

Department of Legislative Services
Maryland General Assembly
2003 Session

FISCAL AND POLICY NOTE
Revised

House Bill 257

(Delegate Hubbard)

Health and Government Operations

Education, Health, and Environmental Affairs

State Board of Podiatric Medical Examiners - Revisions - Licensure and Penalties

This bill makes various changes to the State Board of Podiatric Medical Examiners licensure requirements, alters the qualifications for board members, creates a temporary license, and raises penalties.

Fiscal Summary

State Effect: Potential significant increase in general and special fund revenues from increased criminal, civil, and administrative penalties. Minimal increase in fee revenues. No effect on Department of Health and Mental Hygiene (DHMH) special fund expenditures. No effect on the Office of Administrative Hearings revenues or expenditures.

Local Effect: None.

Small Business Effect: Meaningful to the extent that small businesses are fined.

Analysis

Bill Summary: This bill allows the board to issue a three-month, renewable temporary license to a podiatrist licensed in another state to practice or teach podiatry in Maryland if the other state's licensing requirements are equivalent to Maryland's requirements and the licensed podiatrist pays a temporary license fee. The temporary license allows its holder to practice on patients of the health care facility or program named on the license

or patients of a health care facility or program that is affiliated for training purposes with the facility or program named on the license and approved by the board.

In addition, the bill expands the base of individuals eligible for a limited license for training an applicant.

The bill provides that if a license expires and the licensee fails to pay the renewal fee within 30 days, the expired license lapses into nonrenewal status and the board may require the licensee to meet the board's inactive status requirements to be reinstated. The bill also adds to the number of required documents an individual must submit to the board to receive an inactive license.

The bill also requires a licensee to notify the board of his or her change of address within 30 days of moving and allows the board to assess a fee against any licensee who does not do so.

Board members' qualifications are expanded under the bill to require its licensed podiatrist members to have peer review experience.

The bill increases the maximum criminal fine from \$200 to \$5,000 for individuals found guilty of the misdemeanor for practicing, attempting to practice, or offering to practice podiatry in the State without a license. The bill also increases, from \$5,000 to \$50,000, the civil fine for this offense and the board's administrative penalty that may be levied if a licensee engages in certain criminal or unethical acts.

Current Law: The board consists of seven members, of whom five must be licensed podiatrists and two must be consumers. Each podiatrist member must be a licensed practicing podiatrist of recognized ability and integrity and a State resident who has practiced in Maryland for at least five years immediately before being appointed.

A podiatrist license expires two years after it is issued and may be renewed in two-year increments. At least one month before a license expires, the board must send a renewal notice to licensees. A podiatrist has a 30-day grace period after a license expires to renew the license retroactively if the podiatrist is otherwise entitled to have the license renewed and pays the renewal and late fees.

A podiatrist's limited license expires one year after it is issued and may be renewed annually. The board can issue a limited license to an applicant who meets all of the licensing requirements except for the examination requirements. The limited license applicant also must have an appointment for postgraduate clinical training in podiatry or as a podiatric instructor in a DHMH licensed or approved health care facility, a program

approved by the Council on Education of the American Podiatry Association, or a program approved by the board.

The board can place the licensee on inactive status if the licensee submits an inactive license application and fee.

In a majority vote of serving board members, the board may impose an administrative monetary penalty of up to \$5,000 if the applicant, licensee, or holder of a limited license commits certain acts including: abandoning a patient; performing professional services while under the influence of alcohol or using any narcotic or controlled or dangerous substance; submitting a false statement to collect a fee; or grossly overutilizing health care services.

Background: There are 414 licensed podiatrists in Maryland. The board's limited license fee is \$50, the full license fee is \$750, and the fee for failing to notify the board of a change of address is \$100.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Office of Administrative Hearings, Department of Health and Mental Hygiene, Department of Legislative Services

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