

Department of Legislative Services
Maryland General Assembly
2011 Session

FISCAL AND POLICY NOTE

House Bill 188 (Delegate Donoghue)
Health and Government Operations Education, Health, and Environmental Affairs

State Board of Physical Therapy Examiners - Licensure and Regulation

This bill alters the definitions of practicing physical therapy and practicing limited physical therapy. “Practicing physical therapy” is changed to include the design, implementation, and modification of therapeutic interventions. “Practicing limited physical therapy” is changed to include implementing and administering therapeutic interventions. The prohibition on using x-rays as part of physical therapy or limited physical therapy is repealed while the prohibition against taking x-rays is maintained. In addition, the bill authorizes the board to send renewal notices by electronic mail if requested by a licensee and increases the maximum criminal fine for violating the Maryland Physical Therapy Act from \$5,000 to \$10,000.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues as a result of the bill’s enhanced criminal penalty provisions. Other provisions generally clarify current practice and have no effect on governmental finances.

Local Effect: Potential minimal increase in local revenues due to the bill’s enhanced criminal penalties for cases heard in the circuit courts.

Small Business Effect: Minimal.

Analysis

Current Law/Background: Physical therapy is a health specialty that plans, organizes, and administers a wide range of physiotherapeutic treatments designed to restore

functional mobility, relieve pain, and prevent or limit permanent disability for those suffering from a disabling injury or disease.

“Practice physical therapy” means to practice the health specialty concerned with the prevention of disability in patients and the physical rehabilitation of patients or clients with a congenital or acquired disability. The practice of physical therapy includes performing an evaluation of the physical therapy needs of patients or clients, performing and interpreting tests and measurements of neuromuscular and musculoskeletal functions to aid treatment, planning treatment programs based on test findings, and administering specified treatment.

Both physical therapists and physical therapist assistants may administer therapeutic exercise; therapeutic massage; mechanical devices; or therapeutic agents that use the physical, chemical, or other properties of air, water, electricity, sound, or radiant energy. Physical therapists and physical therapist assistants may not use x-rays, radioactive substances, or electricity for cauterization or surgery in the treatment of patients. In addition, physical therapist assistants may not interpret measurements or plan treatment programs. Physical therapist assistants provide limited physical therapy services under the direction and supervision of a physical therapist. Physical therapists and physical therapist assistants are trained to read x-ray reports for purposes of guiding treatment plans and educating patients.

The State Board of Physical Therapy Examiners’ principal function is to issue and renew licenses for physical therapists and physical therapist assistants. Both new and renewal licenses are valid for a two-year period. Over the fiscal 2009-2010 biennial license renewal period, the board issued a total of 970 new physical therapist licenses and 277 new physical therapist assistant licenses, while renewing licenses for 4,377 physical therapists and 1,162 physical therapist assistants.

Notice of license renewal is sent by first-class mail at least one month before the license expires. The renewal notice must state the date on which the current license expires, the date by which the renewal application must be received by the board, and the amount of the renewal fee.

Violators of the Maryland Physical Therapy Act are guilty of a misdemeanor and subject to a fine of up to \$5,000 and/or imprisonment for up to three years.

Additional Information

Prior Introductions: Similar legislation, SB 485/HB 325 of 2010, passed in each respective chamber, but differences in the bills were not reconciled.

Cross File: SB 258 (Senator Montgomery) - Education, Health, and Environmental Affairs.

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

Fiscal Note History: First Reader - February 10, 2011
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