

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE
Revised

House Bill 799

(Delegate Donoghue)

Health and Government Operations

Education, Health, and Environmental Affairs

Board of Physical Therapy Examiners

This bill makes various changes to the Maryland Physical Therapy Act and the Board of Physical Therapy Examiners' authority, including: (1) increasing the misdemeanor penalty; (2) establishing a board-imposed civil fine; (3) altering the record disclosure requirements; (4) altering the application requirements for individuals educated in another country; (5) requiring the board to elect a vice chairman; and (6) requiring ongoing rather than periodic supervision of licensed physical therapist assistants.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues and expenditures due to the bill's penalty provision. Potential significant increase in special fund revenues due to the board-imposed civil fine. No effect on Office of Administrative Hearings (OAH) general fund expenditures because the bill is not expected to increase the number of hearings.

Local Effect: Potential minimal increase in revenues and expenditures due to the bill's penalty provision.

Small Business Effect: Meaningful for violators who are found guilty of a misdemeanor offense and charged a fine and for violators who are assessed a board-imposed civil fine.

Analysis

Bill Summary:

Penalty/Fines: The bill increases the misdemeanor penalty for persons convicted of violating any part of the Maryland Physical Therapy Act from a maximum fine of \$1,000 to a maximum fine of \$5,000 and/or three years imprisonment. It adds a maximum \$50,000 civil fine for any person who practices physical therapy without a license, which is assessed by the board and paid into the State Board of Physical Therapy Examiners Fund.

Disclosing Records: The bill requires an affirmative vote by a majority of the board before it can disclose information from records that would protect the public. The board may then disclose any information from a board record to another State health occupations board if the information relates to a person licensed or certified by the other board. The board also may disclose to a physical therapy licensure board or any other state any information contained in a board record if it relates to a licensee and is based on the board's final decision or the information that the licensee has charges pending before the board and a final decision has not been reached.

Application Qualifications: For licensure applicants who were educated outside of any state, the bill eliminates the specific requirements related to the number of credit hours that must be earned in general education and physical therapy courses. It also eliminates the requirements that an individual complete at least two clinical affiliations for a total of at least 800 hours and complete a preceptorship.

Such applicants must have graduated from a physical therapy program that had educational requirements equivalent to a degree in physical therapy from a U.S. program accredited by the Commission on Accreditation of Physical Therapy Education in the year of graduation.

Current Law:

Fine: A person who violates any provision of the board statute is guilty of a misdemeanor and on conviction is subject to a maximum \$1,000 fine.

Disclosing Records: The board may disclose any information contained in a board record to any other health occupations regulatory board in Maryland or another state if doing so protects the public and the information is based on a final board decision. The board must ensure that the name of the individual filing a complaint with the board or

providing information for an investigation is kept confidential when the information is disclosed.

Application Qualifications: Licensure applicants who were educated in any state must have graduated from a physical therapy program that, in the year of graduation, was approved by the American Medical Association, the American Physical Therapy Association, or the Commission on Accreditation of Physical Therapy Education. Applicants also must satisfactorily complete the required clinical training.

Licensure applicants educated outside of any state must have: (1) earned all their credits at an institution of higher learning that has educational requirements equivalent to a bachelor's degree in physical therapy from a U.S. program accredited by the Commission on Accreditation of Physical Therapy Education; (2) earned a minimum of 120 credits in specific general education and physical therapy courses; (3) completed at least two clinical affiliations totaling at least 800 hours; and (4) completed a preceptorship.

Board Officer: From among its members, the board must annually elect a chairman. The board must determine the manner of the election and the chairman's duties.

Background: There are 7,822 licensed physical therapists and 1,844 licensed physical therapist assistants in Maryland.

State Revenues: General fund revenues could increase minimally as a result of the bill's monetary penalty provisions from cases heard in the District Court. Special fund revenues could increase significantly from board-imposed administrative penalties, depending on the number of penalties imposed and the penalty amounts.

State Expenditures: General fund expenditures could increase minimally as a result of the bill's incarceration penalty due to more people being committed to Division of Correction facilities for longer periods of time and increased payments to counties for reimbursement of inmate costs. The number of people convicted of this proposed crime is expected to be minimal.

Board special fund and OAH general fund expenditures are not expected to increase in fiscal 2005 or the out-years because the bill is not expected to increase the number of hearings.

Local Revenues: Revenues could increase minimally as a result of the bill's monetary penalty provisions from cases heard in the circuit courts.

Local Expenditures: Expenditures could increase minimally as a result of the bill's incarceration penalty. Counties pay the full cost of incarceration for people in their facilities for the first 90 days of the sentence, plus part of the per diem cost after 90 days. Per diem operating costs of local detention facilities are expected to range from \$29 to \$97 per inmate in fiscal 2005.

Additional Information

Prior Introductions: None.

Cross File: None.

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

Fiscal Note History: First Reader - March 17, 2004
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