

**Annotated Code of Maryland**  
**Health Occupations Article**  
**Title 13. Physical Therapists**

**Table of Contents**

<b>SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.....</b>	<b>7</b>
§ 13-101 Definitions.....	7
§ 13-102. Scope of Title .....	8
<b>SUBTITLE 2. STATE BOARD OF PHYSICAL THERAPY EXAMINERS .....</b>	<b>11</b>
§ 13-201 Board Established .....	11
§ 13-202 Membership.....	11
§ 13-203 Officers.....	12
§ 13-204. Board Executive Director .....	12
§ 13-205. Quorum; meetings; compensations; staff .....	13
§ 13-206. Miscellaneous powers and duties .....	13
§ 13-207. State Board of Physical Therapy Examiners Fund; establishment of fees; disposition of funds .....	13
§ 13-207.1 Disclosure of Information .....	14
§ 13-208. Good faith exemption from civil liability .....	15
<b>SUBTITLE 3. LICENSING.....</b>	<b>17</b>
§ 13-301. License required; exceptions .....	17
§ 13-302. Qualifications of applicants – Generally .....	17
§ 13-301.1. Criminal history records check .....	18
§ 13-303. Qualifications – physical therapists .....	19
§ 13-304. Qualifications – physical therapist assistant.....	19
§ 13-305. Applicants for licenses .....	19
§ 13-306. Examinations.....	20
§ 13-307. Waiver of examination requirement .....	20
§ 13-308. Issuance of license; display or notice of license; change of address .....	21

§ 13-309. Scope of physical therapy license .....	21
§ 13-310. Scope of physical therapist assistant license .....	22
§ 13-311. Term and renewal of licenses .....	22
§ 13-312. Reinstatement of expired license .....	23
§ 13-313. Temporary license .....	23
§ 13-314. Restricted license .....	23
§ 13-315. Surrender of license .....	24
§ 13-316. Denial, reprimands, probations, suspensions, and revocations – Grounds .....	24
§ 13-316.1. Mental or physical condition of licensee affecting ability to practice.....	26
§ 13-317. Denials, reprimands, probations, suspensions, and revocations – Hearings .....	26
§ 13-318. Review.....	27
§ 13-318.1. Actions to enjoin violations .....	27
§ 13-319. Physical therapist rehabilitation committees .....	27
<b>SUBTITLE 3A-01 INTERSTATE PHYSICAL THERAPY LICENSURE COMPACT .....</b>	<b>29</b>
§ 13-3A-01. Interstate Physical Therapy Licensure Compact. ....	29
SECTION 1. PURPOSE .....	29
SECTION 2. DEFINITIONS.....	29
SECTION 3. STATE PARTICIPATION IN THE COMPACT. ....	31
SECTION 4. COMPACT PRIVILEGE.....	32
SECTION 5. ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES.....	33
SECTION 6. ADVERSE ACTIONS. ....	33
SECTION 7. ESTABLISHMENT OF THE PHYSICAL THERAPY COMPACT COMMISSION.....	34
SECTION 8. DATA SYSTEM.....	38
SECTION 9. RULEMAKING. ....	39
SECTION 10. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT.....	41
SECTION 11. DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR PHYSICAL THERAPY PRACTICE AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT. ....	42
SECTION 12. CONSTRUCTION AND SEVERABILITY. ....	43
<b>SUBTITLE 4. PROHIBITED ACTS; PENALTIES.....</b>	<b>45</b>
§ 13-401. Practicing without license.....	45
§ 13-402. Misrepresentation – Physical therapist.....	45

§ 13-403. Misrepresentation – Physical therapist assistant .....	45
§ 13-404. Supervision required.....	45
§ 13-405, § 13-406 .....	45
§ 13-407. Penalty generally .....	45
§ 13-407.1. Penalties following reprimand or refuse to license.....	46
§ 13-408. Reports by courts to Board .....	46
<b>SUBTITLE 5. SHORT TITLE; TERMINATION OF TITLE .....</b>	<b>47</b>
§ 13-501. Short title .....	47
§ 13-502. Termination of title .....	47

**CODE OF MARYLAND REGULATIONS**

**Title 10**

**Subtitle 38. BOARD OF PHYSICAL THERAPY EXAMINERS**

**Chapter 01 General Regulations .....49**

.01 Definitions ..... 49

.02 Requirements for Licensure..... 50

.03 Reexamination. .... 51

.04 Issuance of Licenses..... 52

.05 Restrictions. .... 52

**Chapter 2 Code of Ethics .....55**

.01 Code of Ethics..... 55

.02 Sexual Misconduct. .... 55

.03 Penalties..... 56

**Chapter 3 Standards of Practice.....57**

.01 Definitions..... 57

.02 Standards of Practice..... 58

.02-1 Requirements for Documentation..... 60

.03 Penalties..... 62

**Chapter 04 Physical Therapy Aides .....63**

.01 Definition. .... 63

.02 Requirements..... 63

.03 Activities Which May Be Performed by Aides under Direct Supervision..... 63

.04 Prohibited Activities..... 64

.05 Penalty. .... 64

**Chapter 05 Rules of Procedure for Board Hearings .....65**

.01 Scope..... 65

.02 Definitions ..... 65

.03 Confidentiality of Proceedings..... 69

.04 Representation by Counsel.....	69
.05 Disposition of Complaints.....	70
.06 Notice of Charges or Notice of Initial Denial.....	70
.07 Notice of Hearing.....	71
.08 Prehearing Conference and Case Resolution Conference.....	71
.09 Discovery.....	73
.10 Evidentiary Hearings.....	74
.11 Recommended Decisions, Exceptions Hearings, and Oral Argument.....	77
.12 Revocation of Hearing Authority from the Office of Administrative Hearings.....	78
.13 Summary Suspensions.....	79
.14 Surrender of a License.....	82
.15 Probation and Violation of Probation.....	82
.16 Reinstatement.....	83
<b>Chapter 06 Foreign-Educated Licensure Requirements.....</b>	<b>85</b>
.01 Requirements for Licensure.....	85
.02 Reexamination.....	86
.03 Issuance of Licenses.....	86
.04 Restrictions.....	87
<b>Chapter 07 Fee Schedule.....</b>	<b>89</b>
.01 Scope.....	89
.02 Fees.....	89
.03 Refunds.....	89
.04 Change of Fees.....	90
<b>Chapter 08 Continuing Education Requirements.....</b>	<b>91</b>
.01 Scope.....	91
.02 Definitions.....	91
.03 Continuing Education Requirements.....	91
.04 Continuing Education Course Approval.....	92
.05 Renewal Requirements.....	92

.06 Auditing Compliance with Continuing Education Requirements.....	93
.07 Reinstatement Requirements.....	93
.08 Continuing Education Unit Requirements for Physical Therapy Clinical Practice. ....	93
<b>Chapter 09 Speech-Impaired Applicants .....</b>	<b>95</b>
.01 Speech-Impaired Applicants. ....	95
.02 Other Requirements. ....	95
<b>Chapter 10 Disciplinary Sanctions, Monetary Penalties, and Civil Fines.....</b>	<b>97</b>
.01 Scope.....	97
.02 Definitions.....	97
.03 Imposition of a Penalty — General.....	97
.04 Guidelines for Imposition of Disciplinary Sanctions or Monetary Penalties. ....	97
.05 Mitigating and Aggravating Factors to be Considered in the Assessment of the Sanction and Penalty. ....	99
.06 Civil Fines.....	100
.07 Payment of a Penalty. ....	101
<b>Chapter 11 Compelling Purpose Disclosure .....</b>	<b>103</b>
.01 Scope.....	103
.02 Disclosure for Compelling Public Purpose. ....	103
.03 Other Disclosures.....	103
<b>Chapter 12 Dry Needling .....</b>	<b>105</b>
.01 Scope.....	105
.02 Definitions.....	105
.03 Minimum Education and Training Necessary to Perform Dry Needling.....	105
.04 Standards of Practice in Performing Dry Needling. ....	106

**HEALTH OCCUPATIONS  
TITLE 13. PHYSICAL THERAPIST**

**SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS**

**§ 13-101 Definitions**

**(a) In general.** -- In this title the following words have the meanings indicated.

**(b) Board.** -- "Board" means the State Board of Physical Therapy Examiners.

**(c) License.** -- "License" means, unless the context requires otherwise, a license issued by the Board to practice:

**(1)** Physical therapy; or

**(2)** Limited physical therapy.

**(d) Licensed physical therapist.** -- "Licensed physical therapist" means, unless the context requires otherwise, a physical therapist who is licensed by the Board to practice physical therapy.

**(e) Licensed physical therapist assistant.** -- "Licensed physical therapist assistant" means, unless the context requires otherwise, a physical therapist assistant who is licensed by the Board to practice limited physical therapy.

**(f) Physical therapist.** -- "Physical therapist" means an individual, licensed by the State Board of Physical Therapy Examiners, who practices physical therapy and who has passed the national physical therapy licensing examination administered or accepted by the Board.

**(g) Physical therapist assistant.** -- "Physical therapist assistant" means an individual who practices limited physical therapy and who has passed the national physical therapy licensing examination administered or accepted by the Board.

**(h) Practice limited physical therapy.** --

**(1)** "Practice limited physical therapy" means to implement therapeutic interventions for the purpose of:

**(i)** The prevention of disability in patients or clients; and

**(ii)** The physical rehabilitation of patients or clients with a congenital or acquired disability.

**(2)** "Practice limited physical therapy" includes, except as provided in paragraph (3) of this subsection:

**(i)** Taking and documenting measurements; and

**(ii)** Administering therapeutic interventions that include therapeutic exercise, therapeutic massage, mechanical devices, or therapeutic agents that use the physical, chemical, or other properties of air, water, electricity, sound, or radiant energy.

**(3)** "Practice limited physical therapy" does not include:

**(i)** Interpreting measurements;

**(ii)** Planning treatment programs;

- (iii) Taking X rays;
- (iv) Using radioactive substances; or
- (v) Using electricity for cauterization or surgery.

**(i) Practice physical therapy. --**

**(1)** "Practice physical therapy" means to design, implement, and modify therapeutic interventions for the purpose of:

- (i) The prevention of disability in patients or clients; and
- (ii) The physical rehabilitation of patients or clients with a congenital or acquired disability.

**(2)** "Practice physical therapy" includes:

- (i) Performing an evaluation of the physical therapy needs of patients or clients;
- (ii) Performing and interpreting tests and measurements of neuromuscular and musculoskeletal functions to aid treatment;
- (iii) Planning treatment programs that are based on test findings; and
- (iv) Except as provided in paragraph (3) of this subsection, administering therapeutic interventions that include therapeutic exercise, therapeutic massage, mechanical devices, or therapeutic agents that use the physical, chemical, or other properties of air, water, electricity, sound, or radiant energy.

**(3)** "Practice physical therapy" does not include:

- (i) Taking X rays;
- (ii) Using radioactive substances; or
- (iii) Using electricity for cauterization or surgery.

**(j) Restricted license. --** "Restricted license" means a license issued by the Board under and as limited by § 13-314 of this title to practice physical therapy.

## **§ 13-102. Scope of Title**

Except as specifically provided in this title, this title does not limit the right of:

- (1) An individual to practice a health occupation that the individual is authorized to practice under this article;
- (2) A chiropractor to practice physical therapy if the chiropractor is authorized to practice physical therapy under Title 3 of this article;
- (3) An individual to provide nonmedical services while:
  - (i) Practicing cosmetology; or
  - (ii) Operating a health club; or



(4) A health club to advertise as a health club.

