

Department of Legislative Services
Maryland General Assembly
2011 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 90 (The President)(By Request - Department of Legislative Services)

Education, Health, and Environmental Affairs

Health and Government Operations

State Board of Podiatric Medical Examiners - Sunset Extension and Program Evaluation

This bill extends the termination date for the State Board of Podiatric Medical Examiners by 10 years to July 1, 2022, and requires an evaluation of the board by July 1, 2021. The bill includes a related reporting requirement.

The bill takes effect July 1, 2011.

Fiscal Summary

State Effect: Special fund revenues and expenditures for the State Board of Podiatric Medical Examiners are maintained beyond FY 2012. The FY 2012 budget includes \$355,873 for board operations. The bill's reporting requirement can be handled with existing budgeted resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: By October 1, 2015, the board must submit a report to specified committees of the General Assembly on:

- the number of licensed podiatrists;

- whether the board has implemented any new licensing, certification, or registration requirements relating to podiatry and the number of individuals licensed, certified, or registered as a result;
- the number of complaints received by the board and the resolution of the complaints;
- a summary of any major legislative or regulatory changes impacting podiatry; and
- an update on the board's finances.

Current Law/Background:

Maryland Program Evaluation Act

The board is 1 of approximately 70 regulatory entities and activities currently subject to periodic evaluation under the Maryland Program Evaluation Act. The Act establishes a process better known as “sunset review” as most agencies evaluated are also subject to termination, including the State Board of Podiatric Medical Examiners, which is scheduled to terminate July 1, 2012. The sunset review process begins with a preliminary evaluation conducted by the Department of Legislative Services (DLS) on behalf of the Legislative Policy Committee (LPC). LPC decides whether to waive an agency from further (or full) evaluation. If waived, legislation to reauthorize the agency typically is enacted. Otherwise, a full evaluation usually is undertaken the following year.

The State Board of Podiatric Medical Examiners

Doctors of podiatric medicine, commonly known as podiatrists, are licensed to treat the human foot or ankle. Podiatrists treat a variety of ailments, ranging from bunions to tendon strains. Podiatrists also perform surgery, fit corrective devices, prescribe drugs, and administer physical therapy. In Maryland, podiatrists are regulated by the State Board of Podiatric Medical Examiners. The board is composed of seven members: five licensed podiatrists and two consumers. The board has 2.5 authorized positions to support its activities: an executive director, an administrative assistant, and a licensing coordinator. In fiscal 2011, there are approximately 450 licensed podiatrists in Maryland.

Sunset Evaluation Findings and Recommendations

The State Board of Podiatric Medical Examiners underwent a preliminary evaluation in 1999. Based on those findings, LPC waived the board from further evaluation. Chapter 143 of 2000 extended the board's termination date to July 1, 2012.

During the 2009 interim, again DLS conducted a preliminary evaluation, which found that the board was sufficiently meeting its mandated duties, including efficiently issuing

licenses and taking disciplinary actions. However, due to a decline in the number of licensees, it was unclear whether the board could continue to maintain fiscal solvency without increasing licensure fees, which are the highest of any health occupations board in Maryland and significantly higher than neighboring states. Based on these findings, DLS recommended, among other things, that the board create a plan to ensure that it remains financially solvent and identify potential means to increase the number of podiatrists practicing in the State. DLS recommended that the decision regarding waiver from full evaluation be deferred until the submission of a follow-up report by the board.

The board submitted a follow-up report on September 16, 2010, which addressed the concerns raised by DLS in the preliminary sunset evaluation. Legislation proposed by the board, as well as an increase in podiatric residency programs in the State, should result in more licensees in the State. Also, the board has proposed legislation to regulate practice extenders that will increase the revenues of the board while maintaining quality and safety standards. While projected revenues do not meet expenditures in every fiscal year, the board will maintain a sufficient fund balance that can be drawn down if needed.

Based on the satisfactory submission of the board's follow-up report, DLS recommended that LPC waive the board from full evaluation and that legislation be enacted to extend the board's termination date by 10 years to July 1, 2022. DLS found that there was no need for the board to submit any additional follow-up report. This bill generally implements DLS' recommendations, as adopted by LPC at its December 21, 2010 meeting.

Additional Comments: Three related bills regarding the State Board of Podiatric Medical Examiners have been introduced in the 2010 legislation session: SB 46/HB 52, SB 117/HB 36, and SB 76/HB 190.

Additional Information

Prior Introductions: None.

Cross File: HB 66 (The Speaker)(By Request - Department of Legislative Services) - Health and Government Operations.

Information Source(s): Department of Health and Mental Hygiene, Department of Legislative Services

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