

# SENATE BILL 76

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CF HB 190

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By: **Senator Montgomery**

Introduced and read first time: January 20, 2011

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable

Senate action: Adopted

Read second time: February 9, 2011

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **State Board of Podiatric Medical Examiners – Volunteer Podiatrist License**

3 FOR the purpose of authorizing the State Board of Podiatric Medical Examiners to  
4 convert certain licenses to volunteer podiatrist licenses and issue volunteer  
5 podiatrist licenses to certain individuals if certain requirements are met;  
6 requiring that a certain application form include a certain certification by the  
7 applicant; requiring that the fees charged by the Board for a volunteer  
8 podiatrist license be set lower than the fees charged for licensure to practice  
9 podiatry; requiring that a volunteer podiatrist license be clearly designated as a  
10 volunteer podiatrist license; authorizing the Board to revoke the license of a  
11 volunteer podiatrist under certain circumstances; altering certain definitions;  
12 and generally relating to volunteer podiatrist licenses issued by the State Board  
13 of Podiatric Medical Examiners.

14 BY repealing and reenacting, with amendments,  
15 Article – Health Occupations  
16 Section 16–101, 16–206(b), 16–302, 16–305, and 16–311(b)  
17 Annotated Code of Maryland  
18 (2009 Replacement Volume and 2010 Supplement)

19 BY repealing and reenacting, without amendments,  
20 Article – Health Occupations  
21 Section 16–308(a)  
22 Annotated Code of Maryland  
23 (2009 Replacement Volume and 2010 Supplement)

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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 BY adding to  
2 Article – Health Occupations  
3 Section 16–318.1  
4 Annotated Code of Maryland  
5 (2009 Replacement Volume and 2010 Supplement)

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

8 **Article – Health Occupations**

9 16–101.

- 10 (a) In this title the following words have the meanings indicated.
- 11 (b) “Board” means the State Board of Podiatric Medical Examiners.
- 12 (c) **(1)** “License” means, unless the context requires otherwise, a license  
13 issued by the Board to practice podiatry.
- 14 **(2) “LICENSE” INCLUDES, UNLESS THE CONTEXT REQUIRES**  
15 **OTHERWISE, A VOLUNTEER PODIATRIST LICENSE TO PRACTICE PODIATRY.**
- 16 (d) **(1)** “Licensed podiatrist” means, unless the context requires otherwise,  
17 a podiatrist who is licensed by the Board to practice podiatry.
- 18 **(2) “LICENSED PODIATRIST” INCLUDES, UNLESS THE CONTEXT**  
19 **REQUIRES OTHERWISE, A HOLDER OF A VOLUNTEER PODIATRIST LICENSE TO**  
20 **PRACTICE PODIATRY.**
- 21 (e) “Podiatrist” means an individual who practices podiatry.
- 22 (f) (1) “Practice podiatry” means to diagnose or surgically, medically, or  
23 mechanically treat the human foot or ankle, the anatomical structures that attach to  
24 the human foot, or the soft tissue below the mid–calf.

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

- 26 (i) Surgical treatment of acute ankle fracture; or
- 27 (ii) Administration of an anesthetic, other than a local  
28 anesthetic.

29 16–206.

1           (b)   (1)   The Board shall set reasonable fees for the issuance and renewal of  
2 licenses and its other services.

3                   (2)   The fees charged shall be set so as to produce funds to approximate  
4 the cost of maintaining the Board.

5                   (3)   Funds to cover the compensation and expenses of the Board  
6 members shall be generated by fees set under this section.

7                   **(4)   THE FEES CHARGED FOR A VOLUNTEER PODIATRIST LICENSE**  
8 **SHALL BE SET LOWER THAN THE FEES CHARGED FOR A LICENSE TO PRACTICE**  
9 **PODIATRY.**

10 16–302.

11           (a)   **[To] EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, TO**  
12 qualify for a license, an applicant shall be an individual who meets the requirements  
13 of this section.

14           (b)   The applicant shall be of good moral character.

15           (c)   The applicant shall be at least 18 years old.

16           (d)   The applicant shall be a graduate of a school or college of podiatry that is  
17 accredited by the Council on Education of the American Podiatric Medical Association  
18 and approved by the Board.

19           (e)   Except as otherwise provided in this title, the applicant shall pass an  
20 examination given by the Board under this subtitle.

21           (f)   The Board may require an applicant to complete a postgraduate podiatric  
22 residency program in:

23                   (1)   A health care facility licensed or approved by the Department;

24                   (2)   A program approved by the Council on Education of the American  
25 Podiatric Medical Association or its successor; or

26                   (3)   A program approved by the Board.

27           (g)   (1)   The Board shall require as part of its examination or licensing  
28 procedures that an applicant for a license to practice podiatry demonstrate an oral  
29 competency in the English language.

30                   (2)   Graduation from a recognized English–speaking undergraduate  
31 school after at least 3 years of enrollment, or from a recognized English–speaking

1 professional school is acceptable as proof of proficiency in the oral communication of  
2 the English language under this section.

3 (3) By regulation, the Board shall develop a procedure for testing  
4 individuals who because of their speech impairment are unable to complete  
5 satisfactorily a Board approved standardized test of oral competency.

6 (4) If any disciplinary charges or action that involves a problem with  
7 the oral communication of the English language are brought against a licensee under  
8 this title, the Board shall require the licensee to take and pass a Board approved  
9 standardized test of oral competency.

10 16-305.