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**HEALTH OCCUPATIONS  
TITLE 13. PHYSICAL THERAPIST**

**SUBTITLE 2. STATE BOARD OF PHYSICAL THERAPY EXAMINERS**

**§ 13-201 Board Established**

There is a State Board of Physical Therapy Examiners in the Department.

**§ 13-202 Membership**

**(a) Composition; appointment of members. --**

(1) The Board consists of 8 members.

(2) Of the 8 Board members:

(i) Five shall be licensed physical therapists, of which a minimum of four shall be engaged primarily in the clinical practice of physical therapy in this State;

(ii) One shall be a licensed physical therapist assistant practicing limited physical therapy in this State; and

(iii) Two shall be consumer members.

(3) The Governor shall appoint the licensed physical therapist members and the licensed physical therapist assistant member, with the advice of the Secretary, from a list of names of qualified individuals submitted to the Secretary and the Governor by the American Physical Therapy Association of Maryland. The number of names on the list shall be at least three times the number of vacancies.

(4) The Governor shall appoint the consumer members with the advice of the Secretary and the advice and consent of the Senate.

**(b) Qualifications of licensed physical therapist members. --** Each licensed physical therapist member:

(1) Shall have at least 5 years' experience in physical therapy administration, education, practice, or research immediately before appointment; and

(2) Shall be engaged in the profession of physical therapy in this State.

**(c) Qualifications of licensed physical therapist assistant members. --** The licensed physical therapist assistant member shall:

(1) Have 5 years' experience in limited physical therapy; and

(2) Be engaged in the profession of limited physical therapy in this State.

**(d) Qualifications of consumer member -- In general. --** Each consumer member of the Board:

(1) Shall be a member of the general public;

(2) May not be or ever have been a physical therapist or physical therapist assistant or in training to become a physical therapist or physical therapist assistant;

(3) May not have a household member who is a physical therapist or physical therapist assistant or in training to become a physical therapist or physical therapist assistant;

(4) May not participate or ever have participated in a commercial or professional field related to physical therapy;

(5) May not have a household member who participates in a commercial or professional field related to physical therapy; and

(6) May not have had within 2 years before appointment a substantial financial interest in a person regulated by the Board.

**(e) Qualifications of consumer member -- Restriction.** -- While a member of the Board, a consumer member may not have a substantial financial interest in a person regulated by the Board.

**(f) Oath.** -- Before taking office, each appointee to the Board shall take the oath required by Article I, § 9 of the Maryland Constitution.

**(g) Tenure; vacancies.** --

(1) The term of a member is 4 years.

(2) The terms of members are staggered as required by the terms provided for members of the Board on July 1, 1981.

(3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(4) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(5) To the extent practicable, the Governor shall fill any vacancy on the Board within 60 days of the date of the vacancy.

(6) A member may not serve more than 2 consecutive full terms.

**(h) Removal.** --

(1) The Governor may remove a member for incompetence or misconduct.

(2) Upon the recommendation of the Secretary, the Governor may remove a member whom the Secretary finds to have been absent from 2 successive Board meetings without adequate reason.

## **§ 13-203 Officers**

**(a) Election of chairman and vice chairman.** -- From among its members, the Board annually shall elect a chairman and vice chairman.

**(b) Election; duties.** -- The Board shall determine:

(1) The manner of election of the chairman and vice chairman; and

(2) The duties of the chairman and vice chairman.

## **§ 13-204. Board Executive Director**

**(a) Appointment.** -- The Board shall appoint a Board executive director, who serves at the pleasure of the Board.

**(b) Powers and duties.** -- The Board executive director:

- (1) Is the executive officer of the Board; and
- (2) Has the powers and duties assigned by the Board.

### **§ 13-205. Quorum; meetings; compensations; staff**

**(a) Quorum.** -- A majority of the full authorized membership of the Board is a quorum to do business.

**(b) Meetings.** -- The Board shall determine the times and places of its meetings.

**(c) Compensation and reimbursement for expenses.** -- Each member of the Board is entitled to:

- (1) Compensation determined by the Board and in accordance with the budget of the Board; and
- (2) Reimbursement for expenses at a rate determined by the Board.

**(d) Staff; experts and consultants.** -- In accordance with the budget of the Board, the Board may employ:

- (1) A staff; and
- (2) Experts and consultants to obtain information and advice that relate to physical therapy.

### **§ 13-206. Miscellaneous powers and duties**

**(a) Powers.** -- In addition to the powers set forth elsewhere in this title, the Board may:

- (1) Adopt rules and regulations to carry out the provisions of this title;
- (2) Adopt standards of practice and a code of ethics for the practice of physical therapy and limited physical therapy; and
- (3) Pay, in accordance with the State budget, any necessary expense that relates to the referral of an alleged violation of the criminal provisions of this title.

**(b) Duties.** -- In addition to the duties set forth elsewhere in this title, the Board shall:

- (1) Keep a list of the name and address of each licensed physical therapist and licensed physical therapist assistant;
- (2) Present evidence of any alleged violation of this title to the State's Attorney of the county where the alleged violation occurred;
- (3) Adopt rules and regulations that govern the use of a physical therapy aide by a licensed physical therapist; and
- (4) Investigate an alleged violation of this title.

### **§ 13-207. State Board of Physical Therapy Examiners Fund; establishment of fees; disposition of funds**

**(a) Fund established.** -- There is a State Board of Physical Therapy Examiners Fund.

**(b) Establishment of fees.** --

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

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

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

**(c) Disposition of funds. --**

(1) The Board shall pay all funds collected under this title to the Comptroller of the State.

(2) The Comptroller shall distribute the fees to the State Board of Physical Therapy Examiners Fund.

**(d) Fund -- Uses; nature; reversion; funding. --**

(1) The Fund shall be used to cover the actual documented direct and indirect costs of fulfilling the statutory and regulatory duties of the Board as provided by the provisions of this article.

(2) The Fund is a continuing, nonlapsing fund, not subject to § 7-302 of the State Finance and Procurement Article.

(3) Any unspent portions of the Fund may not be transferred or revert to the General Fund of the State, but shall remain in the Fund to be used for the purposes specified in this article.

(4) No other State money may be used to support the Fund.

**(e) Fund -- Administration; expenditures. --**

(1) A designee of the Board shall administer the Fund.

(2) Moneys in the Fund may be expended only for any lawful purpose authorized under the provisions of this article.

**(f) Fund -- Audits. --** The Legislative Auditor shall audit the accounts and transactions of the Fund as provided in § 2-1220 of the State Government Article.

## **§ 13-207.1 Disclosure of Information**

If it is determined that disclosure of information contained in a record of the Board will serve to protect the public, the Board, after an affirmative vote of a majority, may:

(1) Disclose any information contained in a record of the Board to any other health occupations licensure board of this State if the information relates to an individual licensed or certified by the other board; or

(2) Disclose to a physical therapy licensure board of any other state:

(i) Any information contained in a record of the Board if the information relates to an individual licensed by the Board and is based on a final decision of the Board; or

(ii) The information that a licensee has charges pending before the Board and there has been no final decision in the matter.

**§ 13-208. Good faith exemption from civil liability**

A person shall have the immunity from liability described under § 5-714 of the Courts and Judicial Proceedings Article for giving information to the Board or otherwise participating in its activities.

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**HEALTH OCCUPATIONS  
TITLE 13. PHYSICAL THERAPIST**

**SUBTITLE 3. LICENSING**

**§ 13-301. License required; exceptions**

**(a) In general.** -- Except as otherwise provided in this title, an individual shall be licensed by the Board before the individual may practice physical therapy or limited physical therapy in this State.

**(b) Exceptions.** -- This section does not apply to:

**(1)** A student who is supervised directly by a licensed physical therapist in a Board approved physical therapy educational program; or

**(2)** A physical therapy aide, if the physical therapy aide:

**(i)** Subject to the rules and regulations adopted by the Board, performs only procedures that do not require the professional skills of a licensed physical therapist or a licensed physical therapist assistant; and

**(ii)** Performs procedures only under the direct supervision of a licensed physical therapist who personally is present in the area where the procedures are performed.

**§ 13-302. Qualifications of applicants – Generally**

**(a) In general.** --

**(1)** To qualify for a physical therapy license, an applicant shall be an individual who:

**(i)** Meets the requirements of:

1. This section; and

2. § 13-303 of this subtitle; and

**(ii)** Submits to a criminal history records check in accordance with § 13-302.1 of this subtitle.

**(2)** To qualify for a physical therapist assistant license, an applicant shall be an individual who:

**(i)** Meets the requirements of:

1. This section; and

2. § 13-304 of this subtitle; and

**(ii)** Submits to a criminal history records check in accordance with § 13-302.1 of this subtitle.

**(b) Moral character.** -- The applicant shall be of good moral character.

**(c) Examinations.** -- Except as otherwise provided in this title, the applicant shall pass the appropriate examination given by the Board under this subtitle.

**(d) Additional requirements.** -- The applicant shall meet any other qualifications or requirements that the Board establishes for license applicants.

**(e) English language competency. --**

(1) Except as provided in paragraph (2) of this subsection, the Board shall require as part of its examination or licensing procedures that an applicant for a license to practice physical therapy or limited physical therapy demonstrate written and oral competency in the English language.

(2) An applicant is exempt from English language competency testing under paragraph (1) of this subsection if the applicant graduated from a physical therapy program that was taught in English.

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

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

**§ 13-301.1. Criminal history records check**

**(a) "Central Repository" defined. --** In this section, "Central Repository" means the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services.

**(b) Required submissions. --** As part of an application to the Central Repository for a State and national criminal history records check, an applicant shall submit to the Central Repository:

(1) Two complete sets of legible fingerprints taken on forms approved by the Director of the Central Repository and the Director of the Federal Bureau of Investigation;

(2) The fee authorized under § 10-221(b)(7) of the Criminal Procedure Article for access to State criminal history records; and

(3) The processing fee required by the Federal Bureau of Investigation for a national criminal history records check.

**(c) Information to be sent to Board and applicant. --** In accordance with §§ 10-201 through 10-228 of the Criminal Procedure Article, the Central Repository shall forward to the Board and to the applicant the criminal history record information of the applicant.

**(d) Alternative method to fingerprint check. --** If an applicant has made three or more unsuccessful attempts at securing legible fingerprints, the Board may accept an alternate method of a criminal history records check as permitted by the Director of the Central Repository and the Director of the Federal Bureau of Investigation.

**(e) Confidentiality. --** Information obtained from the Central Repository under this section:

(1) Is confidential and may not be disseminated; and

(2) May be used only for the licensing purpose authorized by this title.

**(f) Contest by subject. --** The subject of a criminal history records check under this section may contest the contents of the printed statement issued by the Central Repository as provided in § 10-223 of the Criminal Procedure Article.

### **§ 13-303. Qualifications – physical therapists**

**(a) Educated in any state.** -- If an applicant for a physical therapy license has been educated in physical therapy in any state, the applicant shall have:

- (1)** Graduated from a physical therapy program that, in the year of graduation, was:
  - (i)** Approved by the American Physical Therapy Association; or
  - (ii)** Accredited by the Commission on Accreditation in Physical Therapy Education; and
- (2)** Completed satisfactorily the clinical education required by the physical therapy program.

