

HOUSE BILL 1430

J2

8lr3123

By: **Delegates B. Barnes, Kipke, and Krebs**

Introduced and read first time: February 9, 2018

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Health Occupations – Podiatric Physicians**

3 FOR the purpose of altering the term “podiatrist” to be “podiatric physician”; authorizing
4 the publishers of the Annotated Code of Maryland to correct statutory references
5 under certain circumstances; and generally relating to podiatric physicians.

6 BY repealing and reenacting, with amendments,
7 Article – Commercial Law
8 Section 13–104(1)
9 Annotated Code of Maryland
10 (2013 Replacement Volume and 2017 Supplement)

11 BY repealing and reenacting, with amendments,
12 Article – Corporations and Associations
13 Section 4A–101(r)(2)(viii) and 5–101(g)(2)(vii)
14 Annotated Code of Maryland
15 (2014 Replacement Volume and 2017 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – Courts and Judicial Proceedings
18 Section 3–2A–01(f)(1)
19 Annotated Code of Maryland
20 (2013 Replacement Volume and 2017 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article – Criminal Law
23 Section 3–101(b)(3)
24 Annotated Code of Maryland
25 (2012 Replacement Volume and 2017 Supplement)

26 BY repealing and reenacting, with amendments,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 Article – Education
2 Section 15–122(a)
3 Annotated Code of Maryland
4 (2014 Replacement Volume and 2017 Supplement)
- 5 BY repealing and reenacting, with amendments,
6 Article – Estates and Trusts
7 Section 7–401(bb)
8 Annotated Code of Maryland
9 (2017 Replacement Volume)
- 10 BY repealing and reenacting, with amendments,
11 Article – Health – General
12 Section 3–401(b), 4–401(a)(7), 4–403(a)(1)(xvi), 15–103(c)(3), 19–351(b), 19–712.5(f),
13 19–2001(a)(4)(ii)8., and 21–1113(a)(2)
14 Annotated Code of Maryland
15 (2015 Replacement Volume and 2017 Supplement)
- 16 BY repealing and reenacting, with amendments,
17 Article – Health Occupations
18 Section 1–801(d)(6), 8–512(a)(2), 12–101(b), 12–102(a)(2) and (3), (c)(2)(ii), (d)(2),
19 (e)(1), (f)(1), (g), and (m), 12–102.1(b), 12–102.2(b), 12–6A–01(b),
20 14–5F–14(b)(3); and 16–101(d) and (e), 16–103, 16–202(a)(2) and (3), (c), and
21 (d)(2) and (3), 16–205(a)(2), (b)(3)(ii) and (iii) and (4), 16–307(f)(1),
22 16–308(a)(3) and (b), 16–310(a), 16–311(b), 16–318(a), 16–401, 16–402,
23 16–403, and 16–404 to be under the amended title “Title 16. Podiatric
24 Physicians”
25 Annotated Code of Maryland
26 (2014 Replacement Volume and 2017 Supplement)
- 27 BY repealing and reenacting, with amendments,
28 Article – Insurance
29 Section 4–401(a)(1)(i) and (e)(3), 14–101(b), 14–110(a)(2)(ii)2., 15–702(b), 15–713(b)
30 and (c), and 15–805(a)(2)
31 Annotated Code of Maryland
32 (2017 Replacement Volume)
- 33 BY repealing and reenacting, with amendments,
34 Article – State Personnel and Pensions
35 Section 9–504(b)(2)(x)
36 Annotated Code of Maryland
37 (2015 Replacement Volume and 2017 Supplement)
- 38 BY repealing and reenacting, with amendments,
39 Article – Transportation
40 Section 13–616(a)(8) and (b)(1) and (2)(ii), 13–616.1(a)(2)(i) and (j), and
41 13–616.2(a)(2), (c)(1), and (h)

1 Annotated Code of Maryland
2 (2012 Replacement Volume and 2017 Supplement)

3 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
4 That the Laws of Maryland read as follows:

5 **Article – Commercial Law**

6 13–104.

7 This title does not apply to:

8 (1) The professional services of a certified public accountant, architect,
9 clergyman, professional engineer, lawyer, veterinarian, insurance company authorized to
10 do business in the State, insurance producer licensed by the State, Christian Science
11 practitioner, land surveyor, property line surveyor, chiropractor, optometrist, physical
12 therapist, [podiatrist] **PODIATRIC PHYSICIAN**, real estate broker, associate real estate
13 broker, or real estate salesperson, or medical or dental practitioner;

14 **Article – Corporations and Associations**

15 4A–101.

16 (r) (2) “Professional service” includes a service provided by:

17 (viii) A [podiatrist] **PODIATRIC PHYSICIAN**;

18 5–101.

19 (g) (2) “Professional service” includes, but is not limited to, a service provided
20 by:

21 (vii) A [podiatrist] **PODIATRIC PHYSICIAN**;

22 **Article – Courts and Judicial Proceedings**

23 3–2A–01.

