

SENATE BILL 530

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By: **Senator Peters**

Introduced and read first time: February 3, 2012

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Kinesiology Act**

3 FOR the purpose of requiring the State Board of Physicians to adopt regulations for
4 the licensure and practice of kinesiotherapy; providing that this Act does not
5 limit the rights of certain individuals to practice certain occupations; requiring
6 the Board to set certain fees; establishing the Kinesiotherapy Advisory
7 Committee within the Board; providing for the membership, powers, duties, and
8 a chair of the Committee; establishing the terms and requirements for certain
9 members of the Committee; requiring that on or before a certain date an
10 individual be licensed by the Board before the individual may practice
11 kinesiotherapy; providing that certain licensing provisions do not apply to
12 certain students practicing kinesiotherapy under certain circumstances;
13 providing for the qualifications for a license to practice kinesiotherapy;
14 providing for the scope of a license to practice kinesiotherapy; providing for the
15 issuance, expiration, and renewal of certain licenses; requiring a licensee to
16 report certain information to the Board within a certain period of time;
17 establishing a certain penalty; requiring a license be displayed in a certain
18 manner; authorizing the Board to deny a license to an applicant, refuse to
19 renew a license, reprimand a licensee, suspend or revoke a license, or impose
20 certain penalties under certain circumstances; establishing certain hearing and
21 appeal procedures for licensed kinesiotherapists; prohibiting certain acts;
22 providing for certain criminal and civil penalties; establishing certain reporting
23 requirements; requiring that an evaluation of the Committee be performed on or
24 before a certain date; requiring that initial kinesiotherapist members of the
25 Committee apply for and receive a license within a certain period of time;
26 specifying the terms of the initial members of the Committee; defining certain
27 terms; and generally relating to the licensure and regulation of the practice of
28 kinesiotherapy.

29 BY renumbering

30 Article – State Government

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 8–403(b)(33) through (69), respectively
 2 to be Section 8–403(b)(34) through (70), respectively
 3 Annotated Code of Maryland
 4 (2009 Replacement Volume and 2011 Supplement)

5 BY adding to
 6 Article – Health Occupations
 7 Section 14–5F–01 through 14–5F–24 to be under the new subtitle “Subtitle 5F.
 8 Kinesiotherapists”
 9 Annotated Code of Maryland
 10 (2009 Replacement Volume and 2011 Supplement)

11 BY repealing and reenacting, without amendments,
 12 Article – State Government
 13 Section 8–403(a)
 14 Annotated Code of Maryland
 15 (2009 Replacement Volume and 2011 Supplement)

16 BY adding to
 17 Article – State Government
 18 Section 8–403(b)(33)
 19 Annotated Code of Maryland
 20 (2009 Replacement Volume and 2011 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 22 MARYLAND, That Section(s) 8–403(b)(33) through (69), respectively, of Article – State
 23 Government of the Annotated Code of Maryland be renumbered to be Section(s)
 24 8–403(b)(34) through (70), respectively.

25 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
 26 read as follows:

27 **Article – Health Occupations**

28 **SUBTITLE 5F. KINESIOTHERAPISTS.**

29 **14–5F–01.**

30 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
 31 **INDICATED.**

32 **(B) “BOARD” MEANS THE STATE BOARD OF PHYSICIANS.**

33 **(C) “COMMITTEE” MEANS THE KINESIOTHERAPY ADVISORY**
 34 **COMMITTEE ESTABLISHED UNDER § 14–5F–05 OF THIS SUBTITLE.**

1 (D) “LICENSE” MEANS A LICENSE ISSUED BY THE BOARD TO PRACTICE
2 KINESIOTHERAPY.

3 (E) “LICENSED KINESIOTHERAPIST” MEANS A KINESIOTHERAPIST WHO
4 IS LICENSED BY THE BOARD UNDER THIS SUBTITLE TO PRACTICE
5 KINESIOTHERAPY.

6 (F) “PRACTICE KINESIOTHERAPY” MEANS THE APPLICATION OF
7 SCIENTIFICALLY BASED EXERCISE PRINCIPLES ADAPTED TO ENHANCE THE
8 STRENGTH, ENDURANCE, AND MOBILITY OF INDIVIDUALS WITH FUNCTIONAL
9 LIMITATIONS OR INDIVIDUALS REQUIRING EXTENDED PHYSICAL
10 CONDITIONING.

11 (G) “STUDENT” MEANS AN INDIVIDUAL WHO, IN ACCORDANCE WITH §
12 14-5F-09 OF THIS SUBTITLE, IS:

13 (1) ENROLLED IN AN ACCREDITED EDUCATIONAL PROGRAM TO
14 QUALIFY FOR A LICENSE UNDER THIS SUBTITLE; AND

15 (2) PROVIDING KINESIOTHERAPY SERVICES WITHIN THE
16 ACCREDITED PROGRAM UNDER THE SUPERVISION OF A LICENSED
17 KINESIOTHERAPIST WITHOUT COMPENSATION.

18 14-5F-02.

19 THIS SUBTITLE DOES NOT LIMIT THE RIGHT OF AN INDIVIDUAL TO
20 PRACTICE A HEALTH OCCUPATION THAT THE INDIVIDUAL IS AUTHORIZED TO
21 PRACTICE UNDER THIS ARTICLE.