**(b) Educated outside of any state.** -- If an applicant for a physical therapy license has been educated in physical therapy outside of any state, the applicant shall have graduated from a physical therapy program that in the year of graduation had educational requirements equivalent to a degree in physical therapy from a United States program accredited by the Commission on Accreditation in Physical Therapy Education.

### **§ 13-304. Qualifications – physical therapist assistant**

**(a)** If an applicant for a physical therapist assistant license has been educated in limited physical therapy in any state, the applicant shall have:

- (1)** Graduated from a physical therapist assistant program that is:
  - (i)** Approved by the American Physical Therapy Association; or
  - (ii)** Accredited by the Commission on Accreditation in Physical Therapy Education; and
- (2)** Completed satisfactorily the clinical education required by the physical therapist assistant program.

**(b)** If an applicant for a physical therapist assistant license has been educated in limited physical therapy outside of any state, the applicant shall have graduated from a physical therapist assistant program that in the year of graduation has educational requirements equivalent to a degree in limited physical therapy from a program in the United States accredited by the Commission on Accreditation in Physical Therapy Education.

### **§ 13-305. Applicants for licenses**

**(a) Physical therapy license.** -- To apply for a physical therapy license, an applicant shall:

- (1)** Submit to the Board:
  - (i)** An application on the form that the Board requires;
  - (ii)** Evidence of completion of:
    1. A physical therapy curriculum; and
    2. Any clinical training required under the physical therapy curriculum; and
  - (iii)** Any other document that the Board requires;
- (2)** Submit to a criminal history records check in accordance with § 13-302.1 of this subtitle; and

(3) Pay to the Board the application fee set by the Board.

**(b) Physical therapist assistant license.** -- To apply for a physical therapist assistant license, an applicant shall:

(1) Submit to the Board:

(i) An application on the form that the Board requires;

(ii) Evidence of completion of:

1. A physical therapist assistant curriculum; and

2. Any clinical training required under the physical therapist assistant curriculum; and

(iii) Any other document that the Board requires;

(2) Submit to a criminal history records check in accordance with § 13-302.1 of this subtitle; and

(3) Pay to the Board the application fee set by the Board.

### **§ 13-306. Examinations**

**(a) Right to examination.** --

(1) Except as provided in paragraph (2) of this subsection, an applicant who otherwise qualifies for a license is entitled to be examined for that license as provided in this section.

(2) An applicant who fails the examination for licensure six times may not:

(i) Retake the examination; or

(ii) Be licensed by the Board.

**(b) Time and place of examination.** -- The Board shall give examinations at least twice a year, at the times and places that the Board determines, to applicants for:

(1) A physical therapy license; and

(2) A physical therapist assistant license.

**(c) Notice of examination.** -- The Board or its agent shall notify each qualified applicant of the time and place of the examination.

**(d) Subjects and method of examination.** -- The Board shall determine the subjects, scope, form, and passing score for examinations given under this subtitle.

### **§ 13-307. Waiver of examination requirement**

**(a) In general.** -- Subject to the provisions of this section, the Board may waive any examination requirement for an applicant who is licensed or otherwise is authorized to practice physical therapy or limited physical therapy in another state.

**(b) Conditions.** -- The Board may grant a waiver under this section only if the applicant:

(1) Pays the application fee set by the Board under § 13-305 of this subtitle; and

(2) Provides adequate evidence that the applicant:

(i) Meets the qualifications otherwise required by this title; and

(ii) Became licensed or otherwise authorized in the other state after passing in that or any other state a national licensing examination with a passing score as high as that required of Maryland applicants.

### **§ 13-308. Issuance of license; display or notice of license; change of address**

(a) **Issuance of license.** -- Subject to subsection (d) of this section, the Board shall issue the appropriate license to an applicant who meets the requirements of this title for that license.

(b) **Display or notice of license.** --

(1) Except as otherwise provided in this subsection, each licensee shall display the license conspicuously in the licensee's office so that it may be seen by patients.

(2) A licensee who works in a setting outside the licensee's office, other than a hospital or a related institution, as defined in § 19-301 of the Health - General Article, shall present the wallet sized renewal card as evidence of current licensure to a patient at the beginning of the licensee's initial visit to the patient.

(3) A hospital or a related institution that provides physical therapy services shall display a notice in the reception room of the physical therapy treatment area stating that evidence of current licensure for each licensee is on file and may be reviewed by a patient on request.

(c) **Change of address.** -- Each licensee shall give the Board immediate written notice of any change of address.

(d) **Consideration of criminal history record information; receipt required.** --

(1) On receipt of the criminal history record information of an applicant for licensure forwarded to the Board in accordance with § 13-302.1 of this subtitle, in determining whether to grant a license, the Board shall consider:

(i) The age at which the crime was committed;

(ii) The circumstances surrounding the crime;

(iii) The length of time that has passed since the crime;

(iv) Subsequent work history;

(v) Employment and character references; and

(vi) Any other evidence that demonstrates whether the applicant poses a threat to the public health or safety.

(2) The Board may not issue a license if the criminal history record information required under § 13-302.1 of this subtitle has not been received.

### **§ 13-309. Scope of physical therapy license**

A physical therapy license authorizes the licensee to practice physical therapy while the license is effective.

### **§ 13-310. Scope of physical therapist assistant license**

**(a) In general.** -- Subject to subsection (b) of this section, a physical therapist assistant license authorizes the licensee to practice limited physical therapy while the license is effective.

**(b) Supervision required.** -- A licensed physical therapist assistant may practice limited physical therapy only under the direction of a licensed physical therapist who gives ongoing supervision and instruction that is adequate to ensure the safety and welfare of the patient.

### **§ 13-311. Term and renewal of licenses**

**(a) Term of license.** --

**(1)** A license expires on the date set by the Board, unless the license is renewed for an additional term as provided in this section.

**(2)** A license may not be renewed for a term longer than 2 years.

**(b) Renewal notice.** --

**(1)** Except as provided in paragraph (2) of this subsection, at least 1 month before the license expires, the Board shall send to the licensee, by first-class mail to the last known address of the licensee, a renewal notice that states:

**(i)** The date on which the current license expires;

**(ii)** The date by which the renewal application must be received by the Board for the renewal to be issued and mailed before the license expires; and

**(iii)** The amount of the renewal fee.

**(2)** If requested by a licensee, the Board shall send to the licensee, at least two times within the month before a license expires, a renewal notice by electronic means to the last known electronic mail address of the licensee.

**(3)** If a renewal notice sent by electronic means under paragraph (2) of this subsection is returned to the Board as undeliverable, the Board shall send to the licensee a renewal notice by first-class mail to the last known address of the licensee.

**(c) Applications for renewal.** -- Before the license expires, the licensee periodically may renew it for an additional 2-year term, if the licensee:

**(1)** Otherwise is entitled to be licensed;

**(2)** Pays to the Board a renewal fee set by the Board; and

**(3)** Submits to the Board:

**(i)** A renewal application on the form that the Board requires; and

**(ii)** Satisfactory evidence of compliance with the other qualifications set under this title for license renewal.

**(d) Continuing education.** -- The Board may adopt regulations to establish continuing education requirements as a condition for the renewal of licenses under this section.

**(e) Issuance of renewal.** -- The Board shall renew the license of each licensee who meets the requirements of this section.

## **§ 13-312. Reinstatement of expired license**

### **(a) Reinstatement permitted. –**

(1) Within 3 years after a license has expired, the Board may reinstate the license if the licensee:

- (i) Was licensed by passing a Board approved national licensing examination;
- (ii) Has not practiced physical therapy or limited physical therapy in this State during that period;
- (iii) Otherwise is entitled to be licensed;
- (iv) Pays to the Board the application fee set by the Board;
- (v) Submits to the Board an application on the form required by the Board; and
- (vi) Has met the continuing education requirements of § 13-311(d) of this subtitle.

(2) The Board may not require the physical therapist or physical therapist assistant who qualifies for reinstatement under this subsection to be reexamined under § 13-306 of this subtitle.

**(b) Reinstatement not permitted.** -- The physical therapist or physical therapist assistant who does not qualify under subsection (a) of this section may not have the license reinstated. The physical therapist or physical therapist assistant may become licensed only by meeting the current requirements for obtaining a new license under this title.

## **§ 13-313. Temporary license**

Repealed by Acts 2008, ch. 657, effective October 1, 2008.

## **§ 13-314. Restricted license**

**(a) Authority to issue.** -- If an applicant is licensed or registered to practice physical therapy in any other state, the Board may waive the examination requirements of this subtitle and issue a restricted license if the applicant:

- (1) Pays to the Board the restricted license fee set by the Board;
- (2) Submits to the Board an application on a form acceptable to the Board; and
- (3) Meets any other requirement set by the Board.

**(b) Scope.** -- A restricted license authorizes the holder to practice physical therapy in connection with:

- (1) Giving lectures or workshops on physical therapy; or
- (2) Taking any short-term physical therapy study course that is approved by the Board.

**(c) Term.** -- A restricted license expires at the end of:

- (1) The lecture or workshop on physical therapy; or
- (2) The short-term physical therapy study course that is approved by the Board.

**(d) Renewal.** -- The Board may not renew a restricted license. However, the holder of a restricted license may reapply to the Board for a new license.

### **§ 13-315. Surrender of license**

**(a) In general.** -- Unless the Board agrees to accept the surrender of a license, a licensed physical therapist, licensed physical therapist assistant, or holder of a restricted license may not surrender the license nor may the license lapse by operation of law while the licensee is under investigation or while charges are pending against the licensee.

**(b) Conditions.** -- The Board may set conditions on its agreement with the licensee under investigation or against whom charges are pending to accept surrender of the license.

**(c) Return of license to Board.** -- An individual whose license has been suspended or revoked by the Board shall return the license to the Board. If the suspended or revoked license has been lost, the individual shall file with the Board a statement verifying that the individual's license has been lost.

