

SENATE BILL 46

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11r0869
CF HB 52

By: **Senator Conway**

Introduced and read first time: January 17, 2011

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable

Senate action: Adopted

Read second time: February 9, 2011

CHAPTER _____

1 AN ACT concerning

2 **State Board of Podiatric Medical Examiners – Podiatric Medical Assistants –**
3 **Registration**

4 FOR the purpose of requiring an individual to be registered by the State Board of
5 Podiatric Medical Examiners before the individual may perform functions under
6 the supervision of and as delegated by a licensed podiatrist; requiring a licensed
7 podiatrist who employs a registered podiatric medical assistant to keep a record
8 of a certain registration in a certain file; requiring an applicant for registration
9 to be an individual who meets certain requirements; requiring certain
10 applicants for registration to submit a certain written statement to the Board
11 and meet certain requirements no later than a certain date; requiring an
12 applicant for registration to submit certain documents and a certain fee to the
13 Board; requiring the Board to register as a podiatric medical assistant
14 individuals who meet the requirements of certain provisions of this Act;
15 authorizing the Board to set certain fees; requiring a registered podiatric
16 medical assistant to display a registration in a certain place; requiring a
17 registered podiatric medical assistant to notify the Board, within a certain time
18 period, of certain information regarding felonies or crimes involving moral
19 turpitude; specifying the date on which a registration expires unless the
20 registration is renewed; requiring the Board to send a renewal notice to a
21 registered podiatric medical assistant by certain means; requiring the Board to
22 renew a registration under certain circumstances; requiring a registered
23 podiatric medical assistant to meet certain requirements if a registration is not
24 renewed in a certain time period; authorizing the Board, subject to certain
25 hearing provisions, to take certain actions against certain individuals for

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 violations of certain provisions of law; prohibiting an individual from working,
2 attempting to work, or offering to work as a registered podiatric medical
3 assistant in the State unless registered by the Board; prohibiting an individual
4 from obtaining a registration by making a false representation; specifying that a
5 registration is void under certain circumstances; prohibiting an individual from
6 making certain representations to the public or using certain terms under
7 certain circumstances; specifying that a licensed podiatrist is liable, under
8 certain circumstances, for a violation of a certain provision of this Act
9 committed by a podiatric medical assistant; requiring a licensed podiatrist to
10 report a violation of a certain provision of this Act under certain circumstances
11 and within a certain period of time after the occurrence of the violation; defining
12 certain terms; and generally relating to the registration of podiatric medical
13 assistants.

14 BY repealing and reenacting, with amendments,
15 Article – Health Occupations
16 Section 16–101
17 Annotated Code of Maryland
18 (2009 Replacement Volume and 2010 Supplement)

19 BY adding to
20 Article – Health Occupations
21 Section 16–4A–01 through 16–4A–11 to be under the new subtitle “Subtitle 4A.
22 Podiatric Medical Assistants”
23 Annotated Code of Maryland
24 (2009 Replacement Volume and 2010 Supplement)

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

27 **Article – Health Occupations**

28 16–101.

29 (a) In this title the following words have the meanings indicated.

30 (b) “Board” means the State Board of Podiatric Medical Examiners.

31 (c) “License” means, unless the context requires otherwise, a license issued
32 by the Board to practice podiatry.

33 (d) “Licensed podiatrist” means, unless the context requires otherwise, a
34 podiatrist who is licensed by the Board to practice podiatry.

35 (e) “Podiatrist” means an individual who practices podiatry.

1 (f) (1) “Practice podiatry” means to diagnose or surgically, medically, or
2 mechanically treat the human foot or ankle, the anatomical structures that attach to
3 the human foot, or the soft tissue below the mid-calf.

4 (2) “Practice podiatry” does not include:

5 (i) Surgical treatment of acute ankle fracture; or

6 (ii) Administration of an anesthetic, other than a local
7 anesthetic.

8 (G) “REGISTERED PODIATRIC MEDICAL ASSISTANT” MEANS AN
9 INDIVIDUAL WHO IS REGISTERED BY THE BOARD TO PERFORM FUNCTIONS
10 UNDER THE SUPERVISION OF AND AS DELEGATED BY A LICENSED PODIATRIST.