22 14-5F-03.

23 THE BOARD SHALL ADOPT REGULATIONS FOR THE LICENSURE AND
24 PRACTICE OF KINESIOTHERAPY.

25 14-5F-04.

26 (A) (1) THE BOARD SHALL SET REASONABLE FEES FOR THE
27 ISSUANCE AND RENEWAL OF LICENSES AND THE OTHER SERVICES THE BOARD
28 PROVIDES TO KINESIOTHERAPISTS.

29 (2) THE FEES CHARGED SHALL BE SET SO AS TO PRODUCE FUNDS
30 TO APPROXIMATE THE COST OF MAINTAINING THE LICENSURE PROGRAM AND
31 THE OTHER SERVICES PROVIDED TO KINESIOTHERAPISTS.

1 **(B) (1) THE BOARD SHALL PAY ALL FEES COLLECTED UNDER THIS**
2 **SUBTITLE TO THE COMPTROLLER.**

3 **(2) THE COMPTROLLER SHALL DISTRIBUTE ALL FEES TO THE**
4 **BOARD.**

5 **(C) THE FEES SHALL BE USED TO COVER THE ACTUAL DOCUMENTED**
6 **DIRECT AND INDIRECT COSTS OF FULFILLING THE STATUTORY AND**
7 **REGULATORY DUTIES OF THE BOARD AS PROVIDED BY THE PROVISIONS OF**
8 **THIS SUBTITLE.**

9 **14-5F-05.**

10 **THERE IS A KINESIOTHERAPY ADVISORY COMMITTEE WITHIN THE**
11 **BOARD.**

12 **14-5F-06.**

13 **(A) THE COMMITTEE CONSISTS OF FIVE MEMBERS, APPOINTED BY THE**
14 **BOARD AS FOLLOWS:**

15 **(1) (I) ON OR BEFORE SEPTEMBER 30, 2013, THREE**
16 **INDIVIDUALS WHO PRACTICE KINESIOTHERAPY AND WHO:**

17 **1. ARE GRADUATES OF A PROGRAM OF**
18 **KINESIOTHERAPY ACCREDITED BY THE COMMISSION ON ACCREDITATION OF**
19 **ALLIED HEALTH EDUCATION PROGRAMS; AND**

20 **2. HAVE A MINIMUM OF 2 YEARS EXPERIENCE; AND**

21 **(II) ON OR AFTER OCTOBER 1, 2013, THREE LICENSED**
22 **KINESIOTHERAPISTS;**

23 **(2) ONE PHYSICIAN WHO HAS KNOWLEDGE OF THE PRACTICE OF**
24 **KINESIOTHERAPY; AND**

25 **(3) ONE CONSUMER MEMBER.**

26 **(B) THE CONSUMER MEMBER OF THE COMMITTEE:**

27 **(1) SHALL BE A MEMBER OF THE GENERAL PUBLIC;**

28 **(2) MAY NOT PRACTICE OR EVER HAVE PRACTICED**
29 **KINESIOTHERAPY OR ANY HEALTH CARE PROFESSION;**

1 **(3) MAY NOT BE OR EVER HAVE BEEN IN TRAINING TO PRACTICE**
2 **KINESIOTHERAPY OR ANY OTHER HEALTH CARE PROFESSION;**

3 **(4) MAY NOT HAVE A HOUSEHOLD MEMBER WHO IS A HEALTH**
4 **CARE PROFESSIONAL OR IS IN TRAINING TO BE A HEALTH CARE PROFESSIONAL;**
5 **AND**

6 **(5) MAY NOT:**

7 **(I) PARTICIPATE OR EVER HAVE PARTICIPATED IN A**
8 **COMMERCIAL OR PROFESSIONAL FIELD RELATED TO KINESIOTHERAPY;**

9 **(II) HAVE A HOUSEHOLD MEMBER WHO PARTICIPATES IN A**
10 **COMMERCIAL OR PROFESSIONAL FIELD RELATED TO KINESIOTHERAPY;**

11 **(III) HAVE HAD WITHIN 2 YEARS BEFORE APPOINTMENT A**
12 **FINANCIAL INTEREST IN A PERSON REGULATED BY THE BOARD; OR**

13 **(IV) HAVE HAD WITHIN 2 YEARS BEFORE APPOINTMENT A**
14 **FINANCIAL INTEREST IN THE PROVISION OF GOODS OR SERVICES TO**
15 **KINESIOTHERAPISTS OR TO THE FIELD OF KINESIOTHERAPY.**

16 **(C) (1) THE TERM OF A MEMBER IS 3 YEARS.**

17 **(2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY**
18 **THE TERMS PROVIDED FOR MEMBERS OF THE COMMITTEE ON OCTOBER 1,**
19 **2012.**

20 **(3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE**
21 **UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.**

22 **(4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN**
23 **SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS**
24 **APPOINTED AND QUALIFIES.**

25 **(D) FROM AMONG ITS MEMBERS, THE COMMITTEE SHALL ELECT A**
26 **CHAIR EVERY 2 YEARS.**

27 **14-5F-07.**

28 **IN ADDITION TO THE POWERS SET FORTH ELSEWHERE IN THIS SUBTITLE,**
29 **THE COMMITTEE SHALL:**

30 **(1) DEVELOP AND RECOMMEND TO THE BOARD:**

1 **(I) REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS**
2 **SUBTITLE;**

