

CHAPTER 657

(House Bill 279)

AN ACT concerning

Board of Physical Therapy Examiners – Issuance of Temporary Licenses – Repeal

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

BY repealing

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

BY repealing and reenacting, with amendments,

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

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

Article – Health Occupations

13–101.

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

- (1) Physical therapy; or
- (2) Limited physical therapy.]

[13–313.

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

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

(ii) Submits to the Board:

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

2. Any other document required by the Board; and

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

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

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

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

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

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

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

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

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

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

13-315.

(a) Unless the Board agrees to accept the surrender of a license, a licensed physical therapist, licensed physical therapist assistant, or holder of a restricted license [or temporary license] may not surrender the license nor may the license lapse

by operation of law while the licensee is under investigation or while charges are pending against the licensee.

13-316.

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

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

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

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

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

(i) In the practice of physical therapy;

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

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

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

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

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

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

- (7) Is convicted of a violation of a narcotic law;
- (8) To an extent that impairs professional competence, habitually uses any:
 - (i) Drug; or
 - (ii) Alcoholic beverage;
- (9) Pays or agrees to pay any sum to any person for bringing or referring a patient;
- (10) Is disciplined by a licensing or disciplinary authority of any state or country or convicted or disciplined by a court of any state or country or disciplined by any branch of the United States uniformed services or Veterans Administration for an act that would be grounds for disciplinary action under the Board's disciplinary statutes;
- (11) Practices physical therapy or limited physical therapy with an unauthorized person or supervises or aids an unauthorized person in the practice of physical therapy or limited physical therapy;
- (12) Willfully makes or files a false report or record in the practice of physical therapy or limited physical therapy;
- (13) Willfully fails to file or record any report as required by law, willfully impedes or obstructs the filing or recording of the report, or induces another to fail to file or record the report;
- (14) Submits a false statement to collect a fee;
- (15) Violates any provision of this title or rule or regulation adopted by the Board;
- (16) Uses or promotes or causes the use of any misleading, deceiving, or untruthful advertising matter, promotional literature, or testimonial;
- (17) Is professionally, physically, or mentally incompetent;
- (18) Promotes the sale of devices, appliances, or goods to a patient or client so as to exploit the patient or client for financial gain;
- (19) Commits an act of unprofessional conduct in the practice of physical therapy or limited physical therapy;
- (20) Grossly overutilizes health care services;

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

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

(23) Provides professional services while:

(i) Under the influence of alcohol; or

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

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

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

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

Approved by the Governor, May 22, 2008.