24 (f) (1) “Health care provider” means a hospital, a related institution as defined
25 in § 19–301 of the Health – General Article, a medical day care center, a hospice care
26 program, an assisted living program, a freestanding ambulatory care facility as defined in
27 § 19–3B–01 of the Health – General Article, a physician, an osteopath, an optometrist, a
28 chiropractor, a registered or licensed practical nurse, a dentist, a [podiatrist] **PODIATRIC**
29 **PHYSICIAN**, a psychologist, a licensed certified social worker–clinical, and a physical
30 therapist, licensed or authorized to provide one or more health care services in Maryland.

31 **Article – Criminal Law**

1 3–101.

2 (b) “Licensed health care professional” means a duly licensed or certified:

3 (3) [podiatrist] **PODIATRIC PHYSICIAN**;

4 **Article – Education**

5 15–122.

6 (a) This section applies only to an institution of higher education that awards a
7 degree that an individual may use to meet the educational requirements for licensure under
8 the Health Occupations Article as a physician, advanced practice nurse, dentist, physician
9 assistant, or [podiatrist] **PODIATRIC PHYSICIAN**.

10 **Article – Estates and Trusts**

11 7–401.

12 (bb) If the estate is of a physician, [podiatrist] **PODIATRIC PHYSICIAN**,
13 optometrist, or dentist who was a sole practitioner, the administrator shall follow the notice
14 requirements under § 4–305 of the Health – General Article before the destruction or
15 transfer of any medical records of a patient of the decedent.

16 **Article – Health – General**

17 3–401.

18 (b) “Authorized prescriber” means a licensed registered nurse, licensed dentist,
19 licensed physician, licensed physician’s assistant, licensed [podiatrist] **PODIATRIC**
20 **PHYSICIAN**, or other individual authorized by law to prescribe prescription or
21 nonprescription drugs or devices.

22 4–401.

23 (a) In this section, “provider” means:

24 (7) A [podiatrist] **PODIATRIC PHYSICIAN**; or

25 4–403.

26 (a) (1) In this section, a “health care provider” means:

27 (xvi) A [podiatrist] **PODIATRIC PHYSICIAN**;

1 15–103.

2 (c) (3) The Secretary may contract with insurance companies or nonprofit
3 health service plans or with individuals, associations, partnerships, incorporated or
4 unincorporated groups of physicians, chiropractors, dentists, [podiatrists] **PODIATRIC**
5 **PHYSICIANS**, optometrists, pharmacists, hospitals, nursing homes, nurses, including
6 nurse anesthetists, nurse midwives and certified nurse practitioners, opticians, and other
7 health practitioners who are licensed or certified in this State and perform services on the
8 prescription or referral of a physician.

9 19–351.

10 (b) (1) A hospital or related institution that provides services that licensed
11 [podiatrists] **PODIATRIC PHYSICIANS** are authorized to perform under Title 16 of the
12 Health Occupations Article, other than incidental care, shall include, in its bylaws, rules,
13 or regulations, provisions for use of facilities by and staff privileges for qualified
14 [podiatrists] **PODIATRIC PHYSICIANS**.

15 (2) The hospital or related institution may restrict use of facilities and staff
16 privileges by [podiatrists] **PODIATRIC PHYSICIANS** to those [podiatrists] **PODIATRIC**
17 **PHYSICIANS** who meet the qualifications that the hospital or related institution sets for
18 granting those privileges.

19 (3) The qualifications that the hospital or related institution sets for
20 granting privileges for services that licensed [podiatrists] **PODIATRIC PHYSICIANS** are
21 authorized to perform under Title 16 of the Health Occupations Article shall include
22 consideration of the training, education, and experience of the [podiatrist] **PODIATRIC**
23 **PHYSICIAN**.

24 19–712.5.

25 (f) If a health maintenance organization authorizes, directs, refers, or otherwise
26 allows a member or subscriber to access a hospital emergency facility or other urgent care
27 facility for a medical condition that requires emergency surgery, the health maintenance
28 organization:

29 (1) Shall reimburse the physician, oral surgeon, periodontist, or
30 [podiatrist] **PODIATRIC PHYSICIAN**, who performed the surgical procedure, for follow-up
31 care that is:

32 (i) Medically necessary;

33 (ii) Directly related to the condition for which the surgical procedure
34 was performed; and

35 (iii) Provided in consultation with the member's or subscriber's

1 primary care physician; and

2 (2) May not impose on the member or subscriber any co-payment or other
3 cost-sharing requirement for any follow-up care that exceeds what a member or subscriber
4 is required to pay for services rendered by a physician, oral surgeon, periodontist, or
5 [podiatrist] **PODIATRIC PHYSICIAN** who is a member of the provider panel of the health
6 maintenance organization.

7 19-2001.

8 (a) (4) (ii) "Health care practitioner" does not include:

9 8. A [podiatrist] **PODIATRIC PHYSICIAN**.

