

# HOUSE BILL 814

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By: **Delegate Costa**

Introduced and read first time: February 6, 2008

Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Health Occupations – Personal Trainers – Licensing**

3 FOR the purpose of requiring certain individuals to be licensed by the Board of  
4 Physicians as personal trainers before performing certain work in the State;  
5 establishing certain education and experience requirements to qualify for a  
6 license; providing a certain exemption for a certain education requirement;  
7 establishing certain application fees and requirements for obtaining a license;  
8 establishing certain terms and procedures for the renewal and reinstatement of  
9 a license; establishing certain terms and conditions for a temporary license;  
10 prohibiting a licensee from surrendering a license under certain circumstances;  
11 authorizing the Board to deny a license or temporary license to an applicant,  
12 reprimand a licensee or holder of a temporary license, place a licensee or  
13 temporary licensee on probation, or suspend or revoke a license or temporary  
14 license under certain circumstances; establishing certain requirements for  
15 reinstatement of a revoked license; providing for certain criminal and civil  
16 penalties; establishing certain hearing and appeal procedures for personal  
17 trainers; providing that the Board is subject to the provisions of the Maryland  
18 Program Evaluation Act; providing for the termination of this Act; defining  
19 certain terms; and generally relating to a personal training license.

20 BY renumbering

21 Article – State Government  
22 Section 8–403(b)(46) through (69), respectively  
23 to be Section 8–403(b)(47) through (70), respectively  
24 Annotated Code of Maryland  
25 (2004 Replacement Volume and 2007 Supplement)

26 BY repealing and reenacting, with amendments,

27 Article – Health Occupations  
28 Section 14–405  
29 Annotated Code of Maryland

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2005 Replacement Volume and 2007 Supplement)

2 BY adding to

3 Article – Health Occupations

4 Section 14–5D–01 through 14–5D–17 to be under the new subtitle “Subtitle 5D.  
5 Personal Trainers”

6 Annotated Code of Maryland

7 (2005 Replacement Volume and 2007 Supplement)

8 BY repealing and reenacting, without amendments,

9 Article – State Government

10 Section 8–403(a)

11 Annotated Code of Maryland

12 (2004 Replacement Volume and 2007 Supplement)

13 BY adding to

14 Article – State Government

15 Section 8–403(b)(46)

16 Annotated Code of Maryland

17 (2004 Replacement Volume and 2007 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
19 MARYLAND, That Section(s) 8–403(b)(46) through (69), respectively, of Article – State  
20 Government of the Annotated Code of Maryland be renumbered to be Section(s)  
21 8–403(b)(47) through (70), respectively.

22 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
23 read as follows:

24 **Article – Health Occupations**

25 14–405.

26 (a) Except as otherwise provided in the Administrative Procedure Act, before  
27 the Board takes any action under § 14–404(a) of this subtitle or § 14–5A–17(a) **OR** §  
28 **14–5D–12** of this title, it shall give the individual against whom the action is  
29 contemplated an opportunity for a hearing before a hearing officer.

30 (b) (1) The hearing officer shall give notice and hold the hearing in  
31 accordance with the Administrative Procedure Act.

32 (2) Factual findings shall be supported by a preponderance of the  
33 evidence.

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

1 (d) If after due notice the individual against whom the action is  
2 contemplated fails or refuses to appear, nevertheless the hearing officer may hear and  
3 refer the matter to the Board for disposition.

4 (e) After performing any necessary hearing under this section, the hearing  
5 officer shall refer proposed factual findings to the Board for the Board's disposition.

6 (f) The Board may adopt regulations to govern the taking of depositions and  
7 discovery in the hearing of charges.

8 (g) The hearing of charges may not be stayed or challenged by any  
9 procedural defects alleged to have occurred prior to the filing of charges.

10 **SUBTITLE 5D. PERSONAL TRAINERS.**

11 **14-5D-01.**

12 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
13 INDICATED.

14 (B) "AED" MEANS AN AUTOMATED EXTERNAL DEFIBRILLATOR.

15 (C) "BOARD" MEANS THE STATE BOARD OF PHYSICIANS.

16 (D) "LICENSE" MEANS A LICENSE ISSUED BY THE BOARD TO PRACTICE  
17 PERSONAL TRAINING.

18 (E) "LICENSED PERSONAL TRAINER" MEANS AN INDIVIDUAL WHO IS  
19 ENGAGED IN THE PRACTICE OF PERSONAL TRAINING AND IS LICENSED BY THE  
20 BOARD TO PRACTICE PERSONAL TRAINING.

