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By: **Delegates Nathan-Pulliam, D. Davis, Oaks, and A. Jones**  
Introduced and read first time: February 2, 2000  
Assigned to: Environmental Matters

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A BILL ENTITLED

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 law enforcement agencies; allowing the Board to grant a certain  
7 waiver under certain circumstances; allowing the Board to reinstate a license  
8 under certain circumstances; requiring an individual whose license has been  
9 suspended or revoked to return the license to the Board; allowing the Board to  
10 delegate authority to conduct a disciplinary hearing to two or more Board  
11 members; requiring that a decision of the Board to deny, suspend, or revoke a  
12 license not be stayed pending appeal; and generally relating to the Physical  
13 Therapy Practice Act.

14 BY adding to  
15 Article - Health Occupations  
16 Section 13-207.1  
17 Annotated Code of Maryland  
18 (1994 Replacement Volume and 1999 Supplement)

19 BY repealing and reenacting, with amendments,  
20 Article - Health Occupations  
21 Section 13-303, 13-312, 13-315, 13-317, and 13-318  
22 Annotated Code of Maryland  
23 (1994 Replacement Volume and 1999 Supplement)

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

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**Article - Health Occupations**

2 13-207.1.

3 (A) THE BOARD MAY DISCLOSE ANY INFORMATION CONTAINED IN A RECORD  
4 OF THE BOARD TO ANY OTHER HEALTH OCCUPATIONS REGULATORY BOARD OF THIS  
5 STATE OR ANOTHER STATE IF DISCLOSURE OF THE INFORMATION WOULD BE IN THE  
6 BEST INTEREST OF PUBLIC PROTECTION.

7 (B) THE BOARD MAY DISCLOSE TO ANY LICENSING OR DISCIPLINARY  
8 AUTHORITY OR OTHER LAW ENFORCEMENT, PROSECUTORIAL, OR JUDICIAL  
9 AUTHORITY ANY INFORMATION IN THE INVESTIGATORY FILES OF THE BOARD.

10 13-303.

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

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

15 (i) The American Medical Association;

16 (ii) The American Physical Therapy Association; or

17 (iii) The Commission on Accreditation of Physical Therapy  
18 Education; and

19 (2) Completed satisfactorily the clinical training required by the physical  
20 therapy curriculum.

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

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

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

28 (i) 50 credit hours in general education to include at least one  
29 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 program to  
5 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. Orthopedics;
- 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 professional education;

20 (3) Completed at least two clinical affiliations totaling at least 800  
21 hours; and

22 (4) Completed a preceptorship that fulfills the requirements set by the  
23 Board.

24 (C) IF AN APPLICANT IS CURRENTLY LICENSED IN ANY OTHER STATE, THE  
25 BOARD MAY WAIVE THE PRECEPTORSHIP REQUIREMENT.

26 13-312.

27 (a) (1) [If the former holder of a physical therapy license or physical  
28 therapist assistant license fails for any reason to renew the license within 3 years  
29 after it has expired, the Board shall reinstate the appropriate license, if the physical

1 therapist or physical therapist assistant] WITHIN 3 YEARS AFTER A LICENSE HAS  
2 EXPIRED, THE BOARD MAY REINSTATE THE LICENSE IF THE LICENSEE:

3 (i) Was licensed by passing a Board approved national licensing  
4 examination;

5 (ii) Has not practiced [actively] physical therapy or limited  
6 physical therapy in this State during that period;

7 (iii) Otherwise is entitled to be licensed;

8 (iv) Pays to the Board the application fee set by the Board;

9 (v) Submits to the Board an application on the form required by the  
10 Board; and

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

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

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

20 13-315.

21 (a) Unless the Board agrees to accept the surrender of a license, a licensed  
22 physical therapist, licensed physical therapist assistant, or holder of a restricted  
23 license or temporary license may not surrender the license nor may the license lapse  
24 by operation of law while the licensee is under investigation or while charges are  
25 pending against the licensee.

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

28 (C) AN INDIVIDUAL WHOSE LICENSE HAS BEEN SUSPENDED OR REVOKED BY  
29 THE BOARD SHALL RETURN THE LICENSE TO THE BOARD. IF THE SUSPENDED OR  
30 REVOKED LICENSE HAS BEEN LOST, THE INDIVIDUAL SHALL FILE WITH THE BOARD  
31 A STATEMENT VERIFYING THAT THE INDIVIDUAL'S LICENSE HAS BEEN LOST.

32 13-317.

33 (a) Except as otherwise provided in the Administrative Procedure Act, before  
34 the Board takes any action under § 13-316 of this subtitle, it shall give the individual  
35 against whom the action is contemplated an opportunity for a hearing before the  
36 Board.

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

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

4 (D) (1) THE CHAIRMAN OF THE BOARD MAY DELEGATE AUTHORITY TO  
5 CONDUCT A HEARING TO A COMMITTEE CONSISTING OF TWO OR MORE BOARD  
6 MEMBERS.

7 (2) THE COMMITTEE SHALL:

8 (I) HOLD AN EVIDENTIARY HEARING; AND

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

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

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

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

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

25 13-318.

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

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

30 (2) Then take any further appeal allowed by the Administrative  
31 Procedure Act.

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

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

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

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