10 21-1113.

11 (a) (2) "Authorized prescriber" means a licensed dentist, licensed physician,
12 licensed [podiatrist] **PODIATRIC PHYSICIAN**, licensed veterinarian, certified nurse
13 midwife to the extent permitted under § 8-601 of the Health Occupations Article, certified
14 nurse practitioner to the extent permitted under § 8-508 of the Health Occupations Article,
15 or other individual authorized by law to prescribe prescription or nonprescription drugs or
16 devices.

17 Article – Health Occupations

18 1-801.

19 (d) "Health care professional" means:

20 (6) A [podiatrist] **PODIATRIC PHYSICIAN** licensed by the State Board of
21 Podiatric Medical Examiners;

22 8-512.

23 (a) (2) "Authorized prescriber" means a licensed registered nurse, licensed
24 dentist, licensed physician, licensed physician's assistant, licensed [podiatrist] **PODIATRIC**
25 **PHYSICIAN**, or other individual authorized by law to prescribe prescription or
26 nonprescription drugs or devices.

27 12-101.

28 (b) "Authorized prescriber" means any licensed dentist, licensed physician,
29 licensed [podiatrist] **PODIATRIC PHYSICIAN**, licensed veterinarian, advanced practice
30 nurse with prescriptive authority under § 8-508 of this article, or other individual
31 authorized by law to prescribe prescription or nonprescription drugs or devices.

1 12-102.

2 (a) (2) "In the public interest" means the dispensing of drugs or devices by a
3 licensed dentist, physician, or [podiatrist] **PODIATRIC PHYSICIAN** to a patient when a
4 pharmacy is not conveniently available to the patient.

5 (3) "Personally preparing and dispensing" means that the licensed dentist,
6 physician, or [podiatrist] **PODIATRIC PHYSICIAN**:

7 (i) Is physically present on the premises where the prescription is
8 filled; and

9 (ii) Performs a final check of the prescription before it is provided to
10 the patient.

11 (c) (2) This title does not prohibit:

12 (ii) A licensed dentist, physician, or [podiatrist] **PODIATRIC**
13 **PHYSICIAN** from personally preparing and dispensing the dentist's, physician's, or
14 [podiatrist's] **PODIATRIC PHYSICIAN'S** prescriptions when:

15 1. The dentist, physician, or [podiatrist] **PODIATRIC**
16 **PHYSICIAN**:

17 A. Has applied to the board of licensure in this State which
18 licensed the dentist, physician, or [podiatrist] **PODIATRIC PHYSICIAN**;

19 B. Has demonstrated to the satisfaction of that board that the
20 dispensing of prescription drugs or devices by the dentist, physician, or [podiatrist]
21 **PODIATRIC PHYSICIAN** is in the public interest;

22 C. Has received a written permit from that board to dispense
23 prescription drugs or devices except that a written permit is not required in order to
24 dispense starter dosages or samples without charge; and

25 D. Posts a sign conspicuously positioned and readable
26 regarding the process for resolving incorrectly filled prescriptions or includes written
27 information regarding the process with each prescription dispensed;

28 2. The person for whom the drugs or devices are prescribed
29 is a patient of the prescribing dentist, physician, or [podiatrist] **PODIATRIC PHYSICIAN**;

30 3. The dentist, physician, or [podiatrist] **PODIATRIC**
31 **PHYSICIAN** does not have a substantial financial interest in a pharmacy; and

32 4. The dentist, physician, or [podiatrist] **PODIATRIC**

1 **PHYSICIAN:**

2 A. Complies with the dispensing and labeling requirements
3 of this title;

4 B. Records the dispensing of the prescription drug or device
5 on the patient's chart;

6 C. Allows the Office of Controlled Substances Administration
7 to enter and inspect the dentist's, physician's, or [podiatrist's] **PODIATRIC PHYSICIAN'S**
8 office at all reasonable hours and in accordance with § 12-102.1 of this subtitle;

9 D. On inspection by the Office of Controlled Substances
10 Administration, signs and dates an acknowledgment form provided by the Office of
11 Controlled Substances Administration relating to the requirements of this section;

12 E. Except for starter dosages or samples without charge,
13 provides the patient with a written prescription, maintains prescription files in accordance
14 with § 12-403(c)(13) of this title, and maintains a separate file for Schedule II prescriptions;

15 F. Does not direct patients to a single pharmacist or
16 pharmacy in accordance with § 12-403(c)(8) of this title;

17 G. Does not receive remuneration for referring patients to a
18 pharmacist or pharmacy;

19 H. Complies with the child resistant packaging requirements
20 regarding prescription drugs under Title 22, Subtitle 3 of the Health – General Article;

21 I. Complies with drug recalls;

22 J. Maintains biennial inventories and complies with any
23 other federal and State record-keeping requirements relating to controlled dangerous
24 substances;