21 (F) "NATIONAL CERTIFYING BOARD OR ASSOCIATION" MEANS THE  
22 NATIONAL BOARD OF FITNESS EXAMINERS OR APPROVED AFFILIATE OR ANY  
23 OTHER ORGANIZATION APPROVED BY THE BOARD.

24 (G) (1) "PRACTICE PERSONAL TRAINING" MEANS THE PROVISION OF  
25 THE FOLLOWING SERVICES:

26 (I) EVALUATION OF AN INDIVIDUAL'S HEALTH AND  
27 PHYSICAL FITNESS;

28 (II) DEVELOPMENT OF A PERSONAL EXERCISE PLAN OR  
29 PROGRAM;

1 (III) DEMONSTRATION OF EXERCISES OR THE USE OF  
2 EQUIPMENT DESIGNED TO IMPROVE PHYSICAL STRENGTH, BODY COMPOSITION,  
3 OR CARDIOVASCULAR ENDURANCE; OR

4 (IV) PROVISION OF PERSONAL TRAINING SESSIONS, EITHER  
5 FOR A FEE OR AS PART OF A SERVICE OFFERED BY A HEALTH CLUB.

6 (2) "PRACTICE PERSONAL TRAINING" DOES NOT INCLUDE  
7 PRACTICING:

8 (I) ATHLETIC TRAINING FOR AN ORGANIZED ATHLETIC  
9 ORGANIZATION;

10 (II) PHYSICAL THERAPY; OR

11 (III) CHIROPRACTIC.

12 (H) "TEMPORARY LICENSE" MEANS A LICENSE ISSUED BY THE BOARD  
13 UNDER AND AS LIMITED BY § 14-5D-10 OF THIS SUBTITLE TO PRACTICE  
14 PERSONAL TRAINING.

15 **14-5D-02.**

16 THIS SUBTITLE DOES NOT LIMIT THE RIGHT OF AN INDIVIDUAL TO  
17 PRACTICE A HEALTH OCCUPATION THAT THE INDIVIDUAL IS AUTHORIZED TO  
18 PRACTICE UNDER THIS ARTICLE.

19 **14-5D-03.**

20 (A) (1) THE BOARD SHALL SET REASONABLE FEES FOR THE  
21 ISSUANCE OF AND RENEWAL OF LICENSES AND OTHER SERVICES IT PROVIDES  
22 TO PERSONAL TRAINERS.

23 (2) THE FEES CHARGED SHALL BE SET SO AS TO PRODUCE FUNDS  
24 TO APPROXIMATE THE COST OF MAINTAINING THE LICENSURE PROGRAM AND  
25 OTHER SERVICES PROVIDED TO PERSONAL TRAINERS.

26 (B) (1) THE BOARD SHALL PAY ALL FEES COLLECTED UNDER THE  
27 PROVISIONS OF THIS SUBTITLE TO THE COMPTROLLER.

28 (2) THE COMPTROLLER SHALL DISTRIBUTE ALL FEES TO THE  
29 BOARD.

1           (C) THE FEES SHALL BE USED TO COVER THE ACTUAL DOCUMENTED  
2 DIRECT AND INDIRECT COSTS OF FULFILLING THE STATUTORY AND  
3 REGULATORY DUTIES OF THE BOARD AS PROVIDED BY THE PROVISIONS OF  
4 THIS SUBTITLE.

5 **14-5D-04.**

6           (A) IN ADDITION TO THE POWERS SET FORTH ELSEWHERE IN THIS  
7 SUBTITLE, THE BOARD SHALL:

8                   (1) DEVELOP REGULATIONS TO CARRY OUT THIS SUBTITLE  
9 THAT SHALL INCLUDE:

10                               (I) A CODE OF ETHICS FOR THE PRACTICE OF PERSONAL  
11 TRAINING SERVICES FOR ADOPTION BY THE BOARD;

12                               (II) STANDARDS OF CARE FOR THE PRACTICE OF PERSONAL  
13 TRAINING;

14                               (III) REQUIREMENTS FOR LICENSURE TO PROVIDE  
15 PERSONAL TRAINING, INCLUDING CRITERIA FOR PERSONAL TRAINERS WHO ARE  
16 LICENSED IN OTHER STATES TO PRACTICE IN THIS STATE;

17                   (2) VERIFY THE ACCREDITATION STATUS OF PERSONAL TRAINING  
18 EDUCATIONAL PROGRAMS TO BE APPROVED BY THE BOARD;

19                   (3) EVALUATE THE CREDENTIALS OF APPLICANTS AND  
20 RECOMMEND LICENSURE OF APPLICANTS WHO FULFILL THE REQUIREMENTS  
21 FOR A LICENSE TO PRACTICE PERSONAL TRAINING; AND

22                   (4) DEVELOP CONTINUING EDUCATION REQUIREMENTS FOR  
23 LICENSE RENEWAL.

