

HOUSE BILL 355

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2000 Regular Session
(01r1533)

ENROLLED BILL

-- Environmental Matters/Economic and Environmental Affairs --

Introduced by **Delegates Nathan-Pulliam, D. Davis, Oaks, and A. Jones**

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.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Board of Physical Therapy Examiners - Changes in the Physical Therapy**
3 **Practice Act**

4 FOR the purpose of amending the Physical Therapy Practice Act to allow the Board of
5 Physical Therapy Examiners to disclose certain information to other regulatory
6 boards ~~or a law enforcement agencies; or prosecutorial authority;~~ requiring the
7 Board to ensure, to the extent possible, that certain names are kept confidential
8 when the Board discloses certain information under this Act; allowing the Board
9 to grant a certain waiver under certain circumstances; allowing the Board to
10 reinstate a license under certain circumstances; requiring an individual whose
11 license has been suspended or revoked to return the license to the Board;
12 expanding provisions of law authorizing the Board to deny, suspend, or revoke a
13 license of an individual under certain circumstances and to take certain other
14 disciplinary actions to include an individual who practices or delivers limited
15 physical therapy and commits an act of unprofessional conduct or fails to meet
16 certain standards; allowing the Board to delegate authority to conduct a
17 disciplinary hearing to ~~two or more~~ a certain number of Board members;

1 requiring that a decision of the Board to deny, suspend, or revoke a license not
 2 be stayed pending appeal; and generally relating to the Physical Therapy
 3 Practice Act.

4 BY adding to
 5 Article - Health Occupations
 6 Section 13-207.1
 7 Annotated Code of Maryland
 8 (1994 Replacement Volume and 1999 Supplement)

9 BY repealing and reenacting, with amendments,
 10 Article - Health Occupations
 11 Section 13-303, 13-312, 13-315, 13-316(20) and (26), and 13-317, ~~and 13-318~~
 12 Annotated Code of Maryland
 13 (1994 Replacement Volume and 1999 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 13-207.1.

18 (A) THE BOARD MAY DISCLOSE ANY INFORMATION CONTAINED IN A RECORD
 19 OF THE BOARD TO ANY OTHER HEALTH OCCUPATIONS REGULATORY BOARD OF THIS
 20 STATE OR ANOTHER STATE IF:

21 (1) DISCLOSURE OF THE INFORMATION WOULD BE IN THE BEST
 22 INTEREST OF PUBLIC PROTECTION; AND

23 (2) THE INFORMATION IS BASED ON THE FINAL OUTCOME OF AN
 24 INVESTIGATION DECISION BY THE BOARD.

25 ~~(B) THE BOARD MAY DISCLOSE TO ANY LICENSING OR DISCIPLINARY~~
 26 ~~AUTHORITY OR OTHER LAW ENFORCEMENT, PROSECUTORIAL, OR JUDICIAL~~
 27 ~~AUTHORITY ANY INFORMATION IN THE INVESTIGATORY FILES OF THE BOARD.~~

28 ~~(B) IF THE BOARD DETERMINES THAT THE INFORMATION CONTAINED IN A~~
 29 ~~RECORD OF THE BOARD CONCERNS POSSIBLE CRIMINAL ACTIVITY OF A LICENSEE,~~
 30 ~~THE BOARD MAY DISCLOSE THE INFORMATION TO A LAW ENFORCEMENT OR~~
 31 ~~PROSECUTORIAL AUTHORITY.~~

32 ~~(C)~~ (B) SUBJECT TO TITLE 4, SUBTITLE 3 OF THE HEALTH - GENERAL
 33 ARTICLE, THE BOARD SHALL ENSURE, TO THE EXTENT POSSIBLE, THAT THE NAME
 34 OF AN INDIVIDUAL FILING A COMPLAINT WITH THE BOARD OR PROVIDING
 35 INFORMATION FOR AN INVESTIGATION IS KEPT CONFIDENTIAL WHEN INFORMATION
 36 IS DISCLOSED UNDER SUBSECTION (A) OR (B) OF THIS SECTION.

1 13-303.

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

4 (1) Graduated from a physical therapy program that, in the year of
5 graduation, was approved by:

6 (i) The American Medical Association;

7 (ii) The American Physical Therapy Association; or

8 (iii) The Commission on Accreditation of Physical Therapy
9 Education; and

10 (2) Completed satisfactorily the clinical training required by the physical
11 therapy curriculum.

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

14 (1) Earned all credits at an institution of higher learning that has
15 educational requirements equivalent to a bachelor's degree in physical therapy from a
16 United States program accredited by the Commission on Accreditation of Physical
17 Therapy Education;

18 (2) Earned a minimum of 120 credit hours in the following manner:

19 (i) 50 credit hours in general education to include at least one
20 course in:

21 1. Humanities;

22 2. Social science;

23 3. Behavioral science;

24 4. Physics with a laboratory;

25 5. Chemistry with a laboratory;

26 6. Biology with a laboratory; and

27 7. Mathematics;

28 (ii) 60 credit hours in a professional physical therapy program to
29 include at least one course in:

30 1. Human anatomy;

31 2. Human physiology;

1 (v) Submits to the Board an application on the form required by the
2 Board; and

3 (vi) Has met the continuing education requirements of § 13-311(d)
4 of this subtitle.