25 K. Purchases prescription drugs from a pharmacy or
26 wholesale distributor who holds a permit issued by the Board of Pharmacy, as verified by
27 the Board of Pharmacy;

28 L. Annually reports to the respective board of licensure
29 whether the dentist, physician, or [podiatrist] **PODIATRIC PHYSICIAN** has personally
30 prepared and dispensed prescription drugs within the previous year; and

31 M. Completes ten continuing education credits over a 5-year
32 period relating to the preparing and dispensing of prescription drugs, offered by the
33 Accreditation Council for Pharmacy Education (ACPE) or as approved by the Secretary, in
34 consultation with each respective board of licensure, as a condition of permit renewal;

1 (d) This title does not prohibit:

2 (2) A licensed dentist, licensed physician, or licensed [podiatrist]
3 **PODIATRIC PHYSICIAN** from personally dispensing a drug or device sample to a patient of
4 the licensed dentist, licensed physician, or licensed [podiatrist] **PODIATRIC PHYSICIAN** if:

5 (i) The sample complies with the labeling requirements of § 12–505
6 of this title;

7 (ii) No charge is made for the sample; and

8 (iii) The authorized prescriber enters an appropriate record in the
9 patient's chart.

10 (e) (1) This title does not prohibit a dentist, physician, or [podiatrist]
11 **PODIATRIC PHYSICIAN** from administering a prescription drug or device in the course of
12 treating a patient.

13 (f) (1) This title does not prohibit a dentist, physician, or [podiatrist]
14 **PODIATRIC PHYSICIAN** from personally dispensing a starter dosage of a prescription drug
15 or device to a patient of the dentist, physician, or [podiatrist] **PODIATRIC PHYSICIAN**,
16 provided that:

17 (i) The starter dosage complies with the labeling requirements of §
18 12–505 of this title;

19 (ii) No charge is made for the starter dosage; and

20 (iii) The dentist, physician, or [podiatrist] **PODIATRIC PHYSICIAN**
21 enters an appropriate record on the patient's chart.

22 (g) This title does not prohibit a dentist, physician, or [podiatrist] **PODIATRIC**
23 **PHYSICIAN** from dispensing a prescription drug or device in the course of treating a
24 patient:

25 (1) At a medical facility or clinic that is operated on a nonprofit basis;

26 (2) At a health center that operates on a campus of an institution of higher
27 education; or

28 (3) At a public health facility, a medical facility under contract with a State
29 or local health department, or a facility funded with public funds.

30 (m) A dentist, physician, or [podiatrist] **PODIATRIC PHYSICIAN** who fails to
31 comply with the provisions of this section governing the dispensing of prescription drugs or

1 devices shall:

2 (1) Have the dispensing permit revoked; and

3 (2) Be subject to disciplinary actions by the appropriate licensing board.

4 12-102.1.

5 (b) The Office of Controlled Substances Administration shall enter and inspect
6 the office of a dentist, physician, or [podiatrist] **PODIATRIC PHYSICIAN** who holds:

7 (1) An initial dispensing permit:

8 (i) Within 6 months after receiving the report required under §
9 12-102(l)(1) of this subtitle; and

10 (ii) At least one more time during the duration of the permit; and

11 (2) A renewed dispensing permit at least two times during the duration of
12 the permit.

13 12-102.2.

14 (b) The Board of Dental Examiners, the Board of Physicians, and the Board of
15 Podiatric Medical Examiners shall charge a fee to a dentist, physician, or [podiatrist]
16 **PODIATRIC PHYSICIAN** who holds a dispensing permit in an amount that will produce
17 funds to approximate but not exceed the documented costs to the Office of Controlled
18 Substances Administration for inspections of dispensing permit holders.

19 12-6A-01.

20 (b) "Authorized prescriber" means a licensed physician, licensed [podiatrist]
21 **PODIATRIC PHYSICIAN**, or certified advanced practice nurse with prescriptive authority
22 under § 8-508 of this article.

23 14-5F-14.

24 (b) A license does not authorize a licensee to:

25 (3) Practice or claim to practice as a medical doctor or physician, an
26 osteopath, a dentist, a [podiatrist] **PODIATRIC PHYSICIAN**, an optometrist, a psychologist,
27 a nurse practitioner, a physician assistant, a chiropractor, a physical therapist, an
28 acupuncturist, or any other health care professional unless licensed under this article;

29 Title 16. [Podiatrists] **PODIATRIC PHYSICIANS**.

1 16–101.

2 (d) “Licensed [podiatrist] **PODIATRIC PHYSICIAN**” means, unless the context
3 requires otherwise, a [podiatrist] **PODIATRIC PHYSICIAN** who is licensed by the Board to
4 practice podiatry.

5 (e) [“Podiatrist”] “**PODIATRIC PHYSICIAN**” means an individual who practices
6 podiatry.

7 16–103.