### **§ 13-316. Denial, reprimands, probations, suspensions, and revocations – Grounds**

Subject to the hearing provisions of § 13-317 of this subtitle, the Board may deny a license or restricted license to any applicant, reprimand any licensee or holder of a restricted license, place any licensee or holder of a restricted license on probation, or suspend or revoke a license or restricted license if the applicant, licensee, or holder:

**(1)** Fraudulently or deceptively obtains or attempts to obtain a license or restricted license for the applicant, licensee, or holder or for another;

**(2)** Fraudulently or deceptively uses a license or restricted license;

**(3)** Unless specifically licensed with respect to the treatment, treats or attempts to treat a health condition of a patient or client by means other than physical therapy;

**(4)** In the case of an individual who is authorized to practice physical therapy is grossly negligent:

**(i)** In the practice of physical therapy;

**(ii)** In the direction of an individual who is authorized to practice limited physical therapy;  
or

**(iii)** In the supervision of a physical therapy aide;

**(5)** In the case of an individual who is authorized to practice limited physical therapy:

**(i)** Practices limited physical therapy other than as authorized by this title; or

**(ii)** Is grossly negligent while practicing limited physical therapy;

**(6)** Is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside;

**(7)** Is convicted of a violation of a narcotic law;

**(8)** To an extent that impairs professional competence, habitually uses any:

**(i)** Drug; or



- (ii)** Alcoholic beverage;
- (9)** Pays or agrees to pay any sum to any person for bringing or referring a patient;
- (10)** Is disciplined by a licensing or disciplinary authority of any state or country or convicted or disciplined by a court of any state or country or disciplined by any branch of the United States uniformed services or Veterans Administration for an act that would be grounds for disciplinary action under the Board's disciplinary statutes;
- (11)** Practices physical therapy or limited physical therapy with an unauthorized person or supervises or aids an unauthorized person in the practice of physical therapy or limited physical therapy;
- (12)** Willfully makes or files a false report or record in the practice of physical therapy or limited physical therapy;
- (13)** Willfully fails to file or record any report as required by law, willfully impedes or obstructs the filing or recording of the report, or induces another to fail to file or record the report;
- (14)** Submits a false statement to collect a fee;
- (15)** Violates any provision of this title or rule or regulation adopted by the Board;
- (16)** Uses or promotes or causes the use of any misleading, deceiving, or untruthful advertising matter, promotional literature, or testimonial;
- (17)** Is professionally, physically, or mentally incompetent;
- (18)** Promotes the sale of devices, appliances, or goods to a patient or client so as to exploit the patient or client for financial gain;
- (19)** Commits an act of unprofessional conduct in the practice of physical therapy or limited physical therapy;
- (20)** Grossly overutilizes health care services;
- (21)** Is convicted under insurance fraud as defined in § 27-801 of the Insurance Article;
- (22)** Refuses, withholds from, denies, or discriminates against a patient or client with regard to the provision of professional services for which the licensee is licensed and qualified to render because the patient or client is HIV positive;
- (23)** Provides professional services while:
  - (i)** Under the influence of alcohol; or
  - (ii)** Using any narcotic or controlled dangerous substance, as defined in § 5-101 of the Criminal Law Article, or other drug that is in excess of therapeutic amounts or without valid medical indication;
- (24)** Willfully and without legal justification, fails to cooperate with a lawful investigation conducted by the Board;
- (25)** Fails to meet accepted standards in delivering physical therapy or limited physical therapy care; or
- (26)** Fails to submit to a criminal history records check in accordance with § 13-302.1 of this subtitle.

### **§ 13-316.1. Mental or physical condition of licensee affecting ability to practice**

**(a) Cause for examination.** -- If in investigating an allegation brought against a licensee under this title, there is good cause to believe that the physical or mental condition of the licensee may adversely affect the ability of the licensee to practice physical therapy or limited physical therapy, the Board may require the licensee to submit to appropriate medical or psychological examination, testing, or evaluation by a health care provider designated by the Board.

**(b) Consent to test.** -- In return for the privilege to practice physical therapy or limited physical therapy, a licensee is deemed to:

(1) Consent to be examined, tested, or evaluated pursuant to this section; and

(2) Waive objection to the receipt of and consideration by the Board of the results of any examinations, tests, or evaluations conducted by, and the reports and testimony of, the examining health care provider.

**(c) Failure or refusal of examination viewed as inability to practice.** -- The failure or refusal of the licensee to submit to an examination required under subsection (b) of this section may be considered as evidence of the inability of the licensee to practice competently, unless the Board finds that the failure or refusal was beyond the control of the licensee.

**(d) Cost.** -- The Board shall pay the cost of all examinations, tests, and evaluations performed pursuant to this section.

### **§ 13-317. Denials, reprimands, probations, suspensions, and revocations – Hearings**

**(a) Right of hearing.** -- Except as otherwise provided in the Administrative Procedure Act, before the Board takes any action under § 13-316 of this subtitle, it shall give the individual against whom the action is contemplated an opportunity for a hearing before the Board.

**(b) Application of Administrative Procedure Act.** -- The Board shall give notice and hold the hearing in accordance with the Administrative Procedure Act.

**(c) Right to counsel.** -- The individual may be represented at the hearing by counsel.

**(d) Hearing by committee.** --

(1) The chairman of the Board may delegate authority to conduct a hearing to a committee consisting of three or more Board members.

(2) The committee shall:

(i) Hold an evidentiary hearing; and

(ii) Prepare a recommended decision for consideration by a quorum of the Board, which may include members of the committee.

(3) The committee shall give each party the opportunity to file exceptions and present argument to the Board regarding the decision of the committee.

**(e) Subpoenas and oaths.** -- Over the signature of an officer or the executive director of the Board, the Board may issue subpoenas and administer oaths in connection with any investigation under this title and any hearings or proceedings before it.

**(f) Contempt of court.** -- If, without lawful excuse, a person disobeys a subpoena from the Board or an order by the Board to take an oath or to testify or answer a question, then, on petition of the Board, a court of competent jurisdiction may punish the person as for contempt of court.

**(g) Ex parte hearing.** -- If after due notice the individual against whom the action is contemplated fails or refuses to appear, nevertheless the Board may hear and determine the matter.

### **§ 13-318. Review.**

**(a) In general.** -- Except as provided in this section for an action under § 13-316 of this subtitle, any person aggrieved by a final decision of the Board in a contested case, as defined in the Administrative Procedure Act, may petition for judicial review as allowed by the Administrative Procedure Act.

**(b) Action under § 13-316.** -- Any person aggrieved by a final decision of the Board under § 13-316 of this subtitle may not appeal to the Secretary but may take a direct judicial appeal as provided in the Administrative Procedure Act.

### **§ 13-318.1. Actions to enjoin violations**

**(a) Disciplinary action.** -- An action may be maintained in the name of this State or the Board to enjoin:

- (1) The unauthorized practice of physical therapy; or
- (2) Conduct that is ground for disciplinary action under § 13-316 of this subtitle.

**(b) Who may bring action.** -- An action under this section may be brought by:

- (1) The Board in its own name;
- (2) The Attorney General, in the name of the State; or
- (3) A State's Attorney, in the name of the State.

**(c) Jurisdiction.** -- An action under this section may be brought in the county where the defendant resides or engaged in the act sought to be enjoined.

**(d) Proof of damage.** -- Proof of actual damage or that any person will sustain any damage if an injunction is not granted is not required for an action under this section.

**(e) Criminal prosecution.** -- An action under this section is in addition to and not instead of criminal prosecution for the unauthorized practice of physical therapy under § 13-401 of this title or disciplinary action under § 13-316 of this subtitle.

### **§ 13-319. Physical therapist rehabilitation committees**

**(a) "Physical therapist rehabilitation committee" defined.** -- In this section, "physical therapist rehabilitation committee" means a committee that:

- (1) Is defined in subsection (b) of this section; and
- (2) Performs any of the functions listed in subsection (c) of this section.

**(b) In general.** -- For purposes of this section, a physical therapist rehabilitation committee is a committee of the American Physical Therapy Association of Maryland, Inc. that:

(1) Is recognized by the Board; and

(2) Is composed of physical therapists.

**(c) Duties.** -- For purposes of this section, a physical therapist rehabilitation committee evaluates and provides assistance to any physical therapist and physical therapist assistant in need of treatment and rehabilitation for alcoholism, drug abuse, chemical dependency, or other physical, emotional, or mental condition.

**(d) Discoverability and admissibility of proceedings, records and files.** --

(1) Except as otherwise provided in this section, the proceedings, records, and files of the physical therapist rehabilitation committee are not discoverable and are not admissible in evidence in any civil action arising out of matters that are being or have been reviewed and evaluated by the physical therapist rehabilitation committee.

(2) Paragraph (1) of this subsection does not apply to any record or document that is considered by the physical therapist rehabilitation committee and that otherwise would be subject to discovery and introduction into evidence in a civil trial.

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

**(e) Civil liability.** -- A person who acts in good faith and within the scope of jurisdiction of a physical therapist rehabilitation committee is not civilly liable for any action as a member of the physical therapist rehabilitation committee or for giving information to, participating in, or contributing to the function of the physical therapist rehabilitation committee.

**HEALTH OCCUPATIONS  
TITLE 13. PHYSICAL THERAPIST**

**SUBTITLE 3A-01 INTERSTATE PHYSICAL THERAPY LICENSURE COMPACT**

**§ 13-3A-01. Interstate Physical Therapy Licensure Compact.**

The Interstate Physical Therapy Licensure Compact is enacted into law and entered into with all other states legally joining in it in the form substantially as it appears in this section as follows:

**SECTION 1. PURPOSE**

The purpose of this Compact is to facilitate interstate practice of physical therapy with the goal of improving public access to physical therapy services. The practice of physical therapy occurs in the state where the patient/client is located at the time of the patient/client encounter. The Compact preserves the regulatory authority of states to protect public health and safety through the current system of state licensure. This Compact is designed to achieve the following objectives:

- (1) Increase public access to physical therapy services by providing for the mutual recognition of other member state licenses;
- (2) Enhance the states' ability to protect the public's health and safety;
- (3) Encourage the cooperation of member states in regulating multi-state physical therapy practice;
- (4) Support spouses of relocating military members;
- (5) Enhance the exchange of licensure, investigative, and disciplinary information between member states; and
- (6) Allow a remote state to hold a provider of services with a compact privilege in that state accountable to that state's practice standards.

**SECTION 2. DEFINITIONS.**

As used in this Compact, and except as otherwise provided, the following definitions shall apply:

- (1) "Active duty military" means full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. Section 1209 and 1211.
- (2) "Adverse action" means disciplinary action taken by a physical therapy licensing board based upon misconduct, unacceptable performance, or a combination of both.

**(3)** "Alternative program" means a non-disciplinary monitoring or practice remediation process approved by a physical therapy licensing board. This includes, but is not limited to, substance abuse issues.

**(4)** "Compact privilege" means the authorization granted by a remote state to allow a licensee from another member state to practice as a physical therapist or work as a physical therapist assistant in the remote state under its laws and rules. The practice of physical therapy occurs in the member state where the patient/client is located at the time of the patient/client encounter.

**(5)** "Continuing competence" means a requirement, as a condition of license renewal, to provide evidence of participation in, and/or completion of, educational and professional activities relevant to practice or area of work.

**(6)** "Data system" means a repository of information about licensees, including examination, licensure, investigative, compact privilege, and adverse action.

**(7)** "Encumbered license" means a license that a physical therapy licensing board has limited in any way.

**(8)** "Executive Board" means a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the Commission.

**(9)** "Home state" means the member state that is the licensee's primary state of residence.

**(10)** "Investigative information" means information, records, and documents received or generated by a physical therapy licensing board pursuant to an investigation.

**(11)** "Jurisprudence requirement" means the assessment of an individual's knowledge of the laws and rules governing the practice of physical therapy in a state.

**(12)** "Licensee" means an individual who currently holds an authorization from the state to practice as a physical therapist or to work as a physical therapist assistant.

**(13)** "Member state" means a state that has enacted the Compact.

**(14)** "Party state" means any member state in which a licensee holds a current license or compact privilege or is applying for a license or compact privilege.

**(15)** "Physical therapist" means an individual who is licensed by a state to practice physical therapy.

**(16)** "Physical therapist assistant" means an individual who is licensed/certified by a state and who assists the physical therapist in selected components of physical therapy.

**(17)** "Physical therapy," "physical therapy practice," and "the practice of physical therapy" mean the care and services provided by or under the direction and supervision of a licensed physical therapist.

**(18)** "Physical Therapy Compact Commission" or "Commission" means the national administrative body whose membership consists of all states that have enacted the Compact.

**(19)** "Physical therapy licensing board" or "licensing board" means the agency of a state that is responsible for the licensing and regulation of physical therapists and physical therapist assistants.

**(20)** "Remote State" means a member state other than the home state, where a licensee is exercising or seeking to exercise the compact privilege.

**(21)** "Rule" means a regulation, principle, or directive promulgated by the Commission that has the force of law.

**(22)** "State" means any state, commonwealth, district, or territory of the United States of America that regulates the practice of physical therapy.

