

SENATE BILL 440

Unofficial Copy  
J2

1998 Regular Session  
(8r1922)

**ENROLLED BILL**

-- Economic and Environmental Affairs/Environmental Matters --

Introduced by **Senator Hollinger**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
President.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **State Board of Podiatric Medical Examiners - Notice of ~~Complaint~~**  
3 **Allegation to Licensee - Exception**

4 FOR the purpose of exempting the State Board of Podiatric Medical Examiners from  
5 a certain requirement to notify a licensed podiatrist within a certain time that a  
6 ~~complaint~~ an allegation has been filed against the licensee if the Board makes a  
7 certain determination; and generally relating to certain authority of the State  
8 Board of Podiatric Medical Examiners.

9 BY repealing and reenacting, with amendments,  
10 Article - Health Occupations  
11 Section 16-205  
12 Annotated Code of Maryland  
13 (1994 Replacement Volume and 1997 Supplement)

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

1

**Article - Health Occupations**

2 16-205.

3 (a) In addition to the powers set forth elsewhere in this title, the Board may:

4 (1) Adopt rules and regulations to carry out the provisions of this title;

5 (2) After consulting with the State Board of Pharmacy, adopt rules and  
6 regulations regarding the dispensing of prescription drugs by a licensed podiatrist;  
7 and8 (3) On receipt of a written and signed ~~complaint, investigate an alleged~~  
9 ALLEGATION, INVESTIGATE THE SAME FOR ANY POSSIBLE violation of this title.

10 (b) In addition to the duties set forth elsewhere in this title, the Board shall:

11 (1) Keep a complete record of all its transactions;

12 (2) Investigate any alleged unauthorized practice of podiatry and, if the  
13 results of the investigation indicate that the allegation has merit, report it to the  
14 State's Attorney of the county where the alleged violation occurred; ~~and~~15 (3) On receipt of a written and signed ~~complaint~~ ALLEGATION, including  
16 a referral from the Commissioner of Labor and Industry:17 (I) INVESTIGATE THE ALLEGATION FOR POSSIBLE VIOLATIONS OF  
18 THIS TITLE:19 (i) (II) Provide notice to the licensed podiatrist that ~~a complaint~~  
20 ~~has been filed against the licensed podiatrist~~ AN ALLEGATION HAS BEEN RECEIVED  
21 and forward a copy of the ~~complaint~~ ALLEGATION to the licensed podiatrist within 60  
22 days of receipt of the ~~complaint~~ ALLEGATION, unless the Board:23 1. Makes an affirmative determination that the disclosure  
24 would prejudice the investigation of the ~~complaint~~ ALLEGATION and notifies the  
25 licensee of the determination; [or]26 2. Disposes of the ~~complaint~~ ALLEGATION within 60 days of  
27 the date of receipt of the ~~complaint~~ ALLEGATION; OR28 3. ~~MAKES A DETERMINATION THAT THE COMPLAINT AN~~  
29 ~~AFFIRMATIVE DETERMINATION THAT ANY ACTION THAT THE BOARD MAY TAKE AS A~~  
30 ~~RESULT OF THE INVESTIGATION INTO THE ALLEGATION WILL MOST LIKELY NOT~~  
31 ~~RESULT IN FORMAL DISCIPLINARY ACTION AGAINST THE LICENSED PODIATRIST,~~  
32 ~~BUT THE BOARD CANNOT DISPOSE OF THE COMPLAINT WITHIN 60 DAYS; AND~~33 (ii) Notify (III) PERIODICALLY NOTIFY, at least every 3 months, the  
34 licensed podiatrist and ALL PERSONS OF INTEREST OF the ~~complainant as to the~~  
35 ~~status of any outstanding complaint~~ STATUS OF THE ALLEGATION UNTIL SUCH TIME  
36 AS THE ALLEGATION IS RESOLVED; and

1                   ~~(iii)~~    (4)       Conduct an unannounced inspection of the office of a  
2 podiatrist, other than an office of a podiatrist in a hospital, related institution,  
3 freestanding medical facility, or a freestanding birthing center, to determine  
4 compliance at that office with the Centers for Disease Control's guidelines on  
5 universal precautions.

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