24 **14-5D-05.**

25           (A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, ON OR AFTER  
26 OCTOBER 1, 2010, AN INDIVIDUAL SHALL BE LICENSED BY THE BOARD BEFORE  
27 THE INDIVIDUAL MAY PRACTICE PERSONAL TRAINING IN THIS STATE.

28           (B) THIS SECTION DOES NOT APPLY TO:

29                   (1) AN INDIVIDUAL EMPLOYED BY THE FEDERAL GOVERNMENT  
30 AS A PERSONAL TRAINER WHILE THE INDIVIDUAL IS PRACTICING WITHIN THE  
31 SCOPE OF THAT EMPLOYMENT;

1           **(2) AN INDIVIDUAL EMPLOYED BY OR UNDER CONTRACT WITH AN**  
2 **ENTITY LOCATED IN ANOTHER STATE AND WHO IS REPRESENTING THAT ENTITY**  
3 **AT AN ATHLETIC EVENT OR ANY OTHER EVENT FOR LESS THAN 90 DAYS IN THIS**  
4 **STATE; OR**

5           **(3) A STUDENT ENROLLED IN AN EDUCATION PROGRAM WHILE**  
6 **ENGAGED IN CLINICAL EDUCATIONAL EXPERIENCES OF PERSONAL TRAINING.**

7 **14-5D-06.**

8           **(A) TO QUALIFY FOR A LICENSE, AN APPLICANT SHALL BE AN**  
9 **INDIVIDUAL WHO MEETS THE REQUIREMENTS OF THIS SECTION.**

10          **(B) THE APPLICANT SHALL:**

11           **(1) BE OF GOOD MORAL CHARACTER; AND**

12           **(2) BE AT LEAST 18 YEARS OLD.**

13          **(C) THE APPLICANT SHALL:**

14           **(1) HOLD A CURRENT CERTIFICATE FROM A NATIONAL**  
15 **CERTIFYING BOARD OR ASSOCIATION APPROVED BY THE BOARD TO PRACTICE**  
16 **PERSONAL TRAINING;**

17           **(2) HOLD A CURRENT CERTIFICATE THROUGH A PROGRAM**  
18 **APPROVED BY THE BOARD INDICATING SUCCESSFUL COMPLETION OF TRAINING**  
19 **FOR CARDIOPULMONARY RESUSCITATION (CPR) AND THE USE OF AN AED;**

20           **(3) HAVE GRADUATED FROM AN ACCREDITED POSTSECONDARY**  
21 **INSTITUTION;**

22           **(4) HAVE COMPLETED, AT AN ACCREDITED POSTSECONDARY**  
23 **INSTITUTION, THE NUMBER OF CREDIT HOURS IN PHYSICAL EDUCATION**  
24 **ESTABLISHED BY THE BOARD; AND**

25           **(5) MEET ANY OTHER EDUCATIONAL AND CLINICAL TRAINING**  
26 **REQUIREMENTS ESTABLISHED BY THE BOARD.**

27          **(D) APPLICANTS WHO CAN DEMONSTRATE THEY HAVE BEEN EMPLOYED**  
28 **TO PRACTICE PERSONAL TRAINING ON OR BEFORE SEPTEMBER 30, 2008, ARE**  
29 **EXEMPT FROM THE REQUIREMENTS OF SUBSECTION (C)(3) OF THIS SECTION.**

1 **14-5D-07.**

2 (A) **TO APPLY FOR A LICENSE, AN APPLICANT SHALL:**

3 (1) **SUBMIT AN APPLICATION TO THE BOARD ON THE FORM THAT**  
4 **THE BOARD REQUIRES;**

5 (2) **PAY TO THE BOARD THE APPLICATION FEE SET BY THE**  
6 **BOARD; AND**

7 (3) **AGREE TO PROVIDE PERSONAL TRAINING SERVICES ONLY AT**  
8 **A FACILITY OR LOCATION WHERE AN AED IS ACCESSIBLE WHILE THE SERVICES**  
9 **ARE BEING PROVIDED.**