### **SECTION 3. STATE PARTICIPATION IN THE COMPACT.**

**(a)** To participate in the Compact, a state must:

**(1)** Participate fully in the Commission's data system, including using the Commission's unique identifier as defined in rules;

**(2)** Have a mechanism in place for receiving and investigating complaints about licensees;

**(3)** Notify the Commission, in compliance with the terms of the Compact and rules, of any adverse action or the availability of investigative information regarding a licensee;

**(4)** Fully implement a criminal background check requirement, within a time frame established by rule, by receiving the results of the Federal Bureau of Investigation record search on criminal background checks and use the results in making licensure decisions in accordance with subsection (b) of this section;

**(5)** Comply with the rules of the Commission;

**(6)** Utilize a recognized national examination as a requirement for licensure pursuant to the rules of the Commission; and

**(7)** Have continuing competence requirements as a condition for license renewal.

**(b)** Upon adoption of this statute, the member state shall have the authority to obtain biometric-based information from each physical therapy licensure applicant and submit this information to the Federal Bureau of Investigation for a criminal background check in accordance with 28 U.S.C. §534 and 42 U.S.C. §14616.

**(c)** A member state shall grant the compact privilege to a licensee holding a valid unencumbered license in another member state in accordance with the terms of the Compact and rules.

**(d)** (1) Subject to paragraph (2) of this subsection, member states may charge a fee for granting a compact privilege.

(2) The Board shall charge a fee for granting a Compact privilege.

#### **SECTION 4. COMPACT PRIVILEGE.**

(a) To exercise the compact privilege under the terms and provisions of the Compact, the licensee shall:

(1) Hold a license in the home state;

(2) Have no encumbrance on any state license;

(3) Be eligible for a compact privilege in any member state in accordance with subsections (d), (g), and (h) of this section;

(4) Have not had any adverse action against any license or compact privilege within the previous 2 years;

(5) Notify the Commission that the licensee is seeking the compact privilege within a remote state(s);

(6) Pay any applicable fees, including any state fee, for the compact privilege;

(7) Meet any jurisprudence requirements established by the remote state(s) in which the licensee is seeking a compact privilege; and

(8) Report to the Commission adverse action taken by any nonmember state within 30 days from the date the adverse action is taken.

(b) The compact privilege is valid until the expiration date of the home license. The licensee must comply with the requirements of subsection (a) of this section to maintain the compact privilege in the remote state.

(c) A licensee providing physical therapy in a remote state under the compact privilege shall function within the laws and regulations of the remote state.

(d) A licensee providing physical therapy in a remote state is subject to that state's regulatory authority. A remote state may, in accordance with due process and that state's laws, remove a licensee's compact privilege in the remote state for a specific period of time, impose fines, and/or take any other necessary actions to protect the health and safety of its citizens. The licensee is not eligible for a compact privilege in any state until the specific time for removal has passed and all fines are paid.

(e) If a home state license is encumbered, the licensee shall lose the compact privilege in any remote state until the following occur:

(1) The home state license is no longer encumbered; and

(2) Two years have elapsed from the date of the adverse action.

(f) Once an encumbered license in the home state is restored to good standing, the licensee must meet the requirements of subsection (a) of this section to obtain a compact privilege in any remote state.

(g) If a licensee's compact privilege in any remote state is removed, the



individual shall lose the compact privilege in any remote state until the following occur:

- (1) The specific period of time for which the compact privilege was removed has ended;
- (2) All fines have been paid; and
- (3) Two years have elapsed from the date of the adverse action.

(h) Once the requirements of subsection (g) of this section have been met, the license must meet the requirements in subsection (a) of this section to obtain a compact privilege in a remote state.

## **SECTION 5. ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES.**

A licensee who is active duty military or is the spouse of an individual who is active duty military may designate one of the following as the home state:

- (1) Home of record;
- (2) Permanent Change of Station (PCS); or
- (3) State of current residence if it is different than the PCS state or home of record.

## **SECTION 6. ADVERSE ACTIONS.**

(a) A home state shall have exclusive power to impose adverse action against a license issued by the home state.

(b) A home state may take adverse action based on the investigative information of a remote state, so long as the home state follows its own procedures for imposing adverse action.

(c) Nothing in this Compact shall override a member state's decision that participation in an alternative program may be used in lieu of adverse action and that such participation shall remain nonpublic if required by the member state's laws. Member states must require licensees who enter any alternative programs in lieu of discipline to agree not to practice in any other member state during the term of the alternative program without prior authorization from such other member state.

(d) Any member state may investigate actual or alleged violations of the statutes and rules authorizing the practice of physical therapy in any other member state in which a physical therapist or physical therapist assistant holds a license or compact privilege.

(e) A remote state shall have the authority to:

- (1) Take adverse actions as set forth in Section 4(d) against a licensee's compact privilege in the state;
- (2) Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses, and the production of evidence. Subpoenas issued by a physical therapy licensing board in a party state for the attendance and testimony of witnesses, and/or the production of evidence

from another party state, shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state where the witnesses and/or evidence are located; and

(3) If otherwise permitted by state law, recover from the licensee the costs of investigations and disposition of cases resulting from any adverse action taken against that licensee.

(f) (1) In addition to the authority granted to a member state by its respective physical therapy practice act or other applicable state law, a member state may participate with other member states in joint investigations of licensees.

(2) Member states shall share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the Compact.

## **SECTION 7. ESTABLISHMENT OF THE PHYSICAL THERAPY COMPACT COMMISSION.**

(a) The Compact member states hereby create and establish a joint public agency known as the Physical Therapy Compact Commission.

(1) The Commission is an instrumentality of the Compact states.

(2) Venue is proper and judicial proceedings by or against the Commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the Commission is located. The Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

(3) Nothing in this Compact shall be construed to be a waiver of sovereign immunity.

(b) (1) Each member state shall have and be limited to one delegate selected by that member state's licensing board.

(2) The delegate shall be a current member of the licensing board, who is a physical therapist, physical therapist assistant, public member, or the board administrator.

(3) Any delegate may be removed or suspended from office as provided by the law of the state from which the delegate is appointed.

(4) The member state board shall fill any vacancy occurring in the Commission.

(5) Each delegate shall be entitled to one (1) vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the Commission.

(6) A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for delegates' participation in meetings by telephone or other means of communication.

(7) The Commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.

(c) The Commission shall have the following powers and duties:

(1) Establish the fiscal year of the Commission;

(2) Establish bylaws;

(3) Maintain its financial records in accordance with the bylaws;

(4) Meet and take such actions as are consistent with the provisions of this Compact and the bylaws;

(5) Promulgate uniform rules to facilitate and coordinate implementation and administration of this Compact. The rules shall have the force and effect of law and shall be binding in all member states;

(6) Bring and prosecute legal proceedings or actions in the name of the Commission, provided that the standing of any state physical therapy licensing board to sue or be sued under applicable law shall not be affected;

(7) Purchase and maintain insurance and bonds;

(8) Borrow, accept, or contract for services of personnel, including, but not limited to, employees of a member state;

(9) Hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the Compact, and to establish the Commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;

(10) Accept any and all appropriate donations and grants of money, equipment, supplies, materials and services, and to receive, utilize and dispose of the same; provided that at all times the Commission shall avoid any appearance of impropriety and/or conflict of interest;

(11) Lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve or use, any property, real, personal or mixed; provided that at all times the Commission shall avoid any appearance of impropriety;

(12) Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property real, personal, or mixed;

(13) Establish a budget and make expenditures;

(14) Borrow money;

(15) Appoint committees, including standing committees composed of members, state regulators, state legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this Compact and the bylaws;

(16) Provide and receive information from, and cooperate with, law enforcement agencies;

(17) Establish and elect an Executive Board; and

**(18)** Perform such other functions as may be necessary or appropriate to achieve the purposes of this Compact consistent with the state regulation of physical therapy licensure and practice.

**(d)** The Executive Board shall have the power to act on behalf of the Commission according to the terms of this Compact.

**(1)** The Executive Board shall be composed of nine members:

**(i)** Seven voting members who are elected by the Commission from the current membership of the Commission;

**(ii)** One ex-officio, nonvoting member from the recognized national physical therapy professional association; and

**(iii)** One ex-officio, nonvoting member from the recognized membership organization of the physical therapy licensing boards.

**(2)** The ex-officio members will be selected by their respective organizations.

**(3)** The Commission may remove any member of the Executive Board as provided in bylaws.

**(4)** The Executive Board shall meet at least annually.

**(5)** The Executive Board shall have the following duties and responsibilities:

**(i)** Recommend to the entire Commission changes to the rules or bylaws, changes to this Compact legislation, fees paid by Compact member states such as annual dues, and any commission Compact fee charged to licensees for the compact privilege;

**(ii)** Ensure Compact administration services are appropriately provided, contractual or otherwise;

**(iii)** Prepare and recommend the budget;

**(iv)** Maintain financial records on behalf of the Commission;

**(v)** Monitor Compact compliance of member states and provide compliance reports to the Commission;

**(vi)** Establish additional committees as necessary; and

**(vii)** Other duties as provided in rules or bylaws.

**(e)** (1) All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in Section 9.

**(2)** The Commission, the Executive Board, or other committees of the Commission may convene in a closed, non-public meeting if the Commission, Executive Board, or other committees of the Commission must discuss:

**(i)** Noncompliance of a member state with its obligations under the Compact;

**(ii)** The employment, compensation, discipline or other matters, practices, or procedures related to specific employees or other matters related to the Commission's internal personnel practices and procedures;

**(iii)** Current, threatened, or reasonably anticipated litigation;

**(iv)** Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;

**(v)** Accusing any person of a crime or formally censuring any person;

**(vi)** Disclosure of trade secrets or commercial or financial information that is privileged or confidential;

**(vii)** Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

**(viii)** Disclosure of investigative records compiled for law enforcement purposes;

**(ix)** Disclosure of information related to any investigative reports prepared by, on behalf of, or for use of the Commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the Compact; or

**(x)** Matters specifically exempted from disclosure by federal or member state statute.

**(3)** If a meeting, or portion of a meeting, is closed pursuant to this provision, the Commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision.

**(4)** The Commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the Commission or order of a court of competent jurisdiction.

**(f)** (1) The Commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

**(2)** The Commission may accept any and all appropriate revenue sources, donations, and grants of money, equipment, supplies, materials, and services.

**(3)** The Commission may levy on and collect an annual assessment from each member state or impose fees on other parties to cover the cost of the operations and activities of the Commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Commission, which shall promulgate a rule binding upon all member states.

**(4)** The Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Commission pledge the credit of any of the member states, except by and with the authority of the member state.

(5) The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the Commission.

(g) (1) The members, officers, executive director, employees and representatives of the Commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities; provided that nothing in this paragraph shall be construed to protect any such person from suit and/or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person.

(2) The Commission shall defend any member, officer, executive director, employee or representative of the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.

(3) The Commission shall indemnify and hold harmless any member, officer, executive director, employee, or representative of the Commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.

## **SECTION 8. DATA SYSTEM.**

(a) The Commission shall provide for the development, maintenance, and utilization of a coordinated database and reporting system containing licensure, adverse action, and investigative information on all licensed individuals in member states.