11 (a) The Board shall issue a license to any applicant who, by the affirmative  
12 vote of a majority of the full authorized membership of the Board, meets the  
13 requirements of this title.

14 (b) The Board shall include on each license that the Board issues:

15 (1) The signature of the Secretary of the Department of Health and  
16 Mental Hygiene attesting that the individual meets the requirements of this title; and

17 (2) A serial number that corresponds to an entry in the registration  
18 records of the Board.

19 **(C) A VOLUNTEER PODIATRIST LICENSE ISSUED UNDER THIS SECTION**  
20 **SHALL BE CLEARLY DESIGNATED AS A VOLUNTEER PODIATRIST LICENSE.**

21 16-308.

22 (a) (1) The Board may place a licensee on inactive status, if the licensee  
23 submits to the Board:

24 (i) An application for inactive status on the form required by  
25 the Board; and

26 (ii) The inactive status fee set by the Board.

27 (2) The Board shall issue a license to an individual who is on inactive  
28 status if the individual is otherwise entitled to be licensed under this title and submits  
29 to the Board:

30 (i) Satisfactory evidence of compliance with the continuing  
31 education requirements the Board adopts for this purpose;

32 (ii) A reinstatement fee set by the Board;

- 1 (iii) A licensure affidavit;
- 2 (iv) Federation of boards certification of good standing;
- 3 (v) The response to an inquiry to the national Healthcare  
4 Integrity and Protection Data Bank;
- 5 (vi) History of malpractice cases;
- 6 (vii) Proof of out-of-state practice preceding the request for  
7 reinstatement that is sufficient to demonstrate current clinical proficiency, as specified  
8 in regulations adopted by the Board; and
- 9 (viii) Proof of passing the Ethics–Jurisprudence Examination as  
10 administered by the Board within the last licensing cycle preceding the individual’s  
11 reinstatement application.

12 (3) The Board shall reinstate the license of a podiatrist who has been  
13 on inactive status and who does not meet the requirements of paragraph (2)(vii) of this  
14 subsection, if the podiatrist meets the continuing medical education requirements  
15 prescribed by the Board.

16 16–311.

17 (b) Subject to the hearing provisions of § 16–313 of this subtitle, the Board,  
18 on the affirmative vote of a majority of its members then serving, may revoke:

19 (1) [the] **THE** license of a podiatrist who practices podiatry while the  
20 podiatrist’s license is suspended; **AND**

21 (2) **THE LICENSE OF A VOLUNTEER PODIATRIST WHO ACCEPTS**  
22 **PAYMENT OR REIMBURSEMENT OF ANY KIND FOR SERVICES RENDERED.**

23 **16–318.1.**

24 (A) **THE BOARD MAY CONVERT AN ACTIVE LICENSE TO A VOLUNTEER**  
25 **PODIATRIST LICENSE IF THE LICENSEE SUBMITS TO THE BOARD:**

26 (1) **AN APPLICATION FOR A VOLUNTEER PODIATRIST LICENSE ON**  
27 **THE FORM REQUIRED BY THE BOARD; AND**

28 (2) **THE FEE SET BY THE BOARD.**

29 (B) **THE BOARD MAY CONVERT AN INACTIVE LICENSE TO A VOLUNTEER**  
30 **PODIATRIST LICENSE IF THE LICENSEE ON INACTIVE STATUS:**

1                   (1) IS OTHERWISE ENTITLED TO BE LICENSED UNDER THIS TITLE;  
2 AND

3                   (2) SUBMITS TO THE BOARD:

4                           (I) AN APPLICATION FOR A VOLUNTEER PODIATRIST  
5 LICENSE ON THE FORM REQUIRED BY THE BOARD;

6                           (II) THE FEE SET BY THE BOARD; AND

7                           (III) THE INFORMATION AND DOCUMENTATION REQUIRED  
8 UNDER § 16-308(A) OF THIS SUBTITLE FOR THE ISSUANCE OF A LICENSE TO AN  
9 INDIVIDUAL WHO IS ON INACTIVE STATUS.

10           (C) THE BOARD MAY ISSUE A VOLUNTEER PODIATRIST LICENSE TO AN  
11 INDIVIDUAL WHO HOLDS AN ACTIVE LICENSE ISSUED BY ANOTHER STATE OR  
12 WHO HELD A LICENSE ISSUED BY THE BOARD THAT HAS EXPIRED AND HAS NOT  
13 BEEN RENEWED IF THE INDIVIDUAL:

14                           (1) (I) MEETS THE QUALIFICATION REQUIREMENTS OF §  
15 16-302 OF THIS SUBTITLE; OR

16                                   (II) AT THE DISCRETION OF THE BOARD, MEETS THE  
17 QUALIFICATION REQUIREMENTS FOR A VOLUNTEER PODIATRIST LICENSE THAT  
18 THE BOARD ADOPTS BY REGULATION; AND

19                   (2) SUBMITS TO THE BOARD:

20                           (I) AN APPLICATION FOR A VOLUNTEER PODIATRIST  
21 LICENSE ON THE FORM REQUIRED BY THE BOARD; AND

22                           (II) THE FEE SET BY THE BOARD.

23           (D) THE FORM REQUIRED BY THE BOARD UNDER THIS SECTION SHALL  
24 INCLUDE A CERTIFICATION THAT THE APPLICANT WILL NOT ACCEPT PAYMENT  
25 OR REIMBURSEMENT OF ANY KIND FOR SERVICES RENDERED.

26           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
27 October 1, 2011.