8 (a) All osseous surgical procedures of the ankle, arthrodeses of 2 or more tarsal
9 bones, and complete tarsal osteotomies that are performed by a licensed [podiatrist]
10 **PODIATRIC PHYSICIAN** shall be performed in a licensed hospital or ambulatory surgical
11 center, subject to the provisions of § 19–351 of the Health – General Article.

12 (b) A licensed [podiatrist] **PODIATRIC PHYSICIAN** who performs an osseous
13 surgical procedure of the ankle, arthrodesis of 2 or more tarsal bones, or a complete tarsal
14 osteotomy in a licensed ambulatory surgical center must:

15 (1) Have current surgical privileges at a licensed hospital for the same
16 procedure; and

17 (2) Meet the requirements of the ambulatory surgical center.

18 (c) Nothing in this title shall prohibit a licensed hospital or ambulatory surgical
19 center from establishing qualifications or delineating privileges for the performance of
20 surgical procedures of the human foot or ankle, the anatomical structures that attach to
21 the human foot, or the soft tissue below the mid–calf by a licensed [podiatrist] **PODIATRIC**
22 **PHYSICIAN** in the hospital or ambulatory surgical center.

23 16–202.

24 (a) (2) Of the 7 Board members:

25 (i) 5 shall be licensed [podiatrists] **PODIATRIC PHYSICIANS**; and

26 (ii) 2 shall be consumer members.

27 (3) The Governor shall appoint the [podiatrist] **PODIATRIC PHYSICIAN**
28 members, with the advice of the Secretary, from a list of names submitted by the Maryland
29 Podiatric Medical Association. The number of names on the list shall be twice the number
30 of vacancies.

31 (c) Each [podiatrist] **PODIATRIC PHYSICIAN** member of the Board shall be:

1 (1) A licensed practicing [podiatrist] **PODIATRIC PHYSICIAN** of recognized
2 ability and integrity;

3 (2) A resident of this State who has practiced actively in this State for at
4 least 5 years immediately before appointment; and

5 (3) A licensed [podiatrist] **PODIATRIC PHYSICIAN** with peer review
6 experience.

7 (d) Each consumer member of the Board:

8 (2) May not be or ever have been a [podiatrist] **PODIATRIC PHYSICIAN** or
9 in training to become a [podiatrist] **PODIATRIC PHYSICIAN**;

10 (3) May not have a household member who is a [podiatrist] **PODIATRIC**
11 **PHYSICIAN** or in training to become a [podiatrist] **PODIATRIC PHYSICIAN**;

12 16–205.

13 (a) In addition to the powers set forth elsewhere in this title, the Board may:

14 (2) After consulting with the State Board of Pharmacy, adopt rules and
15 regulations regarding the dispensing of prescription drugs by a licensed [podiatrist]
16 **PODIATRIC PHYSICIAN**; and

17 (b) In addition to the duties set forth elsewhere in this title, the Board shall:

18 (3) On receipt of a written and signed allegation, including a referral from
19 the Commissioner of Labor and Industry:

20 (ii) Provide notice to the licensed [podiatrist] **PODIATRIC**
21 **PHYSICIAN** that an allegation has been received and forward a copy of the allegation to the
22 licensed [podiatrist] **PODIATRIC PHYSICIAN** within 60 days of receipt of the allegation,
23 unless the Board:

24 1. Makes an affirmative determination that the disclosure
25 would prejudice the investigation of the allegation and notifies the licensee of the
26 determination;

27 2. Disposes of the allegation within 60 days of the date of
28 receipt of the allegation; or

29 3. Makes an affirmative determination that any action that
30 the Board may take as a result of the investigation into the allegation will most likely not
31 result in formal disciplinary action; and

1 (iii) Periodically notify the licensed [podiatrist] **PODIATRIC**
2 **PHYSICIAN** and all persons of interest of the status of the allegation until such time as the
3 allegation is resolved; and

4 (4) Except for an office of a [podiatrist] **PODIATRIC PHYSICIAN** in a
5 hospital, related institution, freestanding medical facility, or freestanding birthing center,
6 conduct an unannounced inspection of the office of a [podiatrist] **PODIATRIC PHYSICIAN**
7 against whom a complaint has been filed with the Board regarding a violation of the
8 Centers for Disease Control and Prevention's guidelines on universal precautions to
9 determine compliance at that office with the guidelines.

10 16-307.

11 (f) (1) A [podiatrist] **PODIATRIC PHYSICIAN** has a grace period of 30 days
12 after the [podiatrist's] **PODIATRIC PHYSICIAN'S** license expires in which to renew the
13 license retroactively, if the [podiatrist] **PODIATRIC PHYSICIAN**:

14 (i) Otherwise is entitled to have the license renewed; and

15 (ii) Pays to the Board the renewal fee and any late fee set by the
16 Board.

17 16-308.

18 (a) (3) The Board shall reinstate the license of a [podiatrist] **PODIATRIC**
19 **PHYSICIAN** who has been on inactive status and who does not meet the requirements of
20 paragraph (2)(vii) of this subsection, if the [podiatrist] **PODIATRIC PHYSICIAN** meets the
21 continuing medical education requirements prescribed by the Board.

