

SENATE BILL 46

J2

11r0869
CF 11r0652

By: **Senator Conway**

Introduced and read first time: January 17, 2011

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Podiatric Medical Examiners – Podiatric Medical Assistants –**
3 **Registration**

4 FOR the purpose of requiring an individual to be registered by the State Board of
5 Podiatric Medical Examiners before the individual may perform functions under
6 the supervision of and as delegated by a licensed podiatrist; requiring a licensed
7 podiatrist who employs a registered podiatric medical assistant to keep a record
8 of a certain registration in a certain file; requiring an applicant for registration
9 to be an individual who meets certain requirements; requiring certain
10 applicants for registration to submit a certain written statement to the Board
11 and meet certain requirements no later than a certain date; requiring an
12 applicant for registration to submit certain documents and a certain fee to the
13 Board; requiring the Board to register as a podiatric medical assistant
14 individuals who meet the requirements of certain provisions of this Act;
15 authorizing the Board to set certain fees; requiring a registered podiatric
16 medical assistant to display a registration in a certain place; requiring a
17 registered podiatric medical assistant to notify the Board, within a certain time
18 period, of certain information regarding felonies or crimes involving moral
19 turpitude; specifying the date on which a registration expires unless the
20 registration is renewed; requiring the Board to send a renewal notice to a
21 registered podiatric medical assistant by certain means; requiring the Board to
22 renew a registration under certain circumstances; requiring a registered
23 podiatric medical assistant to meet certain requirements if a registration is not
24 renewed in a certain time period; authorizing the Board, subject to certain
25 hearing provisions, to take certain actions against certain individuals for
26 violations of certain provisions of law; prohibiting an individual from working,
27 attempting to work, or offering to work as a registered podiatric medical
28 assistant in the State unless registered by the Board; prohibiting an individual
29 from obtaining a registration by making a false representation; specifying that a
30 registration is void under certain circumstances; prohibiting an individual from
31 making certain representations to the public or using certain terms under

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



certain circumstances; specifying that a licensed podiatrist is liable, under certain circumstances, for a violation of a certain provision of this Act committed by a podiatric medical assistant; requiring a licensed podiatrist to report a violation of a certain provision of this Act under certain circumstances and within a certain period of time after the occurrence of the violation; defining certain terms; and generally relating to the registration of podiatric medical assistants.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 16–101
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY adding to
Article – Health Occupations
Section 16–4A–01 through 16–4A–11 to be under the new subtitle “Subtitle 4A.
Podiatric Medical Assistants”
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

Article – Health Occupations

16–101.

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

(b) “Board” means the State Board of Podiatric Medical Examiners.

(c) “License” means, unless the context requires otherwise, a license issued by the Board to practice podiatry.

(d) “Licensed podiatrist” means, unless the context requires otherwise, a podiatrist who is licensed by the Board to practice podiatry.

(e) “Podiatrist” means an individual who practices podiatry.

(f) (1) “Practice podiatry” means to diagnose or surgically, medically, or mechanically treat the human foot or ankle, the anatomical structures that attach to the human foot, or the soft tissue below the mid-calf.

(2) “Practice podiatry” does not include:

(i) Surgical treatment of acute ankle fracture; or

(ii) Administration of an anesthetic, other than a local anesthetic.

(G) “REGISTERED PODIATRIC MEDICAL ASSISTANT” MEANS AN INDIVIDUAL WHO IS REGISTERED BY THE BOARD TO PERFORM FUNCTIONS UNDER THE SUPERVISION OF AND AS DELEGATED BY A LICENSED PODIATRIST.

(H) “REGISTRATION” MEANS, UNLESS THE CONTEXT REQUIRES OTHERWISE, A REGISTRATION ISSUED BY THE BOARD TO PERFORM FUNCTIONS UNDER THE SUPERVISION OF AND AS DELEGATED BY A LICENSED PODIATRIST.

SUBTITLE 4A. PODIATRIC MEDICAL ASSISTANTS.

16-4A-01.