(b) Notwithstanding any other provision of state law to the contrary, a member state shall submit a uniform data set to the data system on all individuals to whom this Compact is applicable as required by the rules of the Commission, including:

(1) Identifying information;

(2) Licensure data;

- (3) Adverse actions against a license or compact privilege;
- (4) Nonconfidential information related to alternative program participation;
- (5) Any denial of application for licensure, and the reason(s) for such denial; and
- (6) Other information that may facilitate the administration of this Compact, as determined by the rules of the Commission.

(c) Investigative information pertaining to a licensee in any member state will only be available to other party states.

(d) The Commission shall promptly notify all member states of any adverse action taken against a licensee or an individual applying for a license. Adverse action information pertaining to a licensee in any member state will be available to any other member state.

(e) Member states contributing information to the data system may designate information that may not be shared with the public without the express permission of the contributing state.

(f) Any information submitted to the data system that is subsequently required to be expunged by the laws of the member state contributing the information shall be removed from the data system.

## **SECTION 9. RULEMAKING.**

(a) The Commission shall exercise its rulemaking powers pursuant to the criteria set forth in this section and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.

(b) If a majority of the legislatures of the member states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the Compact within 4 years of the date of adoption of the rule, then such rule shall have no further force and effect in any member state.

(c) Rules or amendments to the rules shall be adopted at a regular or special meeting of the Commission.

(d) Prior to promulgation and adoption of a final rule or rules by the Commission, and at least 30 days in advance of the meeting at which the rule will be considered and voted upon, the Commission shall file a Notice of Proposed Rulemaking on the website of:

(1) The Commission or other publicly accessible platform; and

(2) Each member state physical therapy licensing board or other publicly accessible platform or the publication in which each state would otherwise publish proposed rules.

(e) The Notice of Proposed Rulemaking shall include:

(1) The proposed time, date, and location of the meeting in which the rule will be considered and voted upon;

**(2)** The text of the proposed rule or amendment and the reason for the proposed rule;

**(3)** A request for comments on the proposed rule from any interested person; and

**(4)** The manner in which interested persons may submit notice to the Commission of their intention to attend the public hearing and any written comments.

**(f)** Prior to adoption of a proposed rule, the Commission shall allow persons to submit written data, facts, opinions, and arguments, which shall be made available to the public.

**(g)** The Commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by:

**(1)** At least 25 persons;

**(2)** A state or federal governmental subdivision or agency; or

**(3)** An association having at least 25 members.

**(h)** If a hearing is held on the proposed rule or amendment, the Commission shall publish the place, time, and date of the scheduled public hearing. If the hearing is held via electronic means, the Commission shall publish the mechanism for access to the electronic hearing.

**(1)** All persons wishing to be heard at the hearing shall notify the executive director of the Commission or other designated member in writing of their desire to appear and testify at the hearing not less than 5 business days before the scheduled date of the hearing.

**(2)** Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

**(3)** All hearings will be recorded. A copy of the recording will be made available on request.

**(4)** Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the Commission at hearings required by this section.

**(i)** Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the Commission shall consider all written and oral comments received.

**(j)** If no written notice of intent to attend the public hearing by interested parties is received, the Commission may proceed with promulgation of the proposed rule without a public hearing.

**(k)** The Commission shall, by majority vote of all members, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

**(l)** Upon determination that an emergency exists, the Commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided that the usual rulemaking procedures provided in



the Compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than 90 days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:

- (1) Meet an imminent threat to public health, safety, or welfare;
- (2) Prevent a loss of Commission or member state funds;
- (3) Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or
- (4) Protect public health and safety.

**(m)** The Commission or an authorized committee of the Commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the Commission. The revision shall be subject to challenge by any person for a period of 30 days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing, and delivered to the chair of the Commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Commission.

## **SECTION 10. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT.**

**(a)** (1) The executive, legislative, and judicial branches of state government in each member state shall enforce this Compact and take all actions necessary and appropriate to effectuate the Compact's purposes and intent. The provisions of this Compact and the rules promulgated hereunder shall have standing as statutory law.

(2) All courts shall take judicial notice of the Compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of this Compact which may affect the powers, responsibilities or actions of the Commission.

(3) The Commission shall be entitled to receive service of process in any such proceeding, and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the Commission shall render a judgment or order void as to the Commission, this Compact, or promulgated rules.

**(b)** (1) If the Commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this Compact or the promulgated rules, the Commission shall:

(i) Provide written notice to the defaulting state and other member states of the nature of the default, the proposed means of curing the default and/or any other action to be taken by the Commission; and

(ii) Provide remedial training and specific technical assistance regarding the default.

(2) If a state in default fails to cure the default, the defaulting state may be terminated from the Compact upon an affirmative vote of a

majority of the member states, and all rights, privileges and benefits conferred by this Compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

(3) Termination of membership in the Compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the Commission to the governor, the majority and minority leaders of the defaulting state's legislature, and each of the member states.

(4) A state that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

(5) The Commission shall not bear any costs related to a state that is found to be in default or that has been terminated from the Compact, unless agreed upon in writing between the Commission and the defaulting state.

(6) The defaulting state may appeal the action of the Commission by petitioning the U.S. District Court for the District of Columbia or the federal district where the Commission has its principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

(c) (1) Upon request by a member state, the Commission shall attempt to resolve disputes related to the Compact that arise among member states and between member and nonmember states.

(2) The Commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

(d) (1) The Commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this Compact.

(2) By majority vote, the Commission may initiate legal action in the United States District Court for the District of Columbia or the federal district where the Commission has its principal offices against a member state in default to enforce compliance with the provisions of the Compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

(3) The remedies herein shall not be the exclusive remedies of the Commission. The Commission may pursue any other remedies available under federal or state law.

## **SECTION 11. DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR PHYSICAL THERAPY PRACTICE AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT.**

(a) The Compact shall come into effect on the date on which the Compact statute is enacted into law in the tenth member state. The provisions, which become effective at that time, shall be limited to the powers granted to the Commission relating to assembly and the promulgation of rules. Thereafter, the

Commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the Compact.

(b) Any state that joins the Compact subsequent to the Commission's initial adoption of the rules shall be subject to the rules as they exist on the date on which the Compact becomes law in that state. Any rule that has been previously adopted by the Commission shall have the full force and effect of law on the day the Compact becomes law in that state.

(c) Any member state may withdraw from this Compact by enacting a statute repealing the same.

(1) A member state's withdrawal shall not take effect until 6 months after enactment of the repealing statute.

(2) Withdrawal shall not affect the continuing requirement of the withdrawing state's physical therapy licensing board to comply with the investigative and adverse action reporting requirements of this act prior to the effective date of withdrawal.

(d) Nothing contained in this Compact shall be construed to invalidate or prevent any physical therapy licensure agreement or other cooperative arrangement between a member state and a non-member state that does not conflict with the provisions of this Compact.

(e) This Compact may be amended by the member states. No amendment to this Compact shall become effective and binding upon any member state until it is enacted into the laws of all member states.

## **SECTION 12. CONSTRUCTION AND SEVERABILITY.**

This Compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this Compact shall be severable and if any phrase, clause, sentence or provision of this Compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this Compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this Compact shall be held contrary to the constitution of any party state, the Compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the party state affected as to all severable matters.

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**HEALTH OCCUPATIONS  
TITLE 13. PHYSICAL THERAPIST**

**SUBTITLE 4. PROHIBITED ACTS; PENALTIES**

**§ 13-401. Practicing without license**

**(a) Practicing physical therapy.** -- Except as otherwise provided in this title, a person may not practice, attempt to practice, or offer to practice physical therapy in this State unless licensed to practice physical therapy by the Board.

**(b) Practicing limited physical therapy.** -- Except as otherwise provided in this title, a person may not practice, attempt to practice, or offer to practice limited physical therapy in this State unless licensed to practice limited physical therapy by the Board.

**§ 13-402. Misrepresentation – Physical therapist**

**(a) In general.** -- Unless licensed to practice physical therapy under this title, a person may not represent to the public by title that the person is licensed to practice physical therapy in this State.

**(b) Certain representations prohibited.** -- Unless licensed to practice physical therapy under this title, a person may not use the abbreviation "P.T." or any other word, letter, or symbol approved by the Board with the intent to represent that the person practices physical therapy.

**§ 13-403. Misrepresentation – Physical therapist assistant**

**(a) In general.** -- Unless licensed to practice limited physical therapy under this title, a person may not represent to the public by title that the person is licensed to practice limited physical therapy in this State.

**(b) Certain representations prohibited.** -- Unless licensed to practice limited physical therapy under this title, a person may not use the abbreviation "P.T.A." or any other word, letter, or symbol approved by the Board with the intent to represent that the person practices limited physical therapy.

**§ 13-404. Supervision required**

Unless under the direction of a licensed physical therapist, a physical therapist assistant may not practice limited physical therapy.

**§ 13-405, § 13-406**

Reserved.

**§ 13-407. Penalty generally**

**(a) In general.** -- A person who violates any provision of this title is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$ 10,000 or imprisonment not exceeding 3 years or both.

**(b) Civil fine.** --

**(1)** Any person who violates § 13-401 of this subtitle is subject to a civil fine of not more than \$ 50,000 to be assessed by the Board.

(2) The Board shall pay any penalty collected under this subsection into the State Board of Physical Therapy Examiners Fund.

### **§ 13-407.1. Penalties following reprimand or refuse to license**

If, after a hearing under § 13-317 of this title, the Board finds that there are grounds under § 13-316 of this title to suspend or revoke a license to practice physical therapy or limited physical therapy, to reprimand a licensee, or to refuse to license an applicant, the Board may impose a penalty not exceeding \$ 5,000 in addition to suspending or revoking the license or reprimanding the licensee.

### **§ 13-408. Reports by courts to Board**

**(a) Required reports.** -- Each court shall report to the Board each conviction of or entry of a plea of guilty or nolo contendere by a physical therapist or physical therapist assistant for any felony or crime involving moral turpitude.

**(b) Time for making report.** -- The court shall submit the report within 10 days of the conviction or entry of the plea.

**HEALTH OCCUPATIONS  
TITLE 13. PHYSICAL THERAPIST**

**SUBTITLE 5. SHORT TITLE; TERMINATION OF TITLE**

**§ 13-501. Short title**

This title may be cited as the "Maryland Physical Therapy Act".

**§ 13-502. Termination of title**

Subject to the evaluation and reestablishment provisions of the Program Evaluation Act, this title and all rules and regulations adopted under this title shall terminate and be of no effect after July 1, 2022.

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# Title 10 MARYLAND DEPARTMENT OF HEALTH

## Subtitle 38 BOARD OF PHYSICAL THERAPY EXAMINERS

### Chapter 01 General Regulations

#### .01 Definitions

A. In this subtitle, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Approved agency" means an independent credentialing agency, approved by the Board, which evaluates the credentials of foreign-trained applicants.

(2) "Approved curriculum for physical therapist assistants" means a curriculum that is approved by the American Physical Therapy Association.

(3) "Approved physical therapy curriculum" means a curriculum for physical therapists that is approved by the American Medical Association or the American Physical Therapy Association.

(4) "Biennial renewal" means renewal every other year with even-numbered licenses being renewed in even-numbered years and odd-numbered licenses being renewed in odd-numbered years.

(5) "Board" means the Board of Physical Therapy Examiners of Maryland created by Health Occupations Article, §13-201, Annotated Code of Maryland.

(6) "Direct supervision" means that a licensed physical therapist is personally present and immediately available within the treatment area to give aid, direction, and instruction when physical therapy procedures or activities are performed.