22 (b) The Board shall reinstate the license of a [podiatrist] **PODIATRIC PHYSICIAN**
23 who has been on inactive status and who has failed to renew the license for 1 licensing cycle
24 or a 2-year period, whichever is longer, for any reason, if the [podiatrist] **PODIATRIC**
25 **PHYSICIAN**:

26 (1) Meets the renewal requirements of § 16-307(c) through (f) of this
27 subtitle and subsection (a) of this section;

28 (2) Pays to the Board all past-due renewal fees and the reinstatement fee
29 set by the Board; and

30 (3) Meets the requirements for obtaining a new license under this subtitle.

31 16-310.

32 (a) Unless the Board agrees to accept the surrender of a license, a licensed
33 [podiatrist] **PODIATRIC PHYSICIAN** or holder of a limited license may not surrender the

1 license nor may the license lapse by operation of law while the licensee is under
2 investigation or while charges are pending against the licensee.

3 16–311.

4 (b) Subject to the hearing provisions of § 16–313 of this subtitle, the Board, on the
5 affirmative vote of a majority of its members then serving, may revoke the license of a
6 [podiatrist] **PODIATRIC PHYSICIAN** who practices podiatry while the [podiatrist’s]
7 **PODIATRIC PHYSICIAN’S** license is suspended.

8 16–318.

9 (a) The Board may issue a temporary license to a [podiatrist] **PODIATRIC**
10 **PHYSICIAN** licensed in another state to practice or teach podiatry in this State if:

11 (1) The license issued from the other state has licensing requirements
12 equivalent to those in this State; and

13 (2) The licensed [podiatrist] **PODIATRIC PHYSICIAN** pays a temporary
14 license fee as determined by the Board.

15 16–401.

16 A licensed [podiatrist] **PODIATRIC PHYSICIAN** may not append to the name of the
17 licensee or use as a title any word or abbreviation that suggests that the licensee is licensed
18 to practice medicine rather than podiatry.

19 16–402.

20 (a) Except as otherwise provided in this section, a [podiatrist] **PODIATRIC**
21 **PHYSICIAN** may practice only under the name on the license of the [podiatrist] **PODIATRIC**
22 **PHYSICIAN**.

23 (b) This section does not prohibit a [podiatrist] **PODIATRIC PHYSICIAN** from
24 practicing in a professional association, limited liability company, or in any other group
25 practice otherwise allowed by law.

26 (c) This section does not prohibit a [podiatrist] **PODIATRIC PHYSICIAN** from
27 advertising under a trade name in connection with the practice of podiatry if:

28 (1) The use of the trade name is not deceptive or misleading;

29 (2) The advertisement in which the trade name appears includes:

30 (i) The name of the licensed [podiatrist] **PODIATRIC PHYSICIAN**;
31 or

1 (ii) The name of the licensed [podiatrist] **PODIATRIC PHYSICIAN**
2 and the name of the business entity under which podiatric services are provided;

3 (3) The name of the licensed [podiatrist] **PODIATRIC PHYSICIAN** who
4 provides podiatric services appears on:

5 (i) The billing invoices; and

6 (ii) Any billing receipts given to a patient; and

7 (4) Treatment records are maintained and clearly identify the licensed
8 [podiatrist] **PODIATRIC PHYSICIAN** who performed the podiatric treatment or service for
9 any patient.

10 16-403.

11 (a) In this section, [“podiatrist] **“PODIATRIC PHYSICIAN** rehabilitation
12 committee” means a committee that:

13 (1) Is defined in subsection (b) of this section; and

14 (2) Performs any of the functions listed in subsection (d) of this section.

15 (b) For purposes of this section, a [podiatrist] **PODIATRIC PHYSICIAN**
16 rehabilitation committee is a committee of the Board or a committee of the Maryland
17 Podiatry Association that:

18 (1) Is recognized by the Board; and

19 (2) Includes but is not limited to [podiatrists] **PODIATRIC PHYSICIANS**.

20 (c) A rehabilitation committee of the Board or recognized by the Board may
21 function:

22 (1) Solely for the Board; or

23 (2) Jointly with a rehabilitation committee representing another board or
24 boards.

25 (d) For purposes of this section, a [podiatrist] **PODIATRIC PHYSICIAN**
26 rehabilitation committee evaluates and provides assistance to any [podiatrist] **PODIATRIC**
27 **PHYSICIAN**, and any other individual regulated by the Board, in need of treatment and
28 rehabilitation for alcoholism, drug abuse, chemical dependency, or other physical,
29 emotional, or mental condition.

1 (e) (1) Except as otherwise provided in this subsection, the proceedings,
2 records, and files of the [podiatrist] **PODIATRIC PHYSICIAN** rehabilitation committee are
3 not discoverable and are not admissible in evidence in any civil action arising out of matters
4 that are being or have been reviewed and evaluated by the [podiatrist] **PODIATRIC**
5 **PHYSICIAN** rehabilitation committee.