(A) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, BEGINNING JANUARY 1, 2012, AN INDIVIDUAL SHALL BE REGISTERED BY THE BOARD AS A PODIATRIC MEDICAL ASSISTANT BEFORE THE INDIVIDUAL MAY PERFORM FUNCTIONS UNDER THE SUPERVISION OF AND AS DELEGATED BY A LICENSED PODIATRIST.

(B) A LICENSED PODIATRIST WHO EMPLOYS A REGISTERED PODIATRIC MEDICAL ASSISTANT SHALL KEEP A RECORD OF THE REGISTRATION IN THE REGISTERED PODIATRIC MEDICAL ASSISTANT’S EMPLOYMENT FILE.

16-4A-02.

TO QUALIFY FOR REGISTRATION, AN APPLICANT SHALL BE AN INDIVIDUAL WHO:

(1) IS AT LEAST 18 YEARS OLD;

(2) IS OF GOOD MORAL CHARACTER;

(3) IS EMPLOYED IN THE OFFICE OF A LICENSED PODIATRIST;

AND

(4) (I) HOLDS AN ACTIVE CERTIFICATION ISSUED BY THE AMERICAN SOCIETY OF PODIATRIC MEDICAL ASSISTANTS; OR

(II) 1. HAS COMPLETED COURSE WORK APPROVED BY THE BOARD OR THE COUNCIL ON PODIATRIC MEDICAL EDUCATION THAT INCLUDES A RADIOLOGY COMPONENT; AND

1 **2. HAS COMPLETED THE COMPREHENSIVE**
2 **TRAINING REQUIRED BY THE BOARD AS EVIDENCED BY THE SUBMISSION OF**
3 **THE TRAINING FORM PROVIDED BY THE BOARD AND SIGNED BY A SUPERVISING**
4 **LICENSED PODIATRIST.**

5 **16-4A-03.**

6 **AN APPLICANT FOR REGISTRATION SHALL:**

7 **(1) SUBMIT TO THE BOARD AN APPLICATION SIGNED BY THE**
8 **APPLICANT AND SUPERVISING LICENSED PODIATRIST ON THE FORM THAT THE**
9 **BOARD REQUIRES;**

10 **(2) PAY THE APPLICATION FEE SET BY THE BOARD; AND**

11 **(3) PROVIDE DOCUMENTATION THAT THE APPLICANT HAS**
12 **COMPLIED WITH § 16-4A-02(4) OF THIS SUBTITLE.**

13 **16-4A-04.**

14 **(A) THE BOARD SHALL REGISTER AS A PODIATRIC MEDICAL ASSISTANT**
15 **ANY APPLICANT WHO MEETS THE REQUIREMENTS OF THIS SUBTITLE.**

16 **(B) (1) THE BOARD MAY SET REASONABLE FEES FOR THE ISSUANCE**
17 **AND RENEWAL OF REGISTRATIONS.**

18 **(2) THE FEES CHARGED SHALL BE SET SO AS TO APPROXIMATE**
19 **THE COST OF MAINTAINING THE REGISTRATION PROGRAM FOR PODIATRIC**
20 **MEDICAL ASSISTANTS.**

21 **(C) EACH REGISTERED PODIATRIC MEDICAL ASSISTANT SHALL DISPLAY**
22 **THE REGISTRATION IN THE OFFICE OR PLACE OF BUSINESS IN WHICH THE**
23 **REGISTERED PODIATRIC MEDICAL ASSISTANT IS WORKING.**

24 **16-4A-05.**

25 **A REGISTERED PODIATRIC MEDICAL ASSISTANT SHALL NOTIFY THE**
26 **BOARD WITHIN 30 DAYS AFTER EACH PLEA OF GUILTY FOR, CONVICTION OF, OR**
27 **ENTRY OF A PLEA OF NOLO CONTENDERE FOR A FELONY OR A CRIME**
28 **INVOLVING MORAL TURPITUDE, REGARDLESS OF WHETHER:**

29 **(1) AN ADJUDICATION OF GUILT OR SENTENCING OR IMPOSITION**
30 **OF SENTENCE IS WITHHELD; OR**

1 (2) ANY APPEAL OR OTHER PROCEEDING IS PENDING REGARDING
2 THE MATTER.

