. NEUROMUSCULAR ASSESSMENT AND TREATMENT; AND
- 18 13. CARDIOPULMONARY ASSESSMENT AND TREATMENT; AND

19 (III) 10 CREDIT HOURS AS ELECTIVES IN GENERAL OR
 20 PROFESSIONAL EDUCATION;

21 (3) COMPLETED AT LEAST TWO CLINICAL AFFILIATIONS TOTALING AT
 22 LEAST 800 HOURS; AND

23 [(2)] (4) Completed [in any state] a preceptorship that fulfills the
 24 requirements set by the Board.

25 13-306.

26 (a) An applicant who otherwise qualifies for a license is entitled to be
 27 examined for that license as provided in this section.

28 (b) The Board shall give examinations at least twice a year, at the times and
 29 places that the Board determines, to applicants for:

1 (1) A physical therapy license; and

2 (2) A physical therapist assistant license.

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

4 (1) Notify each qualified applicant of the time and place of examination;
5 and

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

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

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

12 (d) The Board shall determine the subjects, scope, form, and passing score for
13 examinations given under this subtitle.

14 13-313.

15 (a) (1) Subject to the provisions of this section, the Board shall issue a
16 temporary license to an applicant who:

17 (i) Except as provided in paragraph (2) of this subsection and
18 except for the examination requirements of this subtitle, has met the appropriate
19 licensing requirements of this title to the satisfaction of the Board;

20 (ii) Submits to the Board:

21 1. An application on the form that the Board requires; and

22 2. Any other document required by the Board; and

23 (iii) Pays to the Board the application fee set by the Board.

24 (2) In addition to the requirements of paragraph (1) of this subsection, to
25 be eligible for a temporary license an applicant educated outside of any state shall
26 have been accepted for a preceptorship.

27 (b) (1) A temporary license issued to a physical therapist authorizes the
28 holder to practice physical therapy while the temporary license is effective.

29 (2) A temporary license issued to a physical therapist assistant
30 authorizes the holder to practice limited physical therapy while the temporary license
31 is effective.

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

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

7 (d) The Board may[:

8 (1) Extend] EXTEND a temporary license to complete a preceptorship[;
9 or

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

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

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

15 (iii) Pays to the Board a temporary license renewal fee set by the
16 Board].

17 (e) The Board shall issue a license to replace the temporary license of a holder,
18 if the Board receives:

19 (1) The passing test scores of the holder; and

20 (2) Any other document that the Board requires.

21 13-316.

22 Subject to the hearing provisions of § 13-317 of this subtitle, the Board may
23 deny a license, temporary license, or restricted license to any applicant, reprimand
24 any licensee or holder of a temporary license or restricted license, place any licensee
25 or holder of a temporary license or restricted license on probation, or suspend or
26 revoke a license, temporary license, or restricted license if the applicant, licensee, or
27 holder:

28 (1) Fraudulently or deceptively obtains or attempts to obtain a license,
29 temporary license, or restricted license for the applicant, licensee, or holder or for
30 another;

31 (2) Fraudulently or deceptively uses a license, temporary license, or
32 restricted license;

33 (3) Practices physical therapy inconsistent with any written or oral order
34 of:

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

- 1 (ii) A dentist authorized to practice dentistry in any state; or
- 2 (iii) A podiatrist authorized to practice podiatry in any state;
- 3 (4) Unless specifically licensed with respect to the treatment, treats or
4 attempts to treat a health condition of an individual by means other than physical
5 therapy;
- 6 (5) In the case of an individual who is authorized to practice physical
7 therapy [under this title,] is grossly negligent [in the practice of physical therapy or
8 in the direction of an individual who is authorized to practice limited physical therapy
9 under this title;]:
- 10 (I) IN THE PRACTICE OF PHYSICAL THERAPY;
- 11 (II) IN THE DIRECTION OF AN INDIVIDUAL WHO IS AUTHORIZED TO
12 PRACTICE LIMITED PHYSICAL THERAPY; OR
- 13 (III) IN THE SUPERVISION OF A PHYSICAL THERAPY AIDE;
- 14 (6) In the case of an individual who is authorized to practice limited
15 physical therapy [under this title]:
- 16 (i) Practices LIMITED physical therapy other than as authorized by
17 this title; or
- 18 (ii) Is grossly negligent while practicing limited physical therapy;
- 19 (7) Is convicted of or pleads guilty or nolo contendere to a felony or to a
20 crime involving moral turpitude, whether or not any appeal or other proceeding is
21 pending to have the conviction or plea set aside;
- 22 (8) Is convicted of a violation of a narcotic law;
- 23 (9) To an extent that impairs professional competence, habitually uses
24 any:
- 25 (i) Drug; or
- 26 (ii) Alcoholic beverage;
- 27 (10) Pays or agrees to pay any sum to any person for bringing or referring
28 a patient;
- 29 (11) Is disciplined by a licensing or disciplinary authority of any other
30 state or country or convicted or disciplined by a court of any state or country for an act
31 that would be grounds for disciplinary action under the Board's disciplinary statutes;
- 32 (12) Practices physical therapy or limited physical therapy with an
33 unauthorized person or supervises or aids an unauthorized person in the practice of
34 physical therapy or limited physical therapy;