6 (2) Paragraph (1) of this subsection does not apply to any record or
7 document that is considered by the [podiatrist] **PODIATRIC PHYSICIAN** rehabilitation
8 committee and that otherwise would be subject to discovery or introduction into evidence
9 in any arbitration or civil proceeding.

10 (3) For purposes of this subsection, civil action does not include a
11 proceeding before the Board or judicial review of a proceeding before the Board.

12 (f) A person who acts in good faith and within the scope of jurisdiction of the
13 [podiatrist] **PODIATRIC PHYSICIAN** rehabilitation committee is not civilly liable for any
14 action as a member of the [podiatrist] **PODIATRIC PHYSICIAN** rehabilitation committee or
15 for giving information to, participating in, or contributing to the function of the [podiatrist]
16 **PODIATRIC PHYSICIAN** rehabilitation committee.

17 16-404.

18 If a [podiatrist] **PODIATRIC PHYSICIAN** is engaged in the private practice of
19 podiatry in this State, the [podiatrist] **PODIATRIC PHYSICIAN** shall display the notice
20 developed under § 1-207 of this article conspicuously in each office where the [podiatrist]
21 **PODIATRIC PHYSICIAN** is engaged in practice.

22 Article – Insurance

23 4-401.

24 (a) This section applies to:

25 (1) each insurer that provides professional liability insurance to:

26 (i) a physician, nurse, dentist, [podiatrist] **PODIATRIC PHYSICIAN**,
27 optometrist, or chiropractor licensed under the Health Occupations Article; or

28 (e) (3) A report that relates to a nurse, dentist, [podiatrist] **PODIATRIC**
29 **PHYSICIAN**, optometrist, or chiropractor shall be filed with the appropriate licensing board
30 for these health care providers.

31 14-101.

32 (b) “Health care provider” means a chiropractor, dentist, hospital, optometrist,
33 pharmacist, physician, [podiatrist] **PODIATRIC PHYSICIAN**, or psychologist.

1 14-110.

2 (a) The Commissioner shall issue a certificate of authority to an applicant if:

3 (2) the Commissioner is satisfied:

4 (ii) that:

5 2. each subscriber is entitled to reimbursement for podiatric,
6 chiropractic, psychological, or optometric services, regardless of whether the service is
7 performed by a licensed physician, licensed [podiatrist] **PODIATRIC PHYSICIAN**, licensed
8 chiropractor, licensed psychologist, or licensed optometrist;

9 15-702.

10 (b) Notwithstanding any other provision of a self-funded group insurance plan
11 subject to this section, if the plan provides for reimbursement for a service that is within
12 the lawful scope of practice of a physician, dentist, or [podiatrist] **PODIATRIC PHYSICIAN**,
13 the plan may not prohibit a person covered by the plan from being reimbursed for the
14 service regardless of whether the service is performed by a physician, dentist, or
15 [podiatrist] **PODIATRIC PHYSICIAN**.

16 15-713.

17 (b) Notwithstanding any other provision of an individual, group, or blanket
18 health insurance policy or contract subject to this section, if the policy or contract provides
19 for reimbursement for a service that is within the lawful scope of practice of a licensed
20 [podiatrist] **PODIATRIC PHYSICIAN**, the insured or any other person covered by or entitled
21 to reimbursement under the policy or contract is entitled to the same amount of
22 reimbursement for the service regardless of whether the service is performed by a physician
23 or licensed [podiatrist] **PODIATRIC PHYSICIAN**.

24 (c) This section does not prohibit, and may not be construed as prohibiting, the
25 determination of reimbursement based on the geographic location of the delivery of service,
26 the preeminent qualifications of a physician or [podiatrist] **PODIATRIC PHYSICIAN**, or the
27 need to provide services in an underserved area of the State.

28 15-805.

29 (a) (2) "Authorized prescriber" means a licensed dentist, licensed physician, or
30 licensed [podiatrist] **PODIATRIC PHYSICIAN** who is authorized under the Health
31 Occupations Article to prescribe a pharmaceutical product.

32 **Article – State Personnel and Pensions**

1 9–504.

2 (b) The certificate required under subsection (a) of this section shall be signed by
3 one of the following:

4 (2) if authorized to practice in a state and performing within the scope of
5 that authority:

6 (x) a [podiatrist] **PODIATRIC PHYSICIAN**;

7 **Article – Transportation**

8 13–616.

9 (a) (8) “Licensed [podiatrist] **PODIATRIC PHYSICIAN**” means a [podiatrist]
10 **PODIATRIC PHYSICIAN** who is licensed by the State Board of Podiatric Medical Examiners
11 to practice podiatry as described in § 16–101 of the Health Occupations Article.