3 16-4A-06.

4 (A) (1) A REGISTRATION EXPIRES ON DECEMBER 31 OF AN
5 ODD-NUMBERED YEAR, UNLESS THE REGISTRATION IS RENEWED FOR AN
6 ADDITIONAL TERM AS PROVIDED IN THIS SECTION.

7 (2) A REGISTRATION MAY NOT BE RENEWED FOR A TERM LONGER
8 THAN 2 YEARS.

9 (B) (1) AT LEAST 1 MONTH BEFORE A REGISTRATION EXPIRES, THE
10 BOARD SHALL SEND TO THE REGISTERED PODIATRIC MEDICAL ASSISTANT A
11 RENEWAL NOTICE:

12 (I) BY ELECTRONIC MAIL TO THE LAST KNOWN
13 ELECTRONIC MAIL ADDRESS OF THE REGISTERED PODIATRIC MEDICAL
14 ASSISTANT; OR

15 (II) BY FIRST-CLASS MAIL TO THE LAST KNOWN ADDRESS
16 OF THE REGISTERED PODIATRIC MEDICAL ASSISTANT IF THE REGISTERED
17 PODIATRIC MEDICAL ASSISTANT:

18 1. DOES NOT HAVE AN ELECTRONIC MAIL ADDRESS;
19 OR

20 2. REQUESTS THAT THE BOARD SEND THE RENEWAL
21 NOTICE BY FIRST-CLASS MAIL.

22 (2) IF A RENEWAL NOTICE SENT BY ELECTRONIC MAIL IN
23 ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION IS RETURNED TO THE
24 BOARD AS UNDELIVERABLE, THE BOARD SHALL SEND THE REGISTERED
25 PODIATRIC MEDICAL ASSISTANT A RENEWAL NOTICE BY FIRST-CLASS MAIL TO
26 THE LAST KNOWN ADDRESS OF THE REGISTERED PODIATRIC MEDICAL
27 ASSISTANT.

28 (C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE
29 BOARD SHALL RENEW A REGISTRATION IF THE REGISTERED PODIATRIC
30 MEDICAL ASSISTANT PAYS TO THE BOARD A RENEWAL FEE SET BY THE BOARD.

31 (2) IF A REGISTERED PODIATRIC MEDICAL ASSISTANT DOES NOT
32 SUBMIT A RENEWAL FEE WITHIN 30 DAYS AFTER THE REGISTRATION EXPIRES,
33 THE REGISTERED PODIATRIC MEDICAL ASSISTANT SHALL MEET THE

1 REQUIREMENTS OF § 16-4A-03 OF THIS SUBTITLE BEFORE THE BOARD MAY
2 RENEW THE REGISTRATION.

3 16-4A-07.

4 SUBJECT TO THE HEARING PROVISIONS OF § 16-313 OF THIS TITLE, THE
5 BOARD MAY DENY A PODIATRIC MEDICAL ASSISTANT'S REGISTRATION TO AN
6 APPLICANT, REPRIMAND A REGISTERED PODIATRIC MEDICAL ASSISTANT,
7 PLACE A REGISTERED PODIATRIC MEDICAL ASSISTANT ON PROBATION, OR
8 SUSPEND OR REVOKE A PODIATRIC MEDICAL ASSISTANT'S REGISTRATION IF
9 THE APPLICANT OR REGISTERED PODIATRIC MEDICAL ASSISTANT VIOLATES AN
10 APPLICABLE PROVISION OF § 16-311 OF THIS TITLE.

11 16-4A-08.

12 AN INDIVIDUAL MAY NOT WORK, ATTEMPT TO WORK, OR OFFER TO WORK
13 AS A REGISTERED PODIATRIC MEDICAL ASSISTANT IN THE STATE UNLESS
14 REGISTERED BY THE BOARD.