10 (B) **THE BOARD SHALL ISSUE THE APPROPRIATE LICENSE TO AN**  
11 **APPLICANT WHO MEETS THE REQUIREMENTS OF THIS SUBTITLE FOR THAT**  
12 **LICENSE.**

13 **14-5D-08.**

14 **A PERSONAL TRAINER LICENSE AUTHORIZES THE LICENSEE TO PRACTICE**  
15 **PERSONAL TRAINING SERVICES WHILE THE LICENSE IS EFFECTIVE.**

16 **14-5D-09.**

17 (A) **A LICENSE EXPIRES ON A DATE SET BY THE BOARD, UNLESS THE**  
18 **LICENSE IS RENEWED FOR AN ADDITIONAL TERM AS PROVIDED IN THIS**  
19 **SECTION.**

20 (B) **AT LEAST 1 MONTH BEFORE THE LICENSE EXPIRES, THE BOARD**  
21 **SHALL SEND TO THE LICENSEE, BY FIRST-CLASS MAIL TO THE LAST KNOWN**  
22 **ADDRESS OF THE LICENSEE, A RENEWAL NOTICE THAT STATES:**

23 (1) **THE DATE ON WHICH THE CURRENT LICENSE EXPIRES;**

24 (2) **THE DATE BY WHICH THE RENEWAL APPLICATION MUST BE**  
25 **RECEIVED BY THE BOARD FOR THE RENEWAL TO BE ISSUED AND MAILED**  
26 **BEFORE THE LICENSE EXPIRES; AND**

27 (3) **THE AMOUNT OF THE RENEWAL FEE.**

28 (C) **EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, BEFORE A**  
29 **LICENSE EXPIRES, THE LICENSEE PERIODICALLY MAY RENEW IT FOR AN**  
30 **ADDITIONAL TERM, IF THE LICENSEE:**

- 1           (1)   **OTHERWISE IS ENTITLED TO BE LICENSED;**
- 2           (2)   **PAYS TO THE BOARD A RENEWAL FEE SET BY THE BOARD;**  
3 **AND**
- 4           (3)   **SUBMITS TO THE BOARD:**
- 5                   (I)   **A RENEWAL APPLICATION OF THE FORM THAT THE**  
6 **BOARD REQUIRES; AND**
- 7                   (II)   **SATISFACTORY EVIDENCE OF COMPLIANCE WITH ANY**  
8 **CONTINUING EDUCATION OR COMPETENCY REQUIREMENTS AND ANY OTHER**  
9 **REQUIREMENTS SET UNDER THIS SECTION FOR LICENSE RENEWAL.**
- 10           (D)   **IN ADDITION TO ANY OTHER QUALIFICATIONS AND REQUIREMENTS**  
11 **ESTABLISHED BY THE BOARD, THE BOARD MAY ESTABLISH CONTINUING**  
12 **EDUCATION OR COMPETENCY REQUIREMENTS AS A CONDITION OF THE**  
13 **RENEWAL OF LICENSES UNDER THIS SECTION.**
- 14           (E)   **THE BOARD SHALL RENEW THE LICENSE OF EACH LICENSEE WHO**  
15 **MEETS THE REQUIREMENTS OF THIS SECTION.**
- 16           (F)   **THE BOARD SHALL REINSTATE THE LICENSE OF A PERSONAL**  
17 **TRAINER WHO HAS NOT PLACED THE LICENSE ON AN INACTIVE STATUS AND**  
18 **WHO HAS FAILED TO RENEW THE LICENSE FOR ANY REASON IF THE PERSONAL**  
19 **TRAINER:**
- 20                   (1)   **APPLIES FOR REINSTATEMENT WITHIN 30 DAYS AFTER THE**  
21 **DATE THE LICENSE EXPIRES;**
- 22                   (2)   **MEETS THE RENEWAL REQUIREMENTS OF THIS SECTION; AND**
- 23                   (3)   **PAYS TO THE BOARD THE REINSTATEMENT FEE SET BY THE**  
24 **BOARD.**
- 25 **14-5D-10.**
- 26           (A)   **THE BOARD MAY ISSUE A TEMPORARY LICENSE TO AN APPLICANT**  
27 **WHO:**
- 28                   (1)   **HAS MET THE APPROPRIATE REQUIREMENTS FOR LICENSURE**  
29 **OF A PERSONAL TRAINER UNDER § 14-5D-06 OF THIS SUBTITLE; OR**



1           (2) HAS BEEN CERTIFIED BY A PERSONAL TRAINER  
2 EDUCATIONAL PROGRAM THAT IS ACCREDITED BY A NATIONAL ORGANIZATION  
3 AND SHOWS PROOF OF APPLICATION FOR THE FIRST AVAILABLE NATIONAL  
4 CERTIFYING EXAMINATION.

