

HOUSE BILL 188

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11r1297
CF SB 258

By: **Delegate Donoghue**

Introduced and read first time: January 27, 2011

Assigned to: Health and Government Operations

Committee Report: Favorable

House action: Adopted

Read second time: March 16, 2011

CHAPTER _____

1 AN ACT concerning

2 **State Board of Physical Therapy Examiners – Licensure and Regulation**

3 FOR the purpose of authorizing the State Board of Physical Therapy Examiners to
4 send license renewal notices by electronic means; altering the maximum
5 amount of a certain fine; altering certain definitions; and generally relating to
6 the licensure and regulation of physical therapists and physical therapist
7 assistants.

8 BY repealing and reenacting, with amendments,
9 Article – Health Occupations
10 Section 13–101, 13–311, and 13–407
11 Annotated Code of Maryland
12 (2009 Replacement Volume and 2010 Supplement)

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

15 **Article – Health Occupations**

16 13–101.

17 (a) In this title the following words have the meanings indicated.

18 (b) “Board” means the State Board of Physical Therapy Examiners.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (c) "License" means, unless the context requires otherwise, a license issued
2 by the Board to practice:

3 (1) Physical therapy; or

4 (2) Limited physical therapy.

5 (d) "Licensed physical therapist" means, unless the context requires
6 otherwise, a physical therapist who is licensed by the Board to practice physical
7 therapy.

8 (e) "Licensed physical therapist assistant" means, unless the context
9 requires otherwise, a physical therapist assistant who is licensed by the Board to
10 practice limited physical therapy.

11 (f) "Physical therapist" means an individual, licensed by the State Board of
12 Physical Therapy Examiners, who practices physical therapy and who has passed the
13 national physical therapy licensing examination administered or accepted by the
14 Board.

15 (g) "Physical therapist assistant" means an individual who practices limited
16 physical therapy and who has passed the national physical therapy licensing
17 examination administered or accepted by the Board.

18 (h) (1) "Practice limited physical therapy" means to [practice the health
19 specialty concerned with] **IMPLEMENT THERAPEUTIC INTERVENTIONS FOR THE**
20 **PURPOSE OF:**

21 (i) The prevention of disability in patients or clients; and

22 (ii) The physical rehabilitation of patients or clients with a
23 congenital or acquired disability.

24 (2) "Practice limited physical therapy" includes, except as provided in
25 paragraph (3) of this subsection:

26 (i) Taking and documenting measurements; and

27 (ii) Administering [treatment with] **THERAPEUTIC**
28 **INTERVENTIONS THAT INCLUDE** therapeutic exercise, therapeutic massage,
29 mechanical devices, or therapeutic agents that use the physical, chemical, or other
30 properties of air, water, electricity, sound, or radiant energy.

31 (3) "Practice limited physical therapy" does not include:

32 (i) Interpreting measurements;

1 (ii) Planning treatment programs; [or]

2 (iii) [Using:

3 1.] **TAKING X** rays;

4 [2.](IV) [Radioactive] **USING RADIOACTIVE**
5 substances; or

6 [3.](V) [Electricity] **USING ELECTRICITY** for
7 cauterization or surgery.

8 (i) (1) “Practice physical therapy” means to [practice the health specialty
9 concerned with] **DESIGN, IMPLEMENT, AND MODIFY THERAPEUTIC**
10 **INTERVENTIONS FOR THE PURPOSE OF:**

11 (i) The prevention of disability in patients or clients; and

12 (ii) The physical rehabilitation of patients or clients with a
13 congenital or acquired disability.

14 (2) “Practice physical therapy” includes:

15 (i) Performing an evaluation of the physical therapy needs of
16 patients or clients;

17 (ii) Performing and interpreting tests and measurements of
18 neuromuscular and musculoskeletal functions to aid treatment;

19 (iii) Planning treatment programs that are based on test
20 findings; and

21 (iv) Except as provided in paragraph (3) of this subsection,
22 administering [treatment with] **THERAPEUTIC INTERVENTIONS THAT INCLUDE**
23 therapeutic exercise, therapeutic massage, mechanical devices, or therapeutic agents
24 that use the physical, chemical, or other properties of air, water, electricity, sound, or
25 radiant energy.

26 (3) “Practice physical therapy” does not include [using]:

27 (i) **TAKING X** rays;

28 (ii) [Radioactive] **USING RADIOACTIVE** substances; or

29 (iii) [Electricity] **USING ELECTRICITY** for cauterization or
30 surgery.

1 (j) “Restricted license” means a license issued by the Board under and as
2 limited by § 13–314 of this title to practice physical therapy.

3 13–311.

4 (a) (1) A license expires on the date set by the Board, unless the license is
5 renewed for an additional term as provided in this section.

6 (2) A license may not be renewed for a term longer than 2 years.

7 (b) (1) **[At] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
8 **SUBSECTION, AT** least 1 month before the license expires, the Board shall send to the
9 licensee, by first–class mail to the last known address of the licensee, a renewal notice
10 that states:

11 **[(1)] (I)** The date on which the current license expires;

12 **[(2)] (II)** The date by which the renewal application must be received
13 by the Board for the renewal to be issued and mailed before the license expires; and

14 **[(3)] (III)** The amount of the renewal fee.

15 (2) **IF REQUESTED BY A LICENSEE, THE BOARD SHALL SEND TO**
16 **THE LICENSEE, AT LEAST TWO TIMES WITHIN THE MONTH BEFORE A LICENSE**
17 **EXPIRES, A RENEWAL NOTICE BY ELECTRONIC MEANS TO THE LAST KNOWN**
18 **ELECTRONIC MAIL ADDRESS OF THE LICENSEE.**

19 (3) **IF A RENEWAL NOTICE SENT BY ELECTRONIC MEANS UNDER**
20 **PARAGRAPH (2) OF THIS SUBSECTION IS RETURNED TO THE BOARD AS**
21 **UNDELIVERABLE, THE BOARD SHALL SEND TO THE LICENSEE A RENEWAL**
22 **NOTICE BY FIRST–CLASS MAIL TO THE LAST KNOWN ADDRESS OF THE LICENSEE.**

23 (c) Before the license expires, the licensee periodically may renew it for an
24 additional 2–year term, if the licensee:

25 (1) Otherwise is entitled to be licensed;

26 (2) Pays to the Board a renewal fee set by the Board; and

27 (3) Submits to the Board:

28 (i) A renewal application on the form that the Board requires;

29 and

1 (ii) Satisfactory evidence of compliance with the other
2 qualifications set under this title for license renewal.

3 (d) The Board may adopt regulations to establish continuing education
4 requirements as a condition for the renewal of licenses under this section.

5 (e) The Board shall renew the license of each licensee who meets the
6 requirements of this section.

7 13-407.

8 (a) A person who violates any provision of this title is guilty of a
9 misdemeanor and on conviction is subject to a fine not exceeding ~~[\$5,000]~~ **\$10,000** or
10 imprisonment not exceeding 3 years or both.

11 (b) (1) Any person who violates § 13-401 of this subtitle is subject to a
12 civil fine of not more than \$50,000 to be assessed by the Board.

13 (2) The Board shall pay any penalty collected under this subsection
14 into the State Board of Physical Therapy Examiners Fund.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2011.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.