3 **(II) A CODE OF ETHICS FOR THE PRACTICE OF**
4 **KINESIOTHERAPY FOR ADOPTION BY THE BOARD;**

5 **(III) RECOMMENDATIONS CONCERNING THE PRACTICE OF**
6 **KINESIOTHERAPY, INCLUDING STANDARDS OF CARE FOR THE PRACTICE OF**
7 **KINESIOTHERAPY; AND**

8 **(IV) CONTINUING EDUCATION REQUIREMENTS FOR LICENSE**
9 **RENEWAL; AND**

10 **(2) KEEP A RECORD OF THE COMMITTEE'S PROCEEDINGS.**

11 **14-5F-08.**

12 **(A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, ON OR AFTER**
13 **OCTOBER 1, 2013, AN INDIVIDUAL SHALL BE LICENSED BY THE BOARD BEFORE**
14 **THE INDIVIDUAL MAY PRACTICE KINESIOTHERAPY IN THE STATE.**

15 **(B) THIS SECTION DOES NOT APPLY TO A STUDENT ENROLLED IN AN**
16 **EDUCATION PROGRAM UNDER § 14-5F-09 OF THIS SUBTITLE WHILE**
17 **PRACTICING KINESIOTHERAPY IN THAT PROGRAM.**

18 **14-5F-09.**

19 **(A) TO QUALIFY FOR A LICENSE, AN APPLICANT SHALL BE AN**
20 **INDIVIDUAL WHO MEETS THE REQUIREMENTS OF THIS SECTION.**

21 **(B) THE APPLICANT SHALL:**

22 **(1) BE OF GOOD MORAL CHARACTER; AND**

23 **(2) BE AT LEAST 18 YEARS OLD.**

24 **(C) AN APPLICANT FOR A LICENSE TO PRACTICE KINESIOTHERAPY**
25 **SHALL:**

26 **(1) SUBMIT TO THE BOARD SATISFACTORY EVIDENCE OF**
27 **GRADUATION FROM A PROGRAM OF KINESIOTHERAPY ACCREDITED BY THE**
28 **COMMISSION ON ACCREDITATION OF ALLIED HEALTH EDUCATION PROGRAMS;**

1 **(2) HAS SATISFACTORILY PASSED AN EXAMINATION APPROVED**
2 **BY THE BOARD; AND**

3 **(3) MEET ANY OTHER EDUCATIONAL OR CLINICAL**
4 **REQUIREMENTS ESTABLISHED BY THE COMMITTEE AND APPROVED BY THE**
5 **BOARD.**

6 **14-5F-10.**

7 **(A) TO APPLY FOR A LICENSE, AN APPLICANT SHALL:**

8 **(1) SUBMIT AN APPLICATION TO THE BOARD ON THE FORM THAT**
9 **THE BOARD REQUIRES; AND**

10 **(2) PAY TO THE BOARD THE APPLICATION FEE SET BY THE**
11 **BOARD.**

12 **(B) THE BOARD SHALL ISSUE A LICENSE TO AN APPLICANT WHO MEETS**
13 **THE REQUIREMENTS OF THIS SUBTITLE.**

14 **14-5F-11.**

15 **A LICENSE AUTHORIZES AN INDIVIDUAL TO PRACTICE KINESIOTHERAPY**
16 **IN THE STATE WHILE THE LICENSE IS EFFECTIVE.**

17 **14-5F-12.**

18 **(A) (1) A LICENSE EXPIRES ON A DATE SET BY THE BOARD, UNLESS**
19 **THE LICENSE IS RENEWED FOR AN ADDITIONAL TERM AS PROVIDED IN THIS**
20 **SECTION.**

21 **(2) A LICENSE MAY NOT BE RENEWED FOR A TERM LONGER THAN**
22 **2 YEARS.**

23 **(B) AT LEAST 1 MONTH BEFORE A LICENSE EXPIRES, THE BOARD SHALL**
24 **SEND TO THE LICENSED KINESIOTHERAPIST A RENEWAL NOTICE THAT STATES:**

25 **(1) THE DATE ON WHICH THE CURRENT LICENSE EXPIRES;**

26 **(2) THE DATE BY WHICH THE RENEWAL APPLICATION MUST BE**
27 **RECEIVED BY THE BOARD FOR THE RENEWAL TO BE ISSUED AND SENT BEFORE**
28 **THE LICENSE EXPIRES; AND**

29 **(3) THE AMOUNT OF THE RENEWAL FEE.**

1 **(C) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, BEFORE A**
2 **LICENSE EXPIRES, THE LICENSED KINESIOTHERAPIST PERIODICALLY MAY**
3 **RENEW IT FOR AN ADDITIONAL TERM, IF THE LICENSEE:**