5           (B) A TEMPORARY LICENSE ISSUED TO A PERSONAL TRAINER  
6 AUTHORIZES THE HOLDER TO PRACTICE PERSONAL TRAINING ONLY IN  
7 ASSOCIATION WITH A LICENSED PERSONAL TRAINER.

8           (C) A TEMPORARY LICENSE EXPIRES 45 DAYS AFTER THE DATE WHEN  
9 THE RESULTS OF THE FIRST EXAMINATION THAT THE HOLDER WAS ELIGIBLE TO  
10 TAKE ARE MADE PUBLIC.

11           (D) THE BOARD MAY NOT ISSUE MORE THAN TWO TEMPORARY  
12 LICENSES TO AN INDIVIDUAL.

13 **14-5D-11.**

14           UNLESS THE BOARD AGREES TO ACCEPT THE SURRENDER OF A LICENSE,  
15 A LICENSED PERSONAL TRAINER OR HOLDER OF A TEMPORARY LICENSE MAY  
16 NOT SURRENDER THE LICENSE NOR MAY THE LICENSE LAPSE BY OPERATION OF  
17 LAW WHILE THE LICENSEE IS UNDER INVESTIGATION OR WHILE CHARGES ARE  
18 PENDING AGAINST THE LICENSEE.

19 **14-5D-12.**

20           (A) SUBJECT TO THE HEARING PROVISIONS OF § 14-405 OF THIS TITLE,  
21 THE BOARD MAY DENY A LICENSE OR TEMPORARY LICENSE TO ANY APPLICANT,  
22 REPRIMAND ANY LICENSEE OR HOLDER OF A TEMPORARY LICENSE, PLACE ANY  
23 LICENSEE OR HOLDER OF A TEMPORARY LICENSE ON PROBATION, OR SUSPEND  
24 OR REVOKE A LICENSE OR TEMPORARY LICENSE IF THE APPLICANT, LICENSEE,  
25 OR HOLDER:

26           (1) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO  
27 OBTAIN A LICENSE OR TEMPORARY LICENSE FOR THE APPLICANT, LICENSEE,  
28 OR FOR ANOTHER;

29           (2) FRAUDULENTLY OR DECEPTIVELY USES A LICENSE OR  
30 TEMPORARY LICENSE;

31           (3) IS GUILTY OF UNPROFESSIONAL OR IMMORAL CONDUCT IN  
32 THE PRACTICE OF PERSONAL TRAINING;

1           (4) IS PROFESSIONALLY, PHYSICALLY, OR MENTALLY  
2 INCOMPETENT;

3           (5) ABANDONS A CLIENT;

4           (6) IS HABITUALLY INTOXICATED;

5           (7) IS ADDICTED TO OR HABITUALLY ABUSES ANY NARCOTIC OR  
6 CONTROLLED DANGEROUS SUBSTANCE AS DEFINED IN § 5-101 OF THE  
7 CRIMINAL LAW ARTICLE;

8           (8) PROVIDES PROFESSIONAL SERVICES WHILE:

9                   (I) UNDER THE INFLUENCE OF ALCOHOL; OR

10                   (II) USING ANY NARCOTIC OR CONTROLLED DANGEROUS  
11 SUBSTANCE AS DEFINED IN § 5-101 OF THE CRIMINAL LAW ARTICLE OR ANY  
12 OTHER DRUG THAT IS IN EXCESS OF THERAPEUTIC AMOUNTS OR WITHOUT  
13 VALID MEDICAL INDICATION;

14           (9) PROMOTES THE SALE OF SERVICES, DRUGS, DEVICES,  
15 APPLIANCES, OR GOODS TO A PATIENT SO AS TO EXPLOIT THE PATIENT FOR  
16 FINANCIAL GAIN;