5 (2) The Board may not require the physical therapist or physical
6 therapist assistant who qualifies for reinstatement under this subsection to be
7 reexamined under § 13-306 of this subtitle.

8 (b) The physical therapist or physical therapist assistant who does not qualify
9 under subsection (a) of this section may not have the license reinstated. The physical
10 therapist or physical therapist assistant may become licensed only by meeting the
11 current requirements for obtaining a new license under this title.

12 13-315.

13 (a) Unless the Board agrees to accept the surrender of a license, a licensed
14 physical therapist, licensed physical therapist assistant, or holder of a restricted
15 license or temporary license may not surrender the license nor may the license lapse
16 by operation of law while the licensee is under investigation or while charges are
17 pending against the licensee.

18 (b) The Board may set conditions on its agreement with the licensee under
19 investigation or against whom charges are pending to accept surrender of the license.

20 (C) AN INDIVIDUAL WHOSE LICENSE HAS BEEN SUSPENDED OR REVOKED BY
21 THE BOARD SHALL RETURN THE LICENSE TO THE BOARD. IF THE SUSPENDED OR
22 REVOKED LICENSE HAS BEEN LOST, THE INDIVIDUAL SHALL FILE WITH THE BOARD
23 A STATEMENT VERIFYING THAT THE INDIVIDUAL'S LICENSE HAS BEEN LOST.

24 13-316.

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

31 (20) Commits an act of unprofessional conduct in the practice of physical
32 therapy OR LIMITED PHYSICAL THERAPY;

33 (26) Fails to meet accepted standards in delivering physical therapy OR
34 LIMITED PHYSICAL THERAPY care.

35 13-317.

36 (a) Except as otherwise provided in the Administrative Procedure Act, before
37 the Board takes any action under § 13-316 of this subtitle, it shall give the individual

1 against whom the action is contemplated an opportunity for a hearing before the
2 Board.

3 (b) The Board shall give notice and hold the hearing in accordance with the
4 Administrative Procedure Act.

5 (c) The individual may be represented at the hearing by counsel.

6 (D) (1) THE CHAIRMAN OF THE BOARD MAY DELEGATE AUTHORITY TO
7 CONDUCT A HEARING TO A COMMITTEE CONSISTING OF ~~TWO~~ THREE OR MORE
8 BOARD MEMBERS.

9 (2) THE COMMITTEE SHALL:

10 (I) HOLD AN EVIDENTIARY HEARING; AND

11 (II) PREPARE A RECOMMENDED DECISION FOR CONSIDERATION BY
12 A QUORUM OF THE BOARD, WHICH MAY INCLUDE MEMBERS OF THE COMMITTEE.

13 (3) THE COMMITTEE SHALL GIVE TO THE INDIVIDUAL WHO IS THE
14 SUBJECT OF THE HEARING NOTICE OF THE OPPORTUNITY TO FILE EXCEPTIONS AND
15 PRESENT ARGUMENT TO THE BOARD REGARDING THE DECISION OF THE
16 COMMITTEE.

17 [(d)] (E) Over the signature of an officer or the executive director of the Board,
18 the Board may issue subpoenas and administer oaths in connection with any
19 investigation under this title and any hearings or proceedings before it.

20 [(e)] (F) If, without lawful excuse, a person disobeys a subpoena from the
21 Board or an order by the Board to take an oath or to testify or answer a question,
22 then, on petition of the Board, a court of competent jurisdiction may punish the
23 person as for contempt of court.

24 [(f)] (G) If after due notice the individual against whom the action is
25 contemplated fails or refuses to appear, nevertheless the Board may hear and
26 determine the matter.

27 ~~13-318.~~

28 ~~(a) Except as provided in this section for an action under § 13-316 of this~~
29 ~~subtitle, any person aggrieved by a final decision of the Board in a contested case, as~~
30 ~~defined in the Administrative Procedure Act, may:~~

31 ~~(1) Appeal that decision to the Board of Review; and~~

32 ~~(2) Then take any further appeal allowed by the Administrative~~
33 ~~Procedure Act.~~

34 (b) (1) Any person aggrieved by a final decision of the Board under § 13-316
35 of this subtitle may not appeal to the Secretary or Board of Review but may take a
36 direct judicial appeal.

1 (2) The appeal shall be made as provided for judicial review of final
2 ~~decisions in the Administrative Procedure Act.~~

3 (C) ~~A DECISION BY THE BOARD TO DENY, SUSPEND, OR REVOKE A LICENSE~~
4 ~~MAY NOT BE STAYED PENDING JUDICIAL REVIEW.~~

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2000.