(7) "Hearing committee" means a committee of three or more Board members that has been delegated the authority to conduct hearings in accordance with Health Occupations Article, §13-317, Annotated Code of Maryland.

(8) "Interview" means a meeting with the Board or with one or more of its representatives.

(9) "Licensed physical therapist" means an individual licensed by the Board to practice physical therapy in Maryland.

(10) "Licensed physical therapist assistant" means an individual licensed by the Board to practice limited physical therapy in Maryland.

(11) "Licensing examinations" means the written examinations approved by the Board consisting of the:

(a) National licensing examination; and

(b) Maryland Physical Therapy Law examination.

(12) "Ongoing supervision" means that the physical therapist maintains continuing verbal and written contact with the physical therapist assistant to provide supervision and instruction adequate to ensure the safety and welfare of the patient.

(13) "Oral competency" means that the applicant who did not graduate from a recognized English-speaking educational institution has obtained a passing score, as determined by the Board, on the Test of English as a Foreign Language administered by the Educational Testing Service.

(14) "Passing score" means the result of two examinations:

(a) When taken before March, 1996, within the 1.5 standard deviation, based on the national average of the national licensing examination or, when taken in March, 1996, and after that, the criterion-referenced score set by the Federation of State Boards of Physical Therapy; and

(b) 90 percent of the total on the Maryland Physical Therapy Jurisprudence Examination.

(15) "Physical therapy aide" or "aide" means a person who performs certain physical therapy duties under the direct supervision of a licensed physical therapist. This individual may be known, also, as a physical therapist technician, a rehabilitation technician, an athletic trainer, or be described by some other similar title.

(16) "Post-graduation transcript of credits" means an official copy of an applicant's educational record, including the degree awarded and the date of graduation, sent directly from the educational institution to the Board.

(17) "Reporting service" means the Interstate Reporting Service, an agency approved by the Board for the purpose of recording, storing, and transmitting license examination scores.

(18) "State" means:

(a) A state, possession, or territory of the United States;

(b) The District of Columbia; or

(c) The Commonwealth of Puerto Rico.

(19) "Student" means an individual who is supervised directly by a licensed physical therapist in a Board-approved physical therapy educational program.

(20) "Supportive personnel" means aides and other unlicensed personnel who work under the direct supervision of a licensed physical therapist.

(21) "Verification" means confirmation of licensure obtained directly from the state in which the applicant is currently licensed, on a form provided by the Board.

(22) "Waiver of national licensing examination" means that the Board may waive the national licensing examination if the applicant previously took the examination in another state and met the requirements for a passing score as set forth in §B(14) of this regulation.

(23) "Written competency" means that the applicant who did not graduate from a recognized English-speaking educational institution has obtained a passing score, as determined by the Board, on the Test of English as a Foreign Language administered by the Educational Testing Service.

## **.02 Requirements for Licensure.**

The following are requirements for an applicant educated in an approved physical therapy or approved physical therapist assistant curriculum in any state:

A. Examination. The following shall be filed with the Board at least 6 weeks before the examination:

(1) An application on the form the Board requires;

(2) The application and national licensing examination fees established in COMAR 10.38.07; and

(3) A post-graduation transcript of credits.

B. Transfer of Examination Scores. The following shall be filed with the Board:

(1) An application on the form the Board requires;

(2) The application fee established in COMAR 10.38.07;

(3) A post-graduation transcript of credits;

(4) A sworn statement that the applicant is not now nor has ever been licensed in another state;

(5) Evidence, satisfactory to the Board, that the applicant is registered to take, or has taken, the national licensing examination in another state; and

(6) A copy of a letter or form to the appropriate reporting service requesting that licensing examination scores be sent to the Board.

C. Waiver of Examination. The following shall be filed with the Board:

(1) An application on the form the Board requires;

(2) The application fee established in COMAR 10.38.07;

(3) A post-graduation transcript of credits;

(4) A copy of a current physical therapy license;

(5) Verification of current license on the form the Board requires; and

(6) A copy of a letter or form to the appropriate reporting service requesting that licensing examination scores be sent to the Board.

D. Additional Requirements. Applicants for licensure shall:

(1) Achieve a passing score on the licensing examinations;

(2) Attend an interview unless the Board waives this requirement; and

(3) Submit to a State and national criminal history records check in accordance with Health Occupations Article, §13-302.1, Annotated Code of Maryland.

**.03 Reexamination.**

A. National Licensing Examination.

(1) An applicant who fails the examination shall repeat the examination.

(2) Fees.

(a) At least 6 weeks before the examination, the applicant shall pay to the Board the reexamination fee as established in COMAR 10.38.07.

(b) If the applicant has taken the licensing examination twice in Maryland, the applicant shall pay to the Board an application fee, as established in COMAR 10.38.07, in addition to the reexamination fee.

B. Examination on Maryland Physical Therapy Law. An applicant who fails the examination on the Maryland Physical Therapy Practice Act and associated regulations shall:

- (1) Repeat the examination; and
- (2) Attend an interview unless the Board waives this requirement.

#### **.04 Issuance of Licenses.**

A. When the applicant has met all the requirements for licensure, the Board may issue a physical therapist or physical therapist assistant license to the applicant.

B. Renewal of Physical Therapist or Physical Therapist Assistant License.

- (1) The licensee shall renew the license biennially.
- (2) The licensee shall be responsible for notifying the Board if a renewal notice is not received.
- (3) A renewal license shall be issued to each licensee who meets the requirements of Health Occupations Article, §13-311(c), Annotated Code of Maryland.

C. Method of Renewal Notification.

- (1) Except as otherwise provided in §C(2) of this regulation, the Board shall mail notices for renewal at least 1 month before the expiration date.
- (2) If requested by a licensee, the Board shall send to the licensee, at least two times within the month before a license expires, a renewal notice by electronic means to the last known electronic mail address of the licensee.
- (3) If a renewal notice sent by electronic mail under §C(2) of this regulation is returned to the Board as undeliverable, the Board shall send to the licensee a renewal notice by first-class mail to the last known address of the licensee.

D. A duplicate license shall be issued for a lost, stolen, or destroyed license provided the licensee:

- (1) Makes a request in writing;
- (2) Provides a sworn statement or police report attesting to the facts; and
- (3) Pays the fee as established in COMAR 10.38.07.

#### **.05 Restrictions.**

A. The Board may refuse to grant a license to any applicant who begins practice as a physical therapist or a physical therapist assistant before being licensed to practice in Maryland.

B. Practice after the date of expiration of the license is prohibited.

C. An applicant shall complete the application process within 1 year of the date of the paid application or reapply for licensure.

D. The Board may refuse to grant or renew a license to an applicant who has failed to pay all outstanding fees to the Board.

E. The Board may not issue a license under this subtitle if the results of the criminal history records check required pursuant to Regulation .02D(3) of this chapter has not been received.

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**Title 10 MARYLAND DEPARTMENT OF HEALTH  
Subtitle 38 BOARD OF PHYSICAL THERAPY EXAMINERS**

**Chapter 2 Code of Ethics**

**.01 Code of Ethics.**

- A. The physical therapist and physical therapist assistant shall provide care, regardless of race, creed, color, age, sex, or national origin of the patient.
- B. The physical therapist and the physical therapist assistant shall respect the dignity of the patient.
- C. The physical therapist and physical therapist assistant shall protect the patient's right to privacy by not divulging confidential information without consent of the patient or guardian unless required by law.
- D. The physical therapist shall provide information about fees upon request by the patient.
- E. The physical therapist may not dispense or supply physical therapy equipment unless it is in the best interest of the patient.
- F. The physical therapist and physical therapist assistant shall report to the Board of Physical Therapy Examiners all information that indicates a person is allegedly performing, or aiding and abetting, the illegal or unsafe practice of physical therapy.
- G. The physical therapist and the physical therapist assistant shall comply with the probationary conditions of a Board order.
- H. A licensee shall notify the Board in writing within 60 days if any license, certificate, permit, or registration granted by another state for the practice of physical therapy or limited physical therapy has been limited, restricted, suspended, revoked, or subjected to other disciplinary action by the licensing or certifying authority.
- I. The physical therapist and physical therapist assistant shall provide and maintain medical records in accordance with Health-General Article, §§4-301—4-402, Annotated Code of Maryland.
- J. The physical therapist or physical therapist assistant may not knowingly or willfully destroy, damage, alter, obliterate, or otherwise obscure a medical record or billing record or other information about a patient in an effort to conceal the information from use as evidence in an administrative, civil, or criminal proceeding.
- K. The physical therapist or physical therapist assistant may not intimidate or influence any person to withhold or change testimony in hearings or proceedings before the Board or those otherwise delegated to the Office of Administrative Hearings.
- L. The physical therapist or physical therapist assistant may not hinder, prevent, or otherwise delay any person from making information available to the Board in furtherance of any investigation of the Board.

**.02 Sexual Misconduct.**

- A. A physical therapist or physical therapist assistant may not engage in sexual misconduct.
- B. Sexual misconduct includes, but is not limited to:

- (1) Sexual behavior with a client or patient in the context of a professional evaluation, treatment, procedure, or service to the client or patient, regardless of the setting in which the professional service is rendered;
- (2) Sexual behavior with a client or patient under the pretext of diagnostic or therapeutic intent or benefit;
- (3) Solicitation of a sexual relationship, whether consensual or nonconsensual, with a patient;
- (4) Sexual advances requesting sexual favors;
- (5) Therapeutically inappropriate or intentional touching of a sexual nature;
- (6) A verbal comment of a sexual nature;
- (7) Physical contact of a sexual nature with a patient;
- (8) Discussion of unnecessary sexual matters while treating a patient;
- (9) The taking of photographs of patients for a sexual purpose;
- (10) Sexual harassment of staff or students;
- (11) An unnecessary sensual act or comment; or
- (12) Sexual contact with an incompetent or unconscious patient.

### **.03 Penalties.**

Violation of Regulation .01 or .02 of this chapter may result in the Board taking action to reprimand a licensee or place the licensee on probation, or suspend or revoke the licensee's license. The Board may also impose a penalty not exceeding \$5,000.



**Title 10 MARYLAND DEPARTMENT OF HEALTH  
Subtitle 38 BOARD OF PHYSICAL THERAPY EXAMINERS**

**Chapter 3 Standards of Practice**

**.01 Definitions.**

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

- (1) "Board" means the Board of Physical Therapy Examiners of Maryland created by Health Occupations Article, §13-201, Annotated Code of Maryland.
- (2) "Clinical treatment hour" means an hour in which physical therapy or limited physical therapy services are provided at some point during the hour.
- (3) "Electronically signed" means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.
- (4) "Evaluations" means procedures which include, but are not limited to:
  - (a) Testing of strength, sensation, and reflexes;
  - (b) Goniometric measurements and their interpretation;
  - (c) Assessments of function, muscle tone, developmental levels, accessory motions, posture, and pain scale.
- (5) "Goals" means the expected outcome as the result of therapy.
- (6) "Group therapy" means treatment procedures provided simultaneously to two or more patients that:
  - (a) Require constant attendance, but not one-on-one contact by the physical therapist or physical therapist assistant; and
  - (b) Can be, but need not be, the same treatment procedures.
- (7) "History" means data that is pertinent to the current physical therapy problem.
- (8) "Hour" means a 60-minute increment during a calendar day which is calculated by dividing the day into consecutive 60-minute increments beginning when the day's first physical therapy or limited physical therapy service starts and ending when the last physical therapy or limited physical therapy service terminates, the last consecutive increment of which may be a fraction of an hour.
- (9) "Interpretation" means the analysis of findings for the purpose of establishing and justifying the plan of care.
- (10) "License number" means the Maryland physical therapy license number issued by the Board.
- (11) "Onset" means the date of occurrence of the condition for which physical therapy is being provided.