17           (10) WILLFULLY MAKES OR FILES A FALSE REPORT OR RECORD IN  
18 THE PRACTICE OF PERSONAL TRAINER SERVICES;

19           (11) WILLFULLY FAILS TO FILE OR RECORD ANY REPORT AS  
20 REQUIRED UNDER LAW, WILLFULLY IMPEDES OR OBSTRUCTS THE FILING OR  
21 RECORDING OF A REPORT, OR INDUCES ANOTHER TO FAIL TO FILE OR RECORD  
22 A REPORT;

23           (12) BREACHES CLIENT CONFIDENTIALITY;

24           (13) PAYS OR AGREES TO PAY ANY SUM OR PROVIDE ANY FORM OF  
25 REMUNERATION OR MATERIAL BENEFIT TO ANY INDIVIDUAL FOR BRINGING OR  
26 REFERRING A PATIENT OR ACCEPTS OR AGREES TO ACCEPT ANY SUM OR ANY  
27 FORM OF REMUNERATION OR MATERIAL BENEFIT FROM AN INDIVIDUAL FOR  
28 BRINGING OR REFERRING A PATIENT;

29           (14) KNOWINGLY MAKES A MISREPRESENTATION WHILE  
30 PRACTICING PERSONAL TRAINING;

1           **(15) KNOWINGLY PRACTICES PERSONAL TRAINING WITH AN**  
2 **UNAUTHORIZED INDIVIDUAL OR AIDS AN UNAUTHORIZED INDIVIDUAL IN THE**  
3 **PRACTICE OF PERSONAL TRAINER SERVICES;**

4           **(16) OFFERS, UNDERTAKES, OR AGREES TO CURE OR TREAT**  
5 **DISEASE BY A SECRET METHOD, TREATMENT, OR MEDICINE;**

6           **(17) IS DISCIPLINED BY A LICENSING, CERTIFYING, OR**  
7 **DISCIPLINARY AUTHORITY OR IS CONVICTED OR DISCIPLINED BY A COURT OF**  
8 **ANY STATE OR COUNTRY OR IS DISCIPLINED BY ANY BRANCH OF THE UNITED**  
9 **STATES UNIFORMED SERVICES OR THE VETERANS ADMINISTRATION FOR AN**  
10 **ACT THAT WOULD BE GROUNDS FOR DISCIPLINARY ACTION UNDER THE**  
11 **BOARD'S DISCIPLINARY STATUTES;**

12           **(18) FAILS TO MEET APPROPRIATE STANDARDS FOR THE**  
13 **DELIVERY OF PERSONAL TRAINING SERVICES;**

14           **(19) KNOWINGLY SUBMITS FALSE STATEMENTS TO COLLECT FEES**  
15 **FOR WHICH SERVICES ARE NOT PROVIDED;**

16           **(20) (I) HAS BEEN SUBJECT TO INVESTIGATION OR**  
17 **DISCIPLINARY ACTION BY A LICENSING OR DISCIPLINARY AUTHORITY OR BY A**  
18 **COURT OF ANY STATE OR COUNTRY FOR AN ACT THAT WOULD BE GROUNDS FOR**  
19 **DISCIPLINARY ACTION UNDER THE BOARD'S DISCIPLINARY STATUTES; AND**

20                   **(II) THE LICENSED INDIVIDUAL:**

21                           **1. SURRENDERED THE LICENSE ISSUED BY THE**  
22 **STATE OR COUNTRY; OR**

23                           **2. ALLOWED THE LICENSE ISSUED BY THE STATE OR**  
24 **COUNTRY TO EXPIRE OR LAPSE;**

25           **(21) SELLS, PRESCRIBES, GIVES AWAY, OR ADMINISTERS DRUGS**  
26 **FOR ILLEGAL OR ILLEGITIMATE MEDICAL PURPOSES;**

27           **(22) PRACTICES OR ATTEMPTS TO PRACTICE BEYOND THE**  
28 **AUTHORIZED SCOPE OF PRACTICE;**

29           **(23) IS CONVICTED OF OR PLEADS GUILTY OR NOLO CONTENDERE**  
30 **TO A FELONY OR TO A CRIME INVOLVING MORAL TURPITUDE WHETHER OR NOT**  
31 **ANY APPEAL OR OTHER PROCEEDING IS PENDING TO HAVE THE CONVICTION OR**  
32 **PLEA SET ASIDE;**