4 **(1) OTHERWISE IS ENTITLED TO BE LICENSED;**

5 **(2) PAYS TO THE BOARD A RENEWAL FEE SET BY THE BOARD;**
6 **AND**

7 **(3) SUBMITS TO THE BOARD:**

8 **(I) A RENEWAL APPLICATION ON THE FORM THAT THE**
9 **BOARD REQUIRES; AND**

10 **(II) SATISFACTORY EVIDENCE OF COMPLIANCE WITH ANY**
11 **CONTINUING EDUCATION OR COMPETENCY REQUIREMENTS AND OTHER**
12 **REQUIREMENTS SET UNDER THIS SECTION FOR LICENSE RENEWAL.**

13 **(D) IN ADDITION TO ANY OTHER QUALIFICATIONS AND REQUIREMENTS**
14 **ESTABLISHED BY THE BOARD, THE BOARD SHALL ESTABLISH CONTINUING**
15 **EDUCATION OR COMPETENCY REQUIREMENTS AS A CONDITION OF THE**
16 **RENEWAL OF A LICENSE UNDER THIS SECTION.**

17 **(E) THE BOARD SHALL RENEW THE LICENSE OF EACH LICENSEE WHO**
18 **MEETS THE REQUIREMENTS OF THIS SECTION.**

19 **(F) THE BOARD SHALL REINSTATE THE LICENSE OF AN INDIVIDUAL**
20 **WHO HAS NOT BEEN PLACED ON INACTIVE STATUS BUT HAS FAILED TO RENEW**
21 **THE LICENSE FOR ANY REASON IF THE INDIVIDUAL:**

22 **(1) APPLIES FOR REINSTATEMENT WITHIN 30 DAYS AFTER THE**
23 **DATE THE LICENSE EXPIRES;**

24 **(2) MEETS THE RENEWAL REQUIREMENTS OF THIS SECTION; AND**

25 **(3) PAYS TO THE BOARD THE REINSTATEMENT FEE SET BY THE**
26 **BOARD.**

27 **14-5F-13.**

28 **(A) (1) A LICENSED KINESIOTHERAPIST SHALL NOTIFY THE BOARD**
29 **IN WRITING OF A CHANGE IN NAME OR ADDRESS WITHIN 60 DAYS AFTER THE**
30 **CHANGE.**

1 **(2) A LICENSED KINESIOTHERAPIST WHO FAILS TO COMPLY WITH**
2 **THE REQUIREMENTS OF PARAGRAPH (1) OF THIS SUBSECTION IS SUBJECT TO**
3 **AN ADMINISTRATIVE PENALTY OF \$100.**

4 **(B) EACH LICENSED KINESIOTHERAPIST SHALL DISPLAY THE LICENSE**
5 **CONSPICUOUSLY IN THE OFFICE OR PLACE OF EMPLOYMENT OF THE LICENSEE.**

6 **14-5F-14.**

7 **UNLESS THE BOARD AGREES TO ACCEPT THE SURRENDER OF A LICENSE,**
8 **A LICENSED KINESIOTHERAPIST MAY NOT SURRENDER THE LICENSE NOR MAY**
9 **THE LICENSE LAPSE BY OPERATION OF LAW WHILE THE LICENSEE IS UNDER**
10 **INVESTIGATION OR WHILE CHARGES ARE PENDING AGAINST THE LICENSEE.**

11 **14-5F-15.**

12 **(A) SUBJECT TO THE HEARING PROVISIONS OF § 14-405 OF THIS TITLE,**
13 **THE BOARD MAY DENY A LICENSE TO ANY APPLICANT, REPRIMAND ANY**
14 **LICENSEE, PLACE ANY LICENSEE ON PROBATION, OR SUSPEND OR REVOKE A**
15 **LICENSE IF AN APPLICANT OR LICENSEE:**

16 **(1) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO**
17 **OBTAIN A LICENSE FOR THE APPLICANT OR LICENSEE OR FOR ANOTHER;**

18 **(2) FRAUDULENTLY OR DECEPTIVELY USES A LICENSE;**

19 **(3) IS GUILTY OF UNPROFESSIONAL OR IMMORAL CONDUCT IN**
20 **THE PRACTICE OF KINESIOTHERAPY;**

21 **(4) IS PROFESSIONALLY, PHYSICALLY, OR MENTALLY**
22 **INCOMPETENT;**

23 **(5) ABANDONS A PATIENT;**

24 **(6) IS HABITUALLY INTOXICATED;**

25 **(7) IS ADDICTED TO OR HABITUALLY ABUSES ANY NARCOTIC OR**
26 **CONTROLLED DANGEROUS SUBSTANCE AS DEFINED IN § 5-101 OF THE**
27 **CRIMINAL LAW ARTICLE;**

28 **(8) PROVIDES PROFESSIONAL SERVICES WHILE:**

29 **(i) UNDER THE INFLUENCE OF ALCOHOL; OR**

1 **(II) USING ANY NARCOTIC OR CONTROLLED DANGEROUS**
2 **SUBSTANCE AS DEFINED IN § 5-101 OF THE CRIMINAL LAW ARTICLE OR ANY**
3 **OTHER DRUG THAT IS IN EXCESS OF THERAPEUTIC AMOUNTS OR WITHOUT**
4 **VALID MEDICAL INDICATION;**

5 **(9) PROMOTES THE SALE OF SERVICES, DRUGS, DEVICES,**
6 **APPLIANCES, OR GOODS TO A PATIENT SO AS TO EXPLOIT THE PATIENT FOR**
7 **FINANCIAL GAIN;**