12 (b) (1) The owner of any vehicle described in paragraph (3) of this subsection
13 may apply to the Administration for the assignment to that vehicle of a special disability
14 registration number and special disability registration plates, if a certified nurse
15 practitioner, licensed physician, licensed physician assistant, licensed chiropractor,
16 licensed optometrist, licensed [podiatrist] **PODIATRIC PHYSICIAN**, or licensed physical
17 therapist certifies, in accordance with paragraph (2) of this subsection, that the applicant:

18 (i) Has lung disease to such an extent that forced (respiratory)
19 expiratory volume for one second when measured by spirometry is less than one liter, or
20 arterial oxygen tension (PO₂) is less than 60 mm/hg on room air at rest;

21 (ii) Has cardiovascular disease limitations classified in severity as
22 Class III or Class IV according to standards accepted by the American Heart Association;

23 (iii) Is unable to walk 200 feet without stopping to rest;

24 (iv) Is unable to walk without the use of, or assistance from, a brace,
25 cane, crutch, another person, prosthetic device, or other assistive device;

26 (v) Requires a wheelchair for mobility;

27 (vi) Has lost a foot, leg, hand, or arm;

28 (vii) Has lost the use of a foot, leg, hand, or arm;

29 (viii) Has a permanent impairment of both eyes so that:

30 1. The central visual acuity is 20/200 or less in the better eye,
31 with corrective glasses; or

1 2. There is a field defect in which the peripheral field has
2 contracted to such an extent that the widest diameter of visual field subtends an angular
3 distance no greater than 20 degrees in the better eye; or

4 (ix) Has a permanent disability that adversely impacts the
5 ambulatory ability of the applicant and which is so severe that the person would endure a
6 hardship or be subject to a risk of injury if the privileges accorded a person for whom a
7 vehicle is specially registered under this section were denied.

8 (2) For the purposes of this section, the qualifying disabilities specified in
9 paragraph (1) of this subsection shall be certified as follows:

10 (ii) A licensed chiropractor, licensed [podiatrist] **PODIATRIC**
11 **PHYSICIAN**, or licensed physical therapist may certify conditions specified in paragraph
12 (1)(iii) through (vii) and (ix) of this subsection;

13 13–616.1.

14 (a) A person may apply to the Administration for a parking placard on a form
15 provided by the Administration if the applicant:

16 (2) (i) Has a permanent disability as described in § 13–616(b)(1) of this
17 subtitle and as certified by a licensed physician, licensed physician assistant, licensed
18 chiropractor, licensed optometrist, licensed [podiatrist] **PODIATRIC PHYSICIAN**, or
19 licensed physical therapist, as defined in § 13–616(a) of this subtitle; or

20 (j) In accordance with the provisions of this section, each board for licensed
21 physicians, licensed physician assistants, licensed chiropractors, licensed optometrists,
22 licensed [podiatrists] **PODIATRIC PHYSICIANS**, or licensed physical therapists shall be
23 responsible for the development and maintenance of a database system, with which the
24 Administration can interface and verify licensure.

25 13–616.2.

26 (a) A person may apply to the Administration for a temporary parking placard on
27 a form provided by the Administration if:

28 (2) A licensed physician, licensed physician assistant, licensed
29 chiropractor, licensed optometrist, licensed [podiatrist] **PODIATRIC PHYSICIAN**, or
30 licensed physical therapist, as defined in § 13–616(a) of this subtitle, certifies that the
31 disability is not permanent but would substantially impair the applicant’s mobility or limit
32 or impair the applicant’s ability to walk for at least 3 weeks, and is so severe that the
33 applicant would endure a hardship or be subject to risk of injury if the temporary parking
34 placard were denied.

35 (c) (1) A temporary parking placard for a person with a disability issued under

1 this section shall be valid for a period of time the licensed physician, licensed physician
2 assistant, licensed chiropractor, licensed optometrist, licensed [podiatrist] **PODIATRIC**
3 **PHYSICIAN**, or licensed physical therapist has determined that the applicant, the
4 dependent of the applicant, or the individual who depends on the applicant for
5 transportation is likely to have the disability, not to exceed 6 months.

6 (h) In accordance with the provisions of this section, each board for licensed
7 physicians, licensed physician assistants, licensed chiropractors, licensed optometrists,
8 licensed [podiatrists] **PODIATRIC PHYSICIANS**, or licensed physical therapists shall be
9 responsible for the development and maintenance of a database system with which the
10 Administration can interface and verify licensure.

11 SECTION 2. AND BE IT FURTHER ENACTED, That in every law, executive order,
12 rule, regulation, policy, or document created by any official, employee, or unit of this State,
13 podiatrists are renamed podiatric physicians, as provided in this Act.

14 SECTION 3. AND BE IT FURTHER ENACTED, That the publishers of the
15 Annotated Code of Maryland, subject to the approval of the Department of Legislative
16 Services, shall correct any statutory reference that is rendered incorrect by this Act.

17 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2018.