1           **(25) REFUSES, WITHHOLDS FROM, DENIES, OR DISCRIMINATES**  
2 **AGAINST AN INDIVIDUAL WITH REGARD TO THE PROVISION OF PROFESSIONAL**  
3 **SERVICES FOR WHICH THE LICENSEE IS LICENSED AND QUALIFIED TO RENDER**  
4 **BECAUSE THE INDIVIDUAL IS HIV POSITIVE; OR**

5           **(26) PRACTICES OR ATTEMPTS TO PRACTICE A PERSONAL**  
6 **TRAINING PROCEDURE OR USES OR ATTEMPTS TO USE PERSONAL TRAINING**  
7 **EQUIPMENT IF THE APPLICANT OR LICENSEE HAS NOT RECEIVED EDUCATION**  
8 **AND TRAINING IN THE PERFORMANCE OF THE PROCEDURE OR THE USE OF THE**  
9 **EQUIPMENT.**

10           **(B) EXCEPT AS OTHERWISE PROVIDED IN THE ADMINISTRATIVE**  
11 **PROCEDURE ACT, BEFORE THE BOARD TAKES ANY ACTION UNDER SUBSECTION**  
12 **(A) OF THIS SECTION, IT SHALL GIVE THE INDIVIDUAL AGAINST WHOM THE**  
13 **ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE THE**  
14 **BOARD IN ACCORDANCE WITH THE HEARING REQUIREMENTS OF § 14-405 OF**  
15 **THIS TITLE.**

16 **14-5D-13.**

17           **ON THE APPLICATION OF AN INDIVIDUAL WHOSE LICENSE HAS BEEN**  
18 **REVOKED, THE BOARD, ON THE AFFIRMATIVE VOTE OF A MAJORITY OF ITS FULL**  
19 **AUTHORIZED MEMBERSHIP, MAY REINSTATE A REVOKED LICENSE.**

20 **14-5D-14.**

21           **UNLESS AUTHORIZED TO PRACTICE PERSONAL TRAINING UNDER THIS**  
22 **SUBTITLE, AN INDIVIDUAL MAY NOT REPRESENT TO THE PUBLIC BY TITLE, BY**  
23 **DESCRIPTION OF SERVICES, METHODS, OR PROCEDURES, OR OTHERWISE, THAT**  
24 **THE INDIVIDUAL IS AUTHORIZED TO PRACTICE PERSONAL TRAINING IN THIS**  
25 **STATE.**

26 **14-5D-15.**

27           **(A) AN INDIVIDUAL WHO VIOLATES ANY PROVISION OF THIS SUBTITLE**  
28 **IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT**  
29 **EXCEEDING \$1,000 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.**

30           **(B) ANY INDIVIDUAL WHO VIOLATES § 14-5D-14 OF THIS SUBTITLE IS**  
31 **SUBJECT TO A CIVIL FINE OF NOT MORE THAN \$5,000 TO BE LEVIED BY THE**  
32 **BOARD.**

33           **(C) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER THIS**  
34 **SECTION INTO THE BOARD OF PHYSICIANS FUND.**

1 **14-5D-16.**

2 **SUBJECT TO THE EVALUATION AND REESTABLISHMENT PROVISIONS OF**  
3 **THE MARYLAND PROGRAM EVALUATION ACT, THIS SUBTITLE AND ALL RULES**  
4 **AND REGULATIONS ADOPTED UNDER THIS SUBTITLE SHALL TERMINATE AND BE**  
5 **OF NO EFFECT AFTER JULY 1, 2013.**

6 **14-5D-17.**

7 **THIS SUBTITLE MAY BE CITED AS THE “MARYLAND PERSONAL TRAINERS**  
8 **ACT”.**

9 **Article - State Government**

10 8-403.

11 (a) On or before December 15 of the 2nd year before the evaluation date of a  
12 governmental activity or unit, the Legislative Policy Committee, based on a  
13 preliminary evaluation, may waive as unnecessary the evaluation required under this  
14 section.

15 (b) Except as otherwise provided in subsection (a) of this section, on or before  
16 the evaluation date for the following governmental activities or units, an evaluation  
17 shall be made of the following governmental activities or units and the statutes and  
18 regulations that relate to the governmental activities or units:

19 **(46) PERSONAL TRAINING, LICENSING AND REGULATION OF (§**  
20 **14-5D-01 OF THE HEALTH OCCUPATIONS ARTICLE: JULY 1, 2012);**

21 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
22 October 1, 2008.