8 **(10) WILLFULLY MAKES OR FILES A FALSE REPORT OR RECORD IN**
9 **THE PRACTICE OF KINESIOTHERAPY;**

10 **(11) WILLFULLY FAILS TO FILE OR RECORD ANY REPORT AS**
11 **REQUIRED UNDER LAW, WILLFULLY IMPEDES OR OBSTRUCTS THE FILING OR**
12 **RECORDING OF A REPORT, OR INDUCES ANOTHER TO FAIL TO FILE OR RECORD**
13 **A REPORT;**

14 **(12) BREACHES PATIENT CONFIDENTIALITY;**

15 **(13) PAYS OR AGREES TO PAY ANY SUM OR PROVIDE ANY FORM OF**
16 **REMUNERATION OR MATERIAL BENEFIT TO ANY PERSON FOR BRINGING OR**
17 **REFERRING A PATIENT OR ACCEPTS OR AGREES TO ACCEPT ANY SUM OR ANY**
18 **FORM OF REMUNERATION OR MATERIAL BENEFIT FROM AN INDIVIDUAL FOR**
19 **BRINGING OR REFERRING A PATIENT;**

20 **(14) KNOWINGLY MAKES A MISREPRESENTATION WHILE**
21 **PRACTICING KINESIOTHERAPY;**

22 **(15) KNOWINGLY PRACTICES KINESIOTHERAPY WITH AN**
23 **UNAUTHORIZED INDIVIDUAL OR AIDS AN UNAUTHORIZED INDIVIDUAL IN THE**
24 **PRACTICE OF KINESIOTHERAPY;**

25 **(16) KNOWINGLY DELEGATES A KINESIOTHERAPY DUTY TO AN**
26 **UNLICENSED INDIVIDUAL;**

27 **(17) OFFERS, UNDERTAKES, OR AGREES TO CURE OR TREAT**
28 **DISEASE BY A SECRET METHOD, TREATMENT, OR MEDICINE;**

29 **(18) IS DISCIPLINED BY A LICENSING OR DISCIPLINARY**
30 **AUTHORITY OR IS CONVICTED OR DISCIPLINED BY A COURT OF ANY STATE OR**
31 **COUNTRY OR IS DISCIPLINED BY ANY BRANCH OF THE UNITED STATES**
32 **UNIFORMED SERVICES OR THE U.S. DEPARTMENT OF VETERANS AFFAIRS FOR**
33 **AN ACT THAT WOULD BE GROUNDS FOR DISCIPLINARY ACTION UNDER THE**
34 **BOARD'S DISCIPLINARY STATUTES;**

1 **(19) FAILS TO MEET APPROPRIATE STANDARDS FOR THE**
2 **DELIVERY OF KINESIOTHERAPY SERVICES;**

3 **(20) KNOWINGLY SUBMITS FALSE STATEMENTS TO COLLECT FEES**
4 **FOR WHICH SERVICES ARE NOT PROVIDED;**

5 **(21) (I) HAS BEEN SUBJECT TO INVESTIGATION OR**
6 **DISCIPLINARY ACTION BY A LICENSING OR DISCIPLINARY AUTHORITY OR BY A**
7 **COURT OF ANY STATE OR COUNTRY FOR AN ACT THAT WOULD BE GROUNDS FOR**
8 **DISCIPLINARY ACTION UNDER THE BOARD'S DISCIPLINARY STATUTES; AND**

9 **(II) HAS:**

10 **1. SURRENDERED THE LICENSE, IF ANY, ISSUED BY**
11 **THE STATE OR COUNTRY; OR**

12 **2. ALLOWED THE LICENSE, IF ANY, ISSUED BY THE**
13 **STATE OR COUNTRY TO EXPIRE OR LAPSE;**

14 **(22) KNOWINGLY FAILS TO REPORT SUSPECTED CHILD ABUSE IN**
15 **VIOLATION OF § 5-704 OF THE FAMILY LAW ARTICLE;**

16 **(23) SELLS, PRESCRIBES, GIVES AWAY, OR ADMINISTERS DRUGS**
17 **FOR ILLEGAL OR ILLEGITIMATE MEDICAL PURPOSES;**

18 **(24) PRACTICES OR ATTEMPTS TO PRACTICE BEYOND THE**
19 **AUTHORIZED SCOPE OF PRACTICE;**

20 **(25) IS CONVICTED OF OR PLEADS GUILTY OR NOLO CONTENDERE**
21 **TO A FELONY OR TO A CRIME INVOLVING MORAL TURPITUDE, WHETHER OR NOT**
22 **ANY APPEAL OR OTHER PROCEEDING IS PENDING TO HAVE THE CONVICTION OR**
23 **PLEA SET ASIDE;**

24 **(26) REFUSES, WITHHOLDS FROM, DENIES, OR DISCRIMINATES**
25 **AGAINST AN INDIVIDUAL WITH REGARD TO THE PROVISION OF PROFESSIONAL**
26 **SERVICES FOR WHICH THE LICENSEE IS LICENSED AND QUALIFIED TO RENDER**
27 **BECAUSE THE INDIVIDUAL IS HIV POSITIVE;**