(12) "Physical therapy diagnosis" means the condition for which physical therapy is provided if different from the medical diagnosis.

(13) "Plan of care" means the plan of treatment aimed at achieving the anticipated functional goals.

(14) "Progress" means the measurable improvement as related to goals.

(15) "Reevaluation" means a measurement of progress, or lack of it, based on comparisons of tests, measurements, and assessments with previous evaluation or reevaluations.

(16) "Requirements for documentation" means the requirements as set forth in Regulation .02-1 of this chapter and approved by the Board.

(17) "Response to treatment" means a brief statement of the patient's condition at conclusion of treatment.

(18) "Services" means the evaluation or treatment, or both, as appropriate, of a patient.

(19) "Signature and title" means the name of the physical therapist or physical therapist assistant written by that person or electronically signed by that person in accordance with federal and State law and followed by the title "PT" or "PTA" and license number. A stamp of a signature is not acceptable as a signature for documentation.

(20) "Student" means an individual who is currently enrolled in a physical therapy or physical therapist assistant educational program approved by the Board.

(21) "Supervising physical therapist" means a physical therapist who provides ongoing supervision to a physical therapist assistant regarding the care of a patient.

(22) "Supportive personnel" includes aides and other unlicensed personnel.

(23) "Test results" means the measurable and objective findings obtained from the evaluations.

## **.02 Standards of Practice.**

### **A. Physical Therapists.**

(1) The physical therapist who establishes or changes the plan of care shall be ultimately responsible for patient care until another physical therapist:

(a) Provides services to the patient; or

(b) Provides supervision to the treating physical therapist assistant.

(2) The physical therapist shall:

(a) Exercise sound professional judgment in the use of evaluation and treatment procedures;

(b) Provide:

(i) Physical therapy services to not more than an average of three patients per clinical treatment hour per calendar day, excluding group therapy; and

- (ii) Each patient with adequate treatment time consistent with accepted standards in delivering physical therapy care;
  - (c) Provide the patient with accurate information about the physical therapy services provided;
  - (d) Respect the right of the patient to refuse treatment;
  - (e) Evaluate the patient and develop a plan of care before the patient is treated;
  - (f) Work within the physical therapist's competency in physical therapy evaluation and treatment;
  - (g) Reevaluate the patient as the patient's condition requires, but at least every 30 days, unless the physical therapist, consistent with accepted standards of physical therapy care, documents in the treatment record an appropriate rationale for not reevaluating the patient;
  - (h) Provide direct supervision of students and aides;
  - (i) Ascertain and periodically reevaluate the ability of students and aides to perform the assigned duties;
  - (j) Delegate to the physical therapist assistant only treatment that is within the competency and scope of practice of the physical therapist assistant;
  - (k) Provide direction and instruction for the physical therapist assistant that is adequate to ensure the safety and welfare of the patient; and
  - (l) Document ongoing communication with the physical therapist assistant regarding changes in a patient's status and treatment plan.
- (3) The physical therapist may:
- (a) Enter into an agreement or employment relationship provided that such agreement or relationship does not impede the physical therapist's exercise of independent judgment in the treatment of a patient or cause the physical therapist to practice physical therapy contrary to the Maryland Physical Therapy Act; and
  - (b) Decline to carry out evaluation or treatment of a patient who has been referred to the physical therapist by a health care practitioner if:
    - (i) In the physical therapist's judgment, the evaluation or treatment is contraindicated or unjustified; and
    - (ii) The physical therapist documents the decision in the patient's record.

**B. Physical Therapist Assistants.**

- (1) The physical therapist assistant shall:
- (a) Follow the direction and plan of care of the physical therapist in the treatment of a patient;
  - (b) Exercise sound judgment and adequate care in the performance of duties;
  - (c) Immediately discontinue any treatment procedure that appears to be harmful to the patient and so notify the supervising physical therapist;

- (d) Use only methods and procedures within the scope of the practice of limited physical therapy;
- (e) Respect the right of the patient to refuse treatment;
- (f) Work within the physical therapist assistant's competency in treatment that is within the scope of practice of limited physical therapy;
- (g) Document ongoing communication regarding changes in a patient's status and treatment authorized by the physical therapist; and
- (h) Provide the following services:
  - (i) Treat not more than an average of three patients per clinical treatment hour per calendar day, excluding group therapy; and
  - (ii) Provide each patient with adequate treatment time consistent with accepted standards in physical therapy care.

(2) The physical therapist assistant may:

- (a) Enter into an agreement or employment relationship provided that the agreement or relationship does not impede the physical therapist assistant's exercise of appropriate patient treatment or cause the physical therapist assistant to practice limited physical therapy in violation of the Maryland Physical Therapy Act; and
- (b) Participate in the clinical education activities of a physical therapist assistant student if direct supervision of the student is provided by the physical therapist.

(3) The physical therapist assistant may not initiate treatment until:

- (a) The patient has been evaluated and the plan of care has been developed by a physical therapist; and
- (b) A supervising physical therapist has been assigned to the physical therapist assistant.

**.02-1 Requirements for Documentation.**

A. The physical therapist shall document legibly the patient's chart each time the patient is seen for:

(1) The initial visit, by including the following information:

- (a) Date;
- (b) Condition, or diagnosis, or both, for which physical therapy is being rendered;
- (c) Onset;
- (d) History, if not previously recorded;
- (e) Evaluation and results of tests (measurable and objective data);
- (f) Interpretation;

(g) Goals;

(h) Modalities, or procedures, or both, used during the initial visit and the parameters involved including the areas of the body treated;

(i) Plan of care including suggested modalities, or procedures, or both, number of visits per week, and number of weeks; and

(j) Signature, title (PT), and license number.

(2) Subsequent visits, by including the following information (progress notes):

(a) Date;

(b) Cancellations, no-shows;

(c) Modalities, or procedures, or both, with any changes in the parameters involved and areas of body treated;

(d) Objective status;

(e) Response to current treatment, if any;

(f) Changes in plan of care; and

(g) Signature, title (PT), and license number, although the flow chart may be initialed.

(3) Reevaluation, by including the following information in the report, which may be in combination with the visit note, if treated during the same visit:

(a) Date;

(b) Number of treatments since the initial evaluation or last reevaluation;

(c) Reevaluation, tests, and measurements of areas of body treated;

(d) Changes from previous objective findings;

(e) Interpretation of results;

(f) Goals met or not met and reasons;

(g) Updated goals;

(h) Updated plan of care including recommendations for follow-up; and

(i) Signature, title (PT), and license number;

(4) Discharge, by including the following information in the discharge summary, which may be combined with the final visit note, if seen by the physical therapist on the final visit and written by the physical therapist:

- (a) Date;
- (b) Reason for discharge;
- (c) Objective status;
- (d) Recommendations for follow-up; and
- (e) Signature, title (PT), and license number.

B. Notwithstanding §A(4) of this regulation, a physical therapist may direct a physical therapist assistant to treat a patient on a final visit.

C. The physical therapist assistant shall document the patient's chart each time the patient is seen by the physical therapist assistant following the physical therapist's initial evaluation or reevaluation by including the following:

- (1) Date;
- (2) Cancellations and no-shows;
- (3) Modalities, procedures, or both, including parameters involved, and areas of body treated;
- (4) Objective status;
- (5) Response to treatment, if any;
- (6) Continuation of plan as established by the physical therapist or change of plan as authorized by the physical therapist; and
- (7) Signature, title (PTA), and license number, although the flow chart may be initialed.

D. Subsequent visits, as referred to in §A(2) of this regulation, in the same day by the same physical therapist do not require separate progress notes unless there is a change in the patient's status.

E. Ongoing Communications. Both the physical therapist and the physical therapist assistant shall document ongoing communication between the physical therapist and physical therapist assistant regarding changes in a patient's status and treatment plan.

### **.03 Penalties.**

Violation of these regulations may result in the Board taking action to reprimand a licensee, place a licensee on probation, or suspend or revoke a license. The Board may also impose a penalty not exceeding \$5,000.

**Title 10 MARYLAND DEPARTMENT OF HEALTH  
Subtitle 38 BOARD OF PHYSICAL THERAPY EXAMINERS**

**Chapter 04 Physical Therapy Aides**

**.01 Definition.**

A. In these regulations, the following term has the meaning indicated.

B. Term Defined. "Physical therapy aide" or "aide" means a person who performs certain physical therapy duties under the direct supervision of a licensed physical therapist. This individual may be known, also, as a physical therapy technician, a rehabilitation technician, an athletic trainer, or be described by some other similar title.

**.02 Requirements.**

A. Supervision.

(1) The physical therapy aide shall be under the direct supervision of a licensed physical therapist when performing those physical therapy treatments that the aide is permitted to perform.

(2) Exceptions. An aide may:

(a) Perform non-treatment-related activities, such as secretarial, clerical, and housekeeping duties without direct supervision;

(b) Perform patient-related activities that do not involve treatment (such as transporting patients, undressing and dressing patients, removing and applying assistive and supportive devices) without direct supervision;

(c) Assist a physical therapist assistant when more than one individual is required to ensure the safety and welfare of the patient during ambulation, transfers, or functional activities without direct supervision.

B. In-Service Training. There shall be documented evidence of sufficient in-service training to assure safe performance of the duties assigned to the aide.

**.03 Activities Which May Be Performed by Aides under Direct Supervision.**

The following activities may be performed by aides under direct supervision:

A. Assist in the practice of gait and ambulation;

B. Assist in the practice of functional activities;

C. Assist in the practice of transfers;

D. Assist in the routine follow-up of specific exercises;

E. Assist in the application of hot or cold packs;

F. Assist in the procedure of Hubbard tank;

G. Assist in the procedure of whirlpool;

H. Assist in the application of contrast bath;

I. Assist in the application of infrared; and

J. Assist in the application of paraffin bath.

**.04 Prohibited Activities.**

A. Evaluation may not be performed by aides.

B. Treatments other than those listed in Regulation .03 of this chapter may not be performed by aides.

**.05 Penalty.**

A physical therapy aide who violates the above regulations shall be considered by the Board to be practicing physical therapy in violation of the Maryland Physical Therapy Practice Act and may be referred to the appropriate State's Attorney's Office with a recommendation by the Board that the physical therapy aide be prosecuted.



**Title 10 MARYLAND DEPARTMENT OF HEALTH  
Subtitle 38 BOARD OF PHYSICAL THERAPY EXAMINERS**

**Chapter 05 Rules of Procedure for Board Hearings**

**.01 Scope.**

This chapter governs procedures for disciplinary matters and hearings before the State Board of Physical Therapy Examiners.

**.02 Definitions**

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Administrative law judge" means the hearing officer assigned to preside over a hearing in a case which the Board has delegated to the Office of Administrative Hearings pursuant to State Government Article, §10-205, Annotated Code of Maryland.

(2) "Administrative Procedure Act" means State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland, which governs contested cases arising from charges issued by the Board.

(3) "Board" means the State Board of Physical Therapy Examiners.

(4) "Case resolution conference" means a voluntary, informal, and confidential meeting between the parties to a contested case and