

Department of Legislative Services
Maryland General Assembly
2011 Session

FISCAL AND POLICY NOTE

House Bill 36 (Delegate Kach)
Health and Government Operations Education, Health, and Environmental Affairs

State Board of Podiatric Medical Examiners - Unannounced Inspections

This bill clarifies that the State Board of Podiatric Medical Examiners is only required to conduct an unannounced inspection of a podiatrist's office if a complaint has been filed with the board regarding a violation of the Centers for Disease Control and Prevention's (CDC) guidelines on universal precautions.

Fiscal Summary

State Effect: None. The bill clarifies current practice.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: Section 16-205 of the Health Occupations Article requires the board to conduct an unannounced inspection of a podiatrist's office, excluding offices in hospitals, nursing homes, freestanding medical facilities, or freestanding birthing centers, to determine compliance with CDC guidelines on universal precautions.

Code of Maryland Regulations 10.52.11.05 requires that all health care professionals who practice in a private professional office must ensure that an individual who performs patient care services in the professional's office complies with the principles of universal precautions. An emergency exception can be made in a situation where failure to provide immediate care could result in serious harm to or death of a patient.

Background: In 2009, the Department of Legislative Services (DLS) conducted a preliminary sunset evaluation of the board. DLS observed that the board only conducts unannounced inspections of podiatrists' offices if a complaint warrants an inspection. Due to the board's limited resources, the board has narrowly interpreted the statute. DLS noted that the statutory intent behind the inspection requirement, including how frequently inspections should be made, is unclear. Thus, DLS recommended that the board seek an Attorney General's opinion regarding the inspection requirement and, if necessary, introduce legislation to clarify the law. Based on DLS' recommendations, the board sought such advice. This bill seeks to clarify the inspection requirement.

According to the board, the last inspection of a podiatrist's office was done in 2008 on the basis of a complaint regarding a violation of CDC guidelines. Only three complaints regarding such violations have been filed with the board in the past 10 years.

Additional Information

Prior Introductions: None.

Cross File: SB 117 (Senators Glassman and Rosapepe) - Education, Health, and Environmental Affairs.

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

Fiscal Note History: First Reader - January 31, 2011
ncs/ljm

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