28 **(27) PRACTICES OR ATTEMPTS TO PRACTICE A KINESIOTHERAPY**
29 **PROCEDURE OR USES OR ATTEMPTS TO USE KINESIOTHERAPY EQUIPMENT IF**
30 **THE APPLICANT OR LICENSEE HAS NOT RECEIVED EDUCATION AND TRAINING IN**
31 **THE PERFORMANCE OF THE PROCEDURE OR THE USE OF THE EQUIPMENT; OR**

1 **(28) FAILS TO COOPERATE WITH A LAWFUL INVESTIGATION OF**
2 **THE BOARD.**

3 **(B) EXCEPT AS OTHERWISE PROVIDED IN TITLE 10, SUBTITLE 2 OF THE**
4 **STATE GOVERNMENT ARTICLE, BEFORE THE BOARD TAKES ANY ACTION UNDER**
5 **SUBSECTION (A) OF THIS SECTION, IT SHALL GIVE THE INDIVIDUAL AGAINST**
6 **WHOM THE ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING**
7 **BEFORE THE BOARD IN ACCORDANCE WITH THE HEARING REQUIREMENTS OF §**
8 **14-405 OF THIS TITLE.**

9 **(C) (1) ON THE FILING OF CERTIFIED DOCKET ENTRIES WITH THE**
10 **BOARD BY THE OFFICE OF THE ATTORNEY GENERAL, THE BOARD SHALL**
11 **ORDER THE SUSPENSION OF A LICENSE IF THE LICENSEE IS CONVICTED OF OR**
12 **PLEADS GUILTY OR NOLO CONTENDERE WITH RESPECT TO A CRIME INVOLVING**
13 **MORAL TURPITUDE, WHETHER OR NOT ANY APPEAL OR OTHER PROCEEDING IS**
14 **PENDING TO HAVE THE CONVICTION OR PLEA SET ASIDE.**

15 **(2) AFTER COMPLETION OF THE APPELLATE PROCESS IF THE**
16 **CONVICTION HAS NOT BEEN REVERSED OR THE PLEA HAS NOT BEEN SET ASIDE**
17 **WITH RESPECT TO A CRIME INVOLVING MORAL TURPITUDE, THE BOARD SHALL**
18 **ORDER THE REVOCATION OF A LICENSE ON THE CERTIFICATION BY THE OFFICE**
19 **OF THE ATTORNEY GENERAL.**

20 **14-5F-16.**

21 **(A) (1) ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE**
22 **BOARD UNDER THIS SUBTITLE MAY NOT APPEAL TO THE SECRETARY OR BOARD**
23 **OF REVIEW BUT MAY TAKE A DIRECT JUDICIAL APPEAL.**

24 **(2) THE APPEAL SHALL BE MADE AS PROVIDED FOR JUDICIAL**
25 **REVIEW OF FINAL DECISIONS IN TITLE 10, SUBTITLE 2 OF THE STATE**
26 **GOVERNMENT ARTICLE.**

27 **(B) AN ORDER OF THE BOARD MAY NOT BE STAYED PENDING JUDICIAL**
28 **REVIEW.**

29 **(C) THE BOARD MAY APPEAL FROM ANY DECISION THAT REVERSES OR**
30 **MODIFIES ITS ORDER.**

31 **14-5F-17.**

32 **(A) EXCEPT AS PROVIDED IN SUBSECTIONS (B) AND (D) OF THIS**
33 **SECTION, HOSPITALS, RELATED INSTITUTIONS, ALTERNATIVE HEALTH SYSTEMS**
34 **AS DEFINED IN § 1-401 OF THIS ARTICLE, AND EMPLOYERS SHALL FILE WITH**

1 THE BOARD A REPORT THAT THE HOSPITAL, RELATED INSTITUTION,
2 ALTERNATIVE HEALTH SYSTEM, OR EMPLOYER LIMITED, REDUCED, OTHERWISE
3 CHANGED, OR TERMINATED ANY LICENSED KINESIOTHERAPIST FOR ANY
4 REASON THAT MIGHT BE GROUNDS FOR DISCIPLINARY ACTION UNDER §
5 14-5F-15 OF THIS SUBTITLE.

6 (B) A HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH
7 SYSTEM, OR EMPLOYER THAT HAS REASON TO KNOW THAT A LICENSED
8 KINESIOTHERAPIST HAS COMMITTED AN ACT OR HAS A CONDITION THAT MIGHT
9 BE GROUNDS FOR REPRIMAND OR PROBATION OF THE LICENSED
10 KINESIOTHERAPIST OR SUSPENSION OR REVOCATION OF THE LICENSE BECAUSE
11 THE LICENSED KINESIOTHERAPIST IS ALCOHOL-IMPAIRED OR DRUG-IMPAIRED
12 IS NOT REQUIRED TO REPORT THE LICENSED KINESIOTHERAPIST TO THE
13 BOARD IF:

14 (1) THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE
15 HEALTH SYSTEM, OR EMPLOYER KNOWS THAT THE LICENSED
16 KINESIOTHERAPIST IS:

17 (i) IN AN ALCOHOL OR DRUG TREATMENT PROGRAM THAT
18 IS ACCREDITED BY THE JOINT COMMISSION ON ACCREDITATION OF
19 HEALTHCARE ORGANIZATIONS OR IS CERTIFIED BY THE DEPARTMENT; OR

20 (ii) UNDER THE CARE OF A HEALTH CARE PRACTITIONER
21 WHO IS COMPETENT AND CAPABLE OF DEALING WITH ALCOHOLISM AND DRUG
22 ABUSE; AND

23 (2) (i) THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE
24 HEALTH SYSTEM, OR EMPLOYER IS ABLE TO VERIFY THAT THE LICENSED
25 KINESIOTHERAPIST REMAINS IN THE TREATMENT PROGRAM UNTIL DISCHARGE;
26 AND

27 (ii) THE ACTION OR CONDITION OF THE LICENSED
28 KINESIOTHERAPIST HAS NOT CAUSED INJURY TO ANY PERSON WHILE THE
29 KINESIOTHERAPIST IS PRACTICING AS A LICENSED KINESIOTHERAPIST.

30 (C) (1) IF THE LICENSED KINESIOTHERAPIST ENTERS, OR IS
31 CONSIDERING ENTERING, AN ALCOHOL OR DRUG TREATMENT PROGRAM THAT
32 IS ACCREDITED BY THE JOINT COMMISSION ON ACCREDITATION OF
33 HEALTHCARE ORGANIZATIONS OR THAT IS CERTIFIED BY THE DEPARTMENT,
34 THE LICENSED KINESIOTHERAPIST SHALL NOTIFY THE HOSPITAL, RELATED
35 INSTITUTION, ALTERNATIVE HEALTH SYSTEM, OR EMPLOYER OF THE LICENSED
36 KINESIOTHERAPIST'S DECISION TO ENTER THE TREATMENT PROGRAM.

1 **(2) IF THE LICENSED KINESIOTHERAPIST FAILS TO PROVIDE THE**
2 **NOTICE REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION, AND THE**
3 **HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH SYSTEM, OR**
4 **EMPLOYER LEARNS THAT THE LICENSED KINESIOTHERAPIST HAS ENTERED A**
5 **TREATMENT PROGRAM, THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE**
6 **HEALTH SYSTEM, OR EMPLOYER SHALL REPORT TO THE BOARD THAT THE**
7 **LICENSED KINESIOTHERAPIST HAS ENTERED A TREATMENT PROGRAM AND HAS**
8 **FAILED TO PROVIDE THE REQUIRED NOTICE.**

9 **(3) IF THE LICENSED KINESIOTHERAPIST IS FOUND TO BE**
10 **NONCOMPLIANT WITH THE TREATMENT PROGRAM'S POLICIES AND**
11 **PROCEDURES WHILE IN THE TREATMENT PROGRAM, THE TREATMENT**
12 **PROGRAM SHALL NOTIFY THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE**
13 **HEALTH SYSTEM, OR EMPLOYER OF THE LICENSED KINESIOTHERAPIST'S**
14 **NONCOMPLIANCE.**

15 **(4) ON RECEIPT OF THE NOTIFICATION REQUIRED UNDER**
16 **PARAGRAPH (3) OF THIS SUBSECTION, THE HOSPITAL, RELATED INSTITUTION,**
17 **ALTERNATIVE HEALTH SYSTEM, OR EMPLOYER OF THE LICENSED**
18 **KINESIOTHERAPIST SHALL REPORT THE LICENSED KINESIOTHERAPIST'S**
19 **NONCOMPLIANCE TO THE BOARD.**

20 **(D) A PERSON IS NOT REQUIRED UNDER THIS SECTION TO MAKE ANY**
21 **REPORT THAT WOULD BE IN VIOLATION OF ANY FEDERAL OR STATE LAW, RULE,**
22 **OR REGULATION CONCERNING THE CONFIDENTIALITY OF ALCOHOL- AND DRUG**
23 **ABUSE-RELATED PATIENT RECORDS.**

24 **(E) THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH**
25 **SYSTEM, OR EMPLOYER SHALL SUBMIT THE REPORT WITHIN 10 DAYS OF ANY**
26 **ACTION DESCRIBED IN THIS SECTION.**

27 **(F) A REPORT MADE UNDER THIS SECTION IS NOT SUBJECT TO**
28 **SUBPOENA OR DISCOVERY IN ANY CIVIL ACTION OTHER THAN A PROCEEDING**
29 **ARISING OUT OF A HEARING AND DECISION OF THE BOARD UNDER THIS TITLE.**

30 **(G) (1) THE BOARD MAY IMPOSE A CIVIL PENALTY OF UP TO \$1,000**
31 **FOR FAILURE TO REPORT UNDER THIS SECTION.**

32 **(2) THE BOARD SHALL REMIT ANY PENALTY COLLECTED UNDER**
33 **THIS SUBSECTION INTO THE GENERAL FUND OF THE STATE.**

34 **14-5F-18.**

1 **ON THE APPLICATION OF AN INDIVIDUAL WHOSE LICENSE HAS BEEN**
2 **REVOKED, THE BOARD, ON THE AFFIRMATIVE VOTE OF A MAJORITY OF ITS FULL**
3 **AUTHORIZED MEMBERSHIP, MAY REINSTATE A REVOKED LICENSE.**