- 1 (13) Willfully makes or files a false report or record in the practice of
2 physical therapy or limited physical therapy;
- 3 (14) Willfully fails to file or record any report as required by law, willfully
4 impedes or obstructs the filing or recording of the report, or induces another to fail to
5 file or record the report;
- 6 (15) Submits a false statement to collect a fee;
- 7 (16) Violates any PROVISION OF THIS TITLE OR rule or regulation adopted
8 by the Board;
- 9 (17) Uses or promotes or causes the use of any misleading, deceiving, or
10 untruthful advertising matter, promotional literature, or testimonial;
- 11 (18) Is professionally, physically, or mentally incompetent;
- 12 (19) Promotes the sale of devices, appliances, or goods to a patient so as to
13 exploit the patient for financial gain;
- 14 (20) Commits an act of unprofessional conduct in the practice of physical
15 therapy;
- 16 (21) Grossly over utilizes health care services;
- 17 (22) Is convicted under insurance fraud as defined in § 27-801 of the
18 Insurance Article; [or]
- 19 (23) Refuses, withholds from, denies, or discriminates against an
20 individual with regard to the provision of professional services for which the licensee
21 is licensed and qualified to render because the individual is HIV positive[.];
- 22 (24) PROVIDES PROFESSIONAL SERVICES WHILE:
- 23 (I) UNDER THE INFLUENCE OF ALCOHOL; OR
- 24 (II) USING ANY NARCOTIC OR CONTROLLED DANGEROUS
25 SUBSTANCE, AS DEFINED IN ARTICLE 27 OF THE CODE, OR OTHER DRUG THAT IS IN
26 EXCESS OF THERAPEUTIC AMOUNTS OR WITHOUT VALID MEDICAL INDICATION;
- 27 (25) WILLFULLY AND WITHOUT LEGAL JUSTIFICATION, FAILS TO
28 COOPERATE WITH A LAWFUL INVESTIGATION CONDUCTED BY THE BOARD; OR
- 29 (26) FAILS TO MEET ACCEPTED STANDARDS IN DELIVERING PHYSICAL
30 THERAPY CARE.
- 31 13-316.1.
- 32 (A) IF IN INVESTIGATING AN ALLEGATION BROUGHT AGAINST A LICENSEE
33 UNDER THIS TITLE, THERE IS GOOD CAUSE TO BELIEVE THAT THE PHYSICAL OR
34 MENTAL CONDITION OF THE LICENSEE MAY ADVERSELY AFFECT THE ABILITY OF

1 THE LICENSEE TO PRACTICE PHYSICAL THERAPY OR LIMITED PHYSICAL THERAPY,
2 THE BOARD MAY REQUIRE THE LICENSEE TO SUBMIT TO APPROPRIATE MEDICAL OR
3 PSYCHOLOGICAL EXAMINATION, TESTING, OR EVALUATION BY A HEALTH CARE
4 PROVIDER DESIGNATED BY THE BOARD.

5 (B) IN RETURN FOR THE PRIVILEGE TO PRACTICE PHYSICAL THERAPY OR
6 LIMITED PHYSICAL THERAPY, A LICENSEE IS DEEMED TO:

7 (1) CONSENT TO BE EXAMINED, TESTED, OR EVALUATED PURSUANT TO
8 THIS SECTION; AND

9 (2) WAIVE OBJECTION TO THE RECEIPT OF AND CONSIDERATION BY
10 THE BOARD OF THE RESULTS OF ANY EXAMINATIONS, TESTS, OR EVALUATIONS
11 CONDUCTED BY, AND THE REPORTS AND TESTIMONY OF, THE EXAMINING HEALTH
12 CARE PROVIDER.

13 (C) THE FAILURE OR REFUSAL OF THE LICENSEE TO SUBMIT TO AN
14 EXAMINATION REQUIRED UNDER SUBSECTION (B) OF THIS SECTION MAY BE
15 CONSIDERED AS EVIDENCE OF THE INABILITY OF THE LICENSEE TO PRACTICE
16 COMPETENTLY, UNLESS THE BOARD FINDS THAT THE FAILURE OR REFUSAL WAS
17 BEYOND THE CONTROL OF THE LICENSEE.

18 (D) THE BOARD SHALL PAY THE COST OF ALL EXAMINATIONS, TESTS, AND
19 EVALUATIONS PERFORMED PURSUANT TO THIS SECTION.

20 13-318.1.

21 (A) AN ACTION MAY BE MAINTAINED IN THE NAME OF THIS STATE OR THE
22 BOARD TO ENJOIN:

23 (1) THE UNAUTHORIZED PRACTICE OF PHYSICAL THERAPY; OR

24 (2) CONDUCT THAT IS GROUND FOR DISCIPLINARY ACTION UNDER §
25 13-316 OF THIS TITLE.

26 (B) AN ACTION UNDER THIS SECTION MAY BE BROUGHT BY:

27 (1) THE BOARD IN ITS OWN NAME;

28 (2) THE ATTORNEY GENERAL, IN THE NAME OF THE STATE; OR

29 (3) A STATE'S ATTORNEY, IN THE NAME OF THE STATE.

30 (C) AN ACTION UNDER THIS SECTION MAY BE BROUGHT IN THE COUNTY
31 WHERE THE DEFENDANT RESIDES OR ENGAGED IN THE ACT SOUGHT TO BE
32 ENJOINED.

33 (D) PROOF OF ACTUAL DAMAGE OR THAT ANY PERSON WILL SUSTAIN ANY
34 DAMAGE IF AN INJUNCTION IS NOT GRANTED IS NOT REQUIRED FOR AN ACTION
35 UNDER THIS SECTION.

1 (E) AN ACTION UNDER THIS SECTION IS IN ADDITION TO AND NOT INSTEAD
2 OF CRIMINAL PROSECUTION FOR THE UNAUTHORIZED PRACTICE OF PHYSICAL
3 THERAPY UNDER § 13-401 OF THIS TITLE OR DISCIPLINARY ACTION UNDER § 13-316
4 OF THIS TITLE.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 1998.