11 (H) “REGISTRATION” MEANS, UNLESS THE CONTEXT REQUIRES
12 OTHERWISE, A REGISTRATION ISSUED BY THE BOARD TO PERFORM FUNCTIONS
13 UNDER THE SUPERVISION OF AND AS DELEGATED BY A LICENSED PODIATRIST.

14 **SUBTITLE 4A. PODIATRIC MEDICAL ASSISTANTS.**

15 **16-4A-01.**

16 (A) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, BEGINNING
17 JANUARY 1, 2012, AN INDIVIDUAL SHALL BE REGISTERED BY THE BOARD AS A
18 PODIATRIC MEDICAL ASSISTANT BEFORE THE INDIVIDUAL MAY PERFORM
19 FUNCTIONS UNDER THE SUPERVISION OF AND AS DELEGATED BY A LICENSED
20 PODIATRIST.

21 (B) A LICENSED PODIATRIST WHO EMPLOYS A REGISTERED PODIATRIC
22 MEDICAL ASSISTANT SHALL KEEP A RECORD OF THE REGISTRATION IN THE
23 REGISTERED PODIATRIC MEDICAL ASSISTANT’S EMPLOYMENT FILE.

24 **16-4A-02.**

25 TO QUALIFY FOR REGISTRATION, AN APPLICANT SHALL BE AN
26 INDIVIDUAL WHO:

27 (1) IS AT LEAST 18 YEARS OLD;

28 (2) IS OF GOOD MORAL CHARACTER;

29 (3) IS EMPLOYED IN THE OFFICE OF A LICENSED PODIATRIST;

30 AND

1 (4) (I) HOLDS AN ACTIVE CERTIFICATION ISSUED BY THE
2 AMERICAN SOCIETY OF PODIATRIC MEDICAL ASSISTANTS; OR

3 (II) 1. HAS COMPLETED COURSE WORK APPROVED BY
4 THE BOARD OR THE COUNCIL ON PODIATRIC MEDICAL EDUCATION THAT
5 INCLUDES A RADIOLOGY COMPONENT; AND

6 2. HAS COMPLETED THE COMPREHENSIVE
7 TRAINING REQUIRED BY THE BOARD AS EVIDENCED BY THE SUBMISSION OF
8 THE TRAINING FORM PROVIDED BY THE BOARD AND SIGNED BY A SUPERVISING
9 LICENSED PODIATRIST.

10 **16-4A-03.**

11 AN APPLICANT FOR REGISTRATION SHALL:

12 (1) SUBMIT TO THE BOARD AN APPLICATION SIGNED BY THE
13 APPLICANT AND SUPERVISING LICENSED PODIATRIST ON THE FORM THAT THE
14 BOARD REQUIRES;

15 (2) PAY THE APPLICATION FEE SET BY THE BOARD; AND

16 (3) PROVIDE DOCUMENTATION THAT THE APPLICANT HAS
17 COMPLIED WITH § 16-4A-02(4) OF THIS SUBTITLE.

18 **16-4A-04.**

19 (A) THE BOARD SHALL REGISTER AS A PODIATRIC MEDICAL ASSISTANT
20 ANY APPLICANT WHO MEETS THE REQUIREMENTS OF THIS SUBTITLE.

21 (B) (1) THE BOARD MAY SET REASONABLE FEES FOR THE ISSUANCE
22 AND RENEWAL OF REGISTRATIONS.

23 (2) THE FEES CHARGED SHALL BE SET SO AS TO APPROXIMATE
24 THE COST OF MAINTAINING THE REGISTRATION PROGRAM FOR PODIATRIC
25 MEDICAL ASSISTANTS.

26 (C) EACH REGISTERED PODIATRIC MEDICAL ASSISTANT SHALL DISPLAY
27 THE REGISTRATION IN THE OFFICE OR PLACE OF BUSINESS IN WHICH THE
28 REGISTERED PODIATRIC MEDICAL ASSISTANT IS WORKING.

29 **16-4A-05.**

1 A REGISTERED PODIATRIC MEDICAL ASSISTANT SHALL NOTIFY THE
2 BOARD WITHIN 30 DAYS AFTER EACH PLEA OF GUILTY FOR, CONVICTION OF, OR
3 ENTRY OF A PLEA OF NOLO CONTENDERE FOR A FELONY OR A CRIME
4 INVOLVING MORAL TURPITUDE, REGARDLESS OF WHETHER:

5 (1) AN ADJUDICATION OF GUILT OR SENTENCING OR IMPOSITION
6 OF SENTENCE IS WITHHELD; OR

7 (2) ANY APPEAL OR OTHER PROCEEDING IS PENDING REGARDING
8 THE MATTER.