4 **14-5F-19.**

5 **EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A PERSON MAY NOT**
6 **PRACTICE, ATTEMPT TO PRACTICE, OR OFFER TO PRACTICE KINESIOTHERAPY**
7 **IN THIS STATE UNLESS LICENSED TO PRACTICE KINESIOTHERAPY BY THE**
8 **BOARD.**

9 **14-5F-20.**

10 **(A) UNLESS AUTHORIZED TO PRACTICE KINESIOTHERAPY UNDER THIS**
11 **SUBTITLE, A PERSON MAY NOT REPRESENT TO THE PUBLIC BY TITLE, BY**
12 **DESCRIPTION OF SERVICES, METHODS, OR PROCEDURES, OR OTHERWISE, THAT**
13 **THE PERSON IS AUTHORIZED TO PRACTICE KINESIOTHERAPY IN THIS STATE.**

14 **(B) UNLESS AUTHORIZED TO PRACTICE KINESIOTHERAPY UNDER THIS**
15 **SUBTITLE, A PERSON MAY NOT USE THE TITLE “LICENSED KINESIOTHERAPIST”,**
16 **THE ABBREVIATIONS “K.T.”, “L.K.T.”, OR “R.K.T.”, OR ANY OTHER WORDS,**
17 **LETTERS, OR SYMBOLS WITH THE INTENT TO REPRESENT THAT THE PERSON**
18 **PRACTICES KINESIOTHERAPY OR HOLDS A LICENSE AS A LICENSED**
19 **KINESIOTHERAPIST ISSUED BY THE BOARD.**

20 **14-5F-21.**

21 **A PERSON MAY NOT PROVIDE, ATTEMPT TO PROVIDE, OFFER TO PROVIDE,**
22 **OR REPRESENT THAT THE PERSON PROVIDES KINESIOTHERAPY SERVICES**
23 **UNLESS THE KINESIOTHERAPY IS PROVIDED BY AN INDIVIDUAL WHO IS**
24 **AUTHORIZED TO PRACTICE KINESIOTHERAPY UNDER THIS SUBTITLE.**

25 **14-5F-22.**

26 **(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A**
27 **PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE IS GUILTY OF A**
28 **MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING**
29 **\$1,000 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.**

30 **(B) A PERSON WHO VIOLATES § 14-5F-19 OF THIS SUBTITLE IS**
31 **SUBJECT TO A CIVIL FINE OF NOT MORE THAN \$5,000 TO BE LEVIED BY THE**
32 **BOARD.**

1 **(C) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER THIS**
2 **SECTION INTO THE BOARD OF PHYSICIANS FUND.**

3 **14-5F-23.**

4 **THIS SUBTITLE MAY BE CITED AS THE MARYLAND KINESIOLOGY ACT.**

5 **14-5F-24.**

6 **SUBJECT TO THE EVALUATION AND REESTABLISHMENT PROVISIONS OF**
7 **THE MARYLAND PROGRAM EVALUATION ACT AND SUBJECT TO THE**
8 **TERMINATION OF THIS TITLE UNDER § 14-702 OF THIS TITLE, THIS SUBTITLE**
9 **AND ALL REGULATIONS ADOPTED UNDER THIS SUBTITLE SHALL TERMINATE**
10 **AND BE OF NO EFFECT AFTER JULY 1, 2022.**

11 **Article – State Government**

12 **8-403.**

13 (a) On or before December 15 of the 2nd year before the evaluation date of a
14 governmental activity or unit, the Legislative Policy Committee, based on a
15 preliminary evaluation, may waive as unnecessary the evaluation required under this
16 section.

17 (b) Except as otherwise provided in subsection (a) of this section, on or before
18 the evaluation date for the following governmental activities or units, an evaluation
19 shall be made of the following governmental activities or units and the statutes and
20 regulations that relate to the governmental activities or units:

21 **(33) KINESIOTHERAPY ADVISORY COMMITTEE (§ 14-5F-05 OF**
22 **THE HEALTH OCCUPATIONS ARTICLE: JULY 1, 2021);**

23 **SECTION 3. AND BE IT FURTHER ENACTED, That:**

24 (a) (1) Notwithstanding the provisions of § 14-5F-06 of the Health
25 Occupations Article, as enacted by Section 2 of this Act, each initial kinesiotherapist
26 member of the Kinesiotherapy Advisory Committee shall apply for and receive a
27 license to practice kinesiotherapy within 90 days of the appointment of all initial
28 members of the Kinesiotherapy Advisory Committee.

29 (2) If an initial kinesiotherapist member of the Kinesiotherapy
30 Advisory Committee fails to apply for and receive a license in accordance with
31 paragraph (1) of this subsection:

32 (i) the term of the initial kinesiotherapist member shall
33 terminate immediately; and

1 (ii) the State Board of Physicians shall appoint a licensed
2 kinesiologist to serve the remainder of the term.

3 (b) The terms of the initial members of the Kinesiotherapy Advisory
4 Committee shall expire as follows:

- 5 (1) two members in 2014;
- 6 (2) two members in 2015; and
- 7 (3) one member in 2016.

8 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2012.