

# HOUSE BILL 279

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By: **Chair, Health and Government Operations Committee (By Request – Departmental – Health and Mental Hygiene)**

Introduced and read first time: January 23, 2008

Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Board of Physical Therapy Examiners – Issuance of Temporary Licenses –**  
3 **Repeal**

4 FOR the purpose of repealing the authority of the Board of Physical Therapy  
5 Examiners to issue temporary licenses; repealing a certain definition; making  
6 certain conforming changes to certain provisions of the law relating to the  
7 Board of Physical Therapy Examiners; and generally relating to the Board of  
8 Physical Therapy Examiners.

9 BY repealing

10 Article – Health Occupations  
11 Section 13–101(k) and 13–313  
12 Annotated Code of Maryland  
13 (2005 Replacement Volume and 2007 Supplement)

14 BY repealing and reenacting, with amendments,

15 Article – Health Occupations  
16 Section 13–315(a) and 13–316  
17 Annotated Code of Maryland  
18 (2005 Replacement Volume and 2007 Supplement)

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

21 **Article – Health Occupations**

22 13–101.

23 [(k) “Temporary license” means a license issued by the Board under and as  
24 limited by § 13–313 of this title to practice:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) Physical therapy; or

2 (2) Limited physical therapy.]

3 [13–313.

4 (a) (1) Subject to the provisions of this section, the Board shall issue a  
5 temporary license to an applicant who:

6 (i) Except as provided in paragraph (2) of this subsection and  
7 except for the examination requirements of this subtitle, has met the appropriate  
8 licensing requirements of this title to the satisfaction of the Board;

9 (ii) Submits to the Board:

10 1. An application on the form that the Board requires;

11 and

12 2. Any other document required by the Board; and

13 (iii) Pays to the Board the application fee set by the Board.

14 (2) In addition to the requirements of paragraph (1) of this subsection,  
15 to be eligible for a temporary license an applicant educated outside of any state shall  
16 have been accepted for a preceptorship.

17 (b) (1) A temporary license issued to a physical therapist authorizes the  
18 holder to practice physical therapy while the temporary license is effective.

19 (2) A temporary license issued to a physical therapist assistant  
20 authorizes the holder to practice limited physical therapy while the temporary license  
21 is effective.

22 (c) (1) Unless the Board revokes a temporary license, a temporary license  
23 expires 90 days after issuance.

24 (2) If a holder of a temporary license applies for a license by  
25 examination but does not report to take the examination when scheduled, the  
26 temporary license expires on the date of the scheduled examination.

27 (d) The Board may extend a temporary license to complete a preceptorship.

28 (e) The Board shall issue a license to replace the temporary license of a  
29 holder, if the Board receives:

30 (1) The passing test scores of the holder; and

1 (2) Any other document that the Board requires.]

2 13-315.

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

8 13-316.

9 Subject to the hearing provisions of § 13-317 of this subtitle, the Board may  
10 deny a license[, temporary license,] or restricted license to any applicant, reprimand  
11 any licensee or holder of a [temporary license or] restricted license, place any licensee  
12 or holder of a [temporary license or] restricted license on probation, or suspend or  
13 revoke a license[, temporary license,] or restricted license if the applicant, licensee, or  
14 holder:

15 (1) Fraudulently or deceptively obtains or attempts to obtain a  
16 license[, temporary license,] or restricted license for the applicant, licensee, or holder  
17 or for another;

18 (2) Fraudulently or deceptively uses a license[, temporary license,] or  
19 restricted license;

20 (3) Unless specifically licensed with respect to the treatment, treats or  
21 attempts to treat a health condition of a patient or client by means other than physical  
22 therapy;

23 (4) In the case of an individual who is authorized to practice physical  
24 therapy is grossly negligent:

25 (i) In the practice of physical therapy;

26 (ii) In the direction of an individual who is authorized to  
27 practice limited physical therapy; or

28 (iii) In the supervision of a physical therapy aide;

29 (5) In the case of an individual who is authorized to practice limited  
30 physical therapy:

31 (i) Practices limited physical therapy other than as authorized  
32 by this title; or

1 (ii) Is grossly negligent while practicing limited physical  
2 therapy;

3 (6) Is convicted of or pleads guilty or nolo contendere to a felony or to a  
4 crime involving moral turpitude, whether or not any appeal or other proceeding is  
5 pending to have the conviction or plea set aside;

6 (7) Is convicted of a violation of a narcotic law;

7 (8) To an extent that impairs professional competence, habitually uses  
8 any:

9 (i) Drug; or

10 (ii) Alcoholic beverage;

11 (9) Pays or agrees to pay any sum to any person for bringing or  
12 referring a patient;

13 (10) Is disciplined by a licensing or disciplinary authority of any state  
14 or country or convicted or disciplined by a court of any state or country or disciplined  
15 by any branch of the United States uniformed services or Veterans Administration for  
16 an act that would be grounds for disciplinary action under the Board's disciplinary  
17 statutes;

18 (11) Practices physical therapy or limited physical therapy with an  
19 unauthorized person or supervises or aids an unauthorized person in the practice of  
20 physical therapy or limited physical therapy;

21 (12) Willfully makes or files a false report or record in the practice of  
22 physical therapy or limited physical therapy;

23 (13) Willfully fails to file or record any report as required by law,  
24 willfully impedes or obstructs the filing or recording of the report, or induces another  
25 to fail to file or record the report;

26 (14) Submits a false statement to collect a fee;

27 (15) Violates any provision of this title or rule or regulation adopted by  
28 the Board;

29 (16) Uses or promotes or causes the use of any misleading, deceiving, or  
30 untruthful advertising matter, promotional literature, or testimonial;

31 (17) Is professionally, physically, or mentally incompetent;

32 (18) Promotes the sale of devices, appliances, or goods to a patient or  
33 client so as to exploit the patient or client for financial gain;

1           (19) Commits an act of unprofessional conduct in the practice of  
2 physical therapy or limited physical therapy;

3           (20) Grossly overutilizes health care services;

4           (21) Is convicted under insurance fraud as defined in § 27–801 of the  
5 Insurance Article;

6           (22) Refuses, withholds from, denies, or discriminates against a patient  
7 or client with regard to the provision of professional services for which the licensee is  
8 licensed and qualified to render because the patient or client is HIV positive;

9           (23) Provides professional services while:

10                   (i) Under the influence of alcohol; or

11                   (ii) Using any narcotic or controlled dangerous substance, as  
12 defined in § 5–101 of the Criminal Law Article, or other drug that is in excess of  
13 therapeutic amounts or without valid medical indication;

14           (24) Willfully and without legal justification, fails to cooperate with a  
15 lawful investigation conducted by the Board; or

16           (25) Fails to meet accepted standards in delivering physical therapy or  
17 limited physical therapy care.

18           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
19 October 1, 2008.