9 **16-4A-06.**

10 (A) (1) A REGISTRATION EXPIRES ON DECEMBER 31 OF AN
11 ODD-NUMBERED YEAR, UNLESS THE REGISTRATION IS RENEWED FOR AN
12 ADDITIONAL TERM AS PROVIDED IN THIS SECTION.

13 (2) A REGISTRATION MAY NOT BE RENEWED FOR A TERM LONGER
14 THAN 2 YEARS.

15 (B) (1) AT LEAST 1 MONTH BEFORE A REGISTRATION EXPIRES, THE
16 BOARD SHALL SEND TO THE REGISTERED PODIATRIC MEDICAL ASSISTANT A
17 RENEWAL NOTICE:

18 (I) BY ELECTRONIC MAIL TO THE LAST KNOWN
19 ELECTRONIC MAIL ADDRESS OF THE REGISTERED PODIATRIC MEDICAL
20 ASSISTANT; OR

21 (II) BY FIRST-CLASS MAIL TO THE LAST KNOWN ADDRESS
22 OF THE REGISTERED PODIATRIC MEDICAL ASSISTANT IF THE REGISTERED
23 PODIATRIC MEDICAL ASSISTANT:

24 1. DOES NOT HAVE AN ELECTRONIC MAIL ADDRESS;
25 OR

26 2. REQUESTS THAT THE BOARD SEND THE RENEWAL
27 NOTICE BY FIRST-CLASS MAIL.

28 (2) IF A RENEWAL NOTICE SENT BY ELECTRONIC MAIL IN
29 ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION IS RETURNED TO THE
30 BOARD AS UNDELIVERABLE, THE BOARD SHALL SEND THE REGISTERED
31 PODIATRIC MEDICAL ASSISTANT A RENEWAL NOTICE BY FIRST-CLASS MAIL TO
32 THE LAST KNOWN ADDRESS OF THE REGISTERED PODIATRIC MEDICAL
33 ASSISTANT.

1 **(C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE**
2 **BOARD SHALL RENEW A REGISTRATION IF THE REGISTERED PODIATRIC**
3 **MEDICAL ASSISTANT PAYS TO THE BOARD A RENEWAL FEE SET BY THE BOARD.**

4 **(2) IF A REGISTERED PODIATRIC MEDICAL ASSISTANT DOES NOT**
5 **SUBMIT A RENEWAL FEE WITHIN 30 DAYS AFTER THE REGISTRATION EXPIRES,**
6 **THE REGISTERED PODIATRIC MEDICAL ASSISTANT SHALL MEET THE**
7 **REQUIREMENTS OF § 16-4A-03 OF THIS SUBTITLE BEFORE THE BOARD MAY**
8 **RENEW THE REGISTRATION.**

9 **16-4A-07.**

10 **SUBJECT TO THE HEARING PROVISIONS OF § 16-313 OF THIS TITLE, THE**
11 **BOARD MAY DENY A PODIATRIC MEDICAL ASSISTANT'S REGISTRATION TO AN**
12 **APPLICANT, REPRIMAND A REGISTERED PODIATRIC MEDICAL ASSISTANT,**
13 **PLACE A REGISTERED PODIATRIC MEDICAL ASSISTANT ON PROBATION, OR**
14 **SUSPEND OR REVOKE A PODIATRIC MEDICAL ASSISTANT'S REGISTRATION IF**
15 **THE APPLICANT OR REGISTERED PODIATRIC MEDICAL ASSISTANT VIOLATES AN**
16 **APPLICABLE PROVISION OF § 16-311 OF THIS TITLE.**

17 **16-4A-08.**

18 **AN INDIVIDUAL MAY NOT WORK, ATTEMPT TO WORK, OR OFFER TO WORK**
19 **AS A REGISTERED PODIATRIC MEDICAL ASSISTANT IN THE STATE UNLESS**
20 **REGISTERED BY THE BOARD.**