15 16-4A-09.

16 (A) AN INDIVIDUAL MAY NOT OBTAIN A REGISTRATION BY MAKING A
17 FALSE REPRESENTATION.

18 (B) ON CONVICTION OF AN INDIVIDUAL FOR MAKING A FALSE
19 REPRESENTATION TO THE BOARD IN ORDER TO REGISTER AS A PODIATRIC
20 MEDICAL ASSISTANT, THE REGISTRATION IS VOID.

21 16-4A-10.

22 (A) 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 REGISTERED TO WORK AS A REGISTERED PODIATRIC
25 MEDICAL ASSISTANT UNLESS THE INDIVIDUAL IS REGISTERED WITH THE BOARD
26 IN ACCORDANCE WITH THIS SUBTITLE.

27 (B) AN INDIVIDUAL MAY NOT USE THE TERMS "REGISTERED PODIATRIC
28 MEDICAL ASSISTANT" OR "PODIATRIC MEDICAL ASSISTANT" WITH THE INTENT
29 TO REPRESENT THAT THE INDIVIDUAL IS AUTHORIZED TO WORK AS A
30 REGISTERED PODIATRIC MEDICAL ASSISTANT UNLESS THE INDIVIDUAL IS
31 REGISTERED BY THE BOARD IN ACCORDANCE WITH THIS SUBTITLE.

32 16-4A-11.

1 **(A) A LICENSED PODIATRIST IS LIABLE FOR A VIOLATION OF ANY**
2 **PROVISION OF THIS SUBTITLE COMMITTED BY A REGISTERED PODIATRIC**
3 **MEDICAL ASSISTANT IF:**

4 **(1) THE LICENSED PODIATRIST WAS A KNOWING PARTY TO THE**
5 **VIOLATION; AND**

6 **(2) THE VIOLATION OCCURRED WHILE THE REGISTERED**
7 **PODIATRIC MEDICAL ASSISTANT WAS EMPLOYED BY THE LICENSED**
8 **PODIATRIST.**

9 **(B) A LICENSED PODIATRIST SHALL REPORT A VIOLATION OF ANY**
10 **PROVISION OF THIS SUBTITLE COMMITTED BY A REGISTERED PODIATRIC**
11 **MEDICAL ASSISTANT EMPLOYED BY THE LICENSED PODIATRIST WITHIN 30 DAYS**
12 **AFTER THE VIOLATION OCCURS.**

13 SECTION 2. AND BE IT FURTHER ENACTED, That:

14 (a) If an applicant for registration as a podiatric medical assistant has
15 worked as a podiatric medical assistant before January 1, 2012, and cannot satisfy the
16 requirements of § 16-4A-02(4) of the Health Occupations Article, as enacted by
17 Section 1 of this Act, the applicant shall:

18 (1) submit to the Board of Podiatric Medical Examiners a written
19 statement explaining the extenuating circumstances that prevented the applicant
20 from satisfying the requirements; and

21 (2) satisfy the requirements of § 16-4A-02(4) of the Health
22 Occupations Article, as enacted by Section 1 of this Act, no later than April 1, 2012.

23 (b) (1) If subsection (a) of this section applies to an applicant, the
24 applicant shall submit the written statement required by subsection (a) of this section
25 in lieu of the documentation that is required by § 16-4A-03(3) of the Health
26 Occupations Article, as enacted by Section 1 of this Act.

27 (2) (i) A registration issued by the Board of Podiatric Medical
28 Examiners to an applicant who submits a written statement in accordance with
29 subsection (a)(1) of this section is void if the applicant does not comply with subsection
30 (a)(2) of this section.

31 (ii) If a registration is void under subparagraph (i) of this
32 paragraph, the applicant shall comply with the requirements of § 16-4A-03 of the
33 Health Occupations Article, as enacted by Section 1 of this Act, before the Board of
34 Podiatric Medical Examiners may reregister the applicant.

1 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 July 1, 2011.