

Department of Legislative Services
Maryland General Assembly
2011 Session

FISCAL AND POLICY NOTE

Senate Bill 46 (Senator Conway)

Education, Health, and Environmental Affairs

Health and Government Operations

**State Board of Podiatric Medical Examiners - Podiatric Medical Assistants -
Registration**

This bill requires that, beginning January 1, 2012, an individual must be registered with the State Board of Podiatric Medical Examiners before performing functions under the supervision of and as delegated by a licensed podiatrist.

The bill takes effect July 1, 2011.

Fiscal Summary

State Effect: Special fund revenues for the State Board of Podiatric Medical Examiners increase by an estimated \$44,500 in FY 2012 from new registration fees. Special fund expenditures for the board also increase by a minimum amount beginning in FY 2012. Future year estimates reflect 1% annual growth in the number of new registrants.

(in dollars)	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016
SF Revenue	\$44,500	\$45,000	\$45,500	\$46,000	\$46,500
SF Expenditure	-	-	-	-	-
Net Effect	\$44,500	\$45,000	\$45,500	\$46,000	\$46,500

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: An individual may not work, attempt to work, or offer to work as a registered podiatric medical assistant in the State; represent to the public that the individual is registered to work as a podiatric medical assistant; or use the titles “registered podiatric medical assistant” or “podiatric medical assistant” unless the individual is registered by the board.

Qualifications for Registration and Renewal: An applicant must be at least 18 years of age, of good moral character, employed in the office of a licensed podiatrist, and either hold an active certification from the American Society of Podiatric Medical Assistants or have completed specified coursework and training.

To receive a registration, an applicant must submit an application, pay a registration fee, and submit documentation that the applicant meets registration requirements. An individual may not obtain a registration by making a false representation. On conviction for making a false representation, a registration is void.

A registration expires on December 31 of an odd-numbered year and may not be renewed for a term of more than two years. If a registered podiatric medical assistant does not submit a renewal fee within 30 days after a registration expires, the individual must meet initial registration requirements before the registration can be renewed.

Grace Period: Uncodified language authorizes individuals working as a podiatric medical assistant before January 1, 2012, who cannot meet initial registration requirements to seek an extension to no later than April 1, 2012, to qualify for and obtain registration.

Board Authority and Responsibilities: The board must register each applicant who meets the registration requirements. The board is authorized to set reasonable fees for the issuance and renewal of registrations. Fees charged must be set to approximate the cost of maintaining registration of podiatric medical assistants. The board must, at least one month before a registration expires, send a renewal notice by electronic and/or first-class mail. The board must renew the registration of a podiatric medical assistant who submits the required renewal fee. Subject to hearing provisions, the board may deny a registration; or reprimand, place on probation, suspend, or revoke a podiatric medical assistant’s registration if the applicant or podiatric medical assistant violated a specific provision of law.

Responsibilities of Registered Podiatric Medical Assistants: Each registered podiatric medical assistant must display the registration in the office or place of business in which he or she works. A registered podiatric medical assistant must notify the board within

30 days after each plea of guilty for, conviction of, or entry of a plea of *nolo contendere* for a felony or crime of moral turpitude.

Responsibilities of Licensed Podiatrists: A licensed podiatrist who employs a registered podiatric medical assistant must keep a record of the registration in the assistant's employment file. A licensed podiatrist is liable for any violation of the registration requirements committed by a podiatric medical assistant if the podiatrist was a knowing party to the violation and it occurred while the podiatric medical assistant was employed by the podiatrist. A licensed podiatrist must report a violation of any provision of the registration requirements within 30 days after the violation occurs.

Current Law: The State Board of Podiatric Medical Examiners licenses and regulates podiatrists. Other individuals working in a podiatry office or performing functions under the supervision of or as delegated by a licensed podiatrist are not required to be registered, certified, or licensed.

At least three other health occupations boards also regulate specialized medical assistants. The Board of Chiropractic and Massage Therapy Examiners registers chiropractic assistants, the Board of Occupational Therapy Practice licenses occupational therapy assistants, and the Board of Physical Therapy Examiners licenses physical therapy assistants. In each case, applicants must have specified education and/or training and pass an examination. While dental assistants are not licensed by the State Board of Dental Examiners (they receive a one-time certification if they pass a specified examination), dental radiation technologists are certified by the board to perform the placement or exposure of dental radiographs. Dental radiation technologists must take a board-approved radiology course and pass a radiology examination.

Background: 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 fiscal 2011, there are approximately 450 licensed podiatrists in Maryland.

A podiatric medical assistant supports a licensed podiatrist by performing administrative and clinical duties such as recording medical histories and vital signs, explaining treatment procedures, assisting the podiatrist during examinations or procedures, making casts of feet, and, in some cases, exposing and developing x-rays. According to the board, registration of podiatric medical assistants is intended to formalize, standardize, and in some cases enhance the qualifications and training of podiatric medical assistants.

The American Society of Podiatric Medical Assistants currently has 17 Maryland members, 4 of whom have been certified.

State Revenues: Special fund revenues for the board increase by an estimated \$44,500 (and annually thereafter) beginning in fiscal 2012 from registration fees paid by podiatric medical assistants. This figure assumes:

- there will be about 685 podiatric medical assistants in Maryland in fiscal 2012 (1.5 per licensed podiatrist);
- 445 (65%) of these individuals will seek registration; and
- as indicated by the board, the registration fee will be \$200 per biennial renewal cycle, payable as an annual \$100 fee.

Future years assume 1% annual growth in the number of new registrants.

State Expenditures: Special fund expenditures for the board increase by a minimal amount in fiscal 2012 and out-years due to increased postage and telephone expenses associated with registering podiatric medical assistants. These costs are anticipated to be covered by fee revenues. Any additional requirements on board staff can be handled with existing resources.

Additional Information

Prior Introductions: None.

Cross File: HB 52 (Delegate Morhaim) - Health and Government Operations.

Information Source(s): Department of Health and Mental Hygiene, American Society of Podiatric Medical Assistants, Department of Legislative Services

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mc/ljm

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