21 **16-4A-09.**

22 **(A) AN INDIVIDUAL MAY NOT OBTAIN A REGISTRATION BY MAKING A**
23 **FALSE REPRESENTATION.**

24 **(B) ON CONVICTION OF AN INDIVIDUAL FOR MAKING A FALSE**
25 **REPRESENTATION TO THE BOARD IN ORDER TO REGISTER AS A PODIATRIC**
26 **MEDICAL ASSISTANT, THE REGISTRATION IS VOID.**

27 **16-4A-10.**

28 **(A) AN INDIVIDUAL MAY NOT REPRESENT TO THE PUBLIC BY TITLE, BY**
29 **DESCRIPTION OF SERVICES, METHODS, OR PROCEDURES, OR OTHERWISE, THAT**
30 **THE INDIVIDUAL IS REGISTERED TO WORK AS A REGISTERED PODIATRIC**
31 **MEDICAL ASSISTANT UNLESS THE INDIVIDUAL IS REGISTERED WITH THE BOARD**
32 **IN ACCORDANCE WITH THIS SUBTITLE.**

1 **(B) AN INDIVIDUAL MAY NOT USE THE TERMS “REGISTERED PODIATRIC**
2 **MEDICAL ASSISTANT” OR “PODIATRIC MEDICAL ASSISTANT” WITH THE INTENT**
3 **TO REPRESENT THAT THE INDIVIDUAL IS AUTHORIZED TO WORK AS A**
4 **REGISTERED PODIATRIC MEDICAL ASSISTANT UNLESS THE INDIVIDUAL IS**
5 **REGISTERED BY THE BOARD IN ACCORDANCE WITH THIS SUBTITLE.**

6 **16-4A-11.**

7 **(A) A LICENSED PODIATRIST IS LIABLE FOR A VIOLATION OF ANY**
8 **PROVISION OF THIS SUBTITLE COMMITTED BY A REGISTERED PODIATRIC**
9 **MEDICAL ASSISTANT IF:**

10 **(1) THE LICENSED PODIATRIST WAS A KNOWING PARTY TO THE**
11 **VIOLATION; AND**

12 **(2) THE VIOLATION OCCURRED WHILE THE REGISTERED**
13 **PODIATRIC MEDICAL ASSISTANT WAS EMPLOYED BY THE LICENSED**
14 **PODIATRIST.**

15 **(B) A LICENSED PODIATRIST SHALL REPORT A VIOLATION OF ANY**
16 **PROVISION OF THIS SUBTITLE COMMITTED BY A REGISTERED PODIATRIC**
17 **MEDICAL ASSISTANT EMPLOYED BY THE LICENSED PODIATRIST WITHIN 30 DAYS**
18 **AFTER THE VIOLATION OCCURS.**

19 SECTION 2. AND BE IT FURTHER ENACTED, That:

20 (a) If an applicant for registration as a podiatric medical assistant has
21 worked as a podiatric medical assistant before January 1, 2012, and cannot satisfy the
22 requirements of § 16-4A-02(4) of the Health Occupations Article, as enacted by
23 Section 1 of this Act, the applicant shall:

24 (1) submit to the Board of Podiatric Medical Examiners a written
25 statement explaining the extenuating circumstances that prevented the applicant
26 from satisfying the requirements; and

27 (2) satisfy the requirements of § 16-4A-02(4) of the Health
28 Occupations Article, as enacted by Section 1 of this Act, no later than April 1, 2012.

29 (b) (1) If subsection (a) of this section applies to an applicant, the
30 applicant shall submit the written statement required by subsection (a) of this section
31 in lieu of the documentation that is required by § 16-4A-03(3) of the Health
32 Occupations Article, as enacted by Section 1 of this Act.

33 (2) (i) A registration issued by the Board of Podiatric Medical
34 Examiners to an applicant who submits a written statement in accordance with

1 subsection (a)(1) of this section is void if the applicant does not comply with subsection
2 (a)(2) of this section.

3 (ii) If a registration is void under subparagraph (i) of this
4 paragraph, the applicant shall comply with the requirements of § 16-4A-03 of the
5 Health Occupations Article, as enacted by Section 1 of this Act, before the Board of
6 Podiatric Medical Examiners may reregister the applicant.

7 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 July 1, 2011.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.