
By: **Senator Hollinger**

Introduced and read first time: February 6, 1998

Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Podiatric Medical Examiners - Notice of Complaint to**
3 **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 has been filed against the licensee if the Board makes a certain
7 determination; and generally relating to certain authority of the State Board of
8 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:

16 **Article - Health Occupations**

17 16-205.

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

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

20 (2) After consulting with the State Board of Pharmacy, adopt rules and
21 regulations regarding the dispensing of prescription drugs by a licensed podiatrist;
22 and

23 (3) On receipt of a written and signed complaint, investigate an alleged
24 violation of this title.

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

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

1 (2) Investigate any alleged unauthorized practice of podiatry and, if the
2 results of the investigation indicate that the allegation has merit, report it to the
3 State's Attorney of the county where the alleged violation occurred; and

4 (3) On receipt of a written and signed complaint, including a referral
5 from the Commissioner of Labor and Industry:

6 (i) Provide notice to the licensed podiatrist that a complaint has
7 been filed against the licensed podiatrist and forward a copy of the complaint to the
8 licensed podiatrist within 60 days of receipt of the complaint, unless the Board:

9 1. Makes an affirmative determination that the disclosure
10 would prejudice the investigation of the complaint and notifies the licensee of the
11 determination; [or]

12 2. Disposes of the complaint within 60 days of the date of
13 receipt of the complaint; OR

14 3. **MAKES A DETERMINATION THAT THE COMPLAINT WILL**
15 **MOST LIKELY NOT RESULT IN DISCIPLINARY ACTION AGAINST THE LICENSED**
16 **PODIATRIST, BUT THE BOARD CANNOT DISPOSE OF THE COMPLAINT WITHIN 60 DAYS;**

17 (ii) Notify, at least every 3 months, the licensed podiatrist and the
18 complainant as to the status of any outstanding complaint; and

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

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