
By: **Senator Hollinger**

Introduced and read first time: February 6, 1998
Assigned to: Economic and Environmental Affairs

Committee Report: Favorable with amendments
Senate action: Adopted
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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:

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;

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

4 (3) On receipt of a written and signed ~~complaint~~, ~~investigate an alleged~~
 5 ALLEGATION, INVESTIGATE THE SAME FOR ANY POSSIBLE violation of this title.

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

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

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

11 (3) On receipt of a written and signed ~~complaint~~ ALLEGATION, including
 12 a referral from the Commissioner of Labor and Industry:

13 (I) INVESTIGATE THE ALLEGATION FOR POSSIBLE VIOLATIONS OF
 14 THIS TITLE;

15 (ii) (II) Provide notice to the licensed podiatrist that a ~~complaint~~
 16 ~~has been filed against the licensed podiatrist~~ AN ALLEGATION HAS BEEN RECEIVED
 17 and forward a copy of the ~~complaint~~ ALLEGATION to the licensed podiatrist within 60
 18 days of receipt of the ~~complaint~~ ALLEGATION, unless the Board:

19 1. Makes an affirmative determination that the disclosure
 20 would prejudice the investigation of the ~~complaint~~ ALLEGATION and notifies the
 21 licensee of the determination; [or]

22 2. Disposes of the ~~complaint~~ ALLEGATION within 60 days of
 23 the date of receipt of the ~~complaint~~ ALLEGATION; OR

24 3. ~~MAKES A DETERMINATION THAT THE COMPLAINT AN~~
 25 AFFIRMATIVE DETERMINATION THAT ANY ACTION THAT THE BOARD MAY TAKE AS A
 26 RESULT OF THE INVESTIGATION INTO THE ALLEGATION WILL MOST LIKELY NOT
 27 RESULT IN FORMAL DISCIPLINARY ACTION AGAINST THE LICENSED PODIATRIST,
 28 ~~BUT THE BOARD CANNOT DISPOSE OF THE COMPLAINT WITHIN 60 DAYS; AND~~

29 (ii) ~~Notify (III) PERIODICALLY NOTIFY, at least every 3 months,~~ the
 30 licensed podiatrist and ALL PERSONS OF INTEREST OF the complainant as to the
 31 ~~status of any outstanding complaint~~ STATUS OF THE ALLEGATION UNTIL SUCH TIME
 32 AS THE ALLEGATION IS RESOLVED; and

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

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