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

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 17, 2000

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

21 BY adding to
22 Article - Health Occupations
23 Section 13-207.1
24 Annotated Code of Maryland
25 (1994 Replacement Volume and 1999 Supplement)

26 BY repealing and reenacting, with amendments,

1 Article - Health Occupations
2 Section 13-303, 13-312, 13-315, 13-316(20) and (26), and 13-317,~~and 13-318~~
3 Annotated Code of Maryland
4 (1994 Replacement Volume and 1999 Supplement)

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

7 **Article - Health Occupations**

8 13-207.1.

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

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

14 (2) THE INFORMATION IS BASED ON THE FINAL OUTCOME OF AN
15 INVESTIGATION BY THE BOARD.

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

19 (B) IF THE BOARD DETERMINES THAT THE INFORMATION CONTAINED IN A
20 RECORD OF THE BOARD CONCERNS POSSIBLE CRIMINAL ACTIVITY OF A LICENSEE,
21 THE BOARD MAY DISCLOSE THE INFORMATION TO A LAW ENFORCEMENT OR
22 PROSECUTORIAL AUTHORITY.

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

28 13-303.

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

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

33 (i) The American Medical Association;

34 (ii) The American Physical Therapy Association; or

1 (iii) The Commission on Accreditation of Physical Therapy
2 Education; and

3 (2) Completed satisfactorily the clinical training required by the physical
4 therapy curriculum.

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

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

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

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

- 14 1. Humanities;
- 15 2. Social science;
- 16 3. Behavioral science;
- 17 4. Physics with a laboratory;
- 18 5. Chemistry with a laboratory;
- 19 6. Biology with a laboratory; and
- 20 7. Mathematics;

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

- 23 1. Human anatomy;
- 24 2. Human physiology;
- 25 3. Neurology;
- 26 4. Physiology;
- 27 5. Functional anatomy;
- 28 6. Kinesiology;
- 29 7. Orthopedics;
- 30 8. Pediatrics;

1 therapist or physical therapist assistant may become licensed only by meeting the
2 current requirements for obtaining a new license under this title.

3 13-315.

4 (a) Unless the Board agrees to accept the surrender of a license, a licensed
5 physical therapist, licensed physical therapist assistant, or holder of a restricted
6 license or temporary license may not surrender the license nor may the license lapse
7 by operation of law while the licensee is under investigation or while charges are
8 pending against the licensee.

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

11 (C) AN INDIVIDUAL WHOSE LICENSE HAS BEEN SUSPENDED OR REVOKED BY
12 THE BOARD SHALL RETURN THE LICENSE TO THE BOARD. IF THE SUSPENDED OR
13 REVOKED LICENSE HAS BEEN LOST, THE INDIVIDUAL SHALL FILE WITH THE BOARD
14 A STATEMENT VERIFYING THAT THE INDIVIDUAL'S LICENSE HAS BEEN LOST.

15 13-316.

16 Subject to the hearing provisions of § 13-317 of this subtitle, the Board may
17 deny a license, temporary license, or restricted license to any applicant, reprimand
18 any licensee or holder of a temporary license or restricted license, place any licensee
19 or holder of a temporary license or restricted license on probation, or suspend or
20 revoke a license, temporary license, or restricted license if the applicant, licensee, or
21 holder:

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

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

26 13-317.

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

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

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

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

1 (2) THE COMMITTEE SHALL:

2 (I) HOLD AN EVIDENTIARY HEARING; AND

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

5 (3) THE COMMITTEE SHALL GIVE TO THE INDIVIDUAL WHO IS THE
6 SUBJECT OF THE HEARING NOTICE OF THE OPPORTUNITY TO FILE EXCEPTIONS AND
7 PRESENT ARGUMENT TO THE BOARD REGARDING THE DECISION OF THE
8 COMMITTEE.

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

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

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

19 ~~13-318.~~

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

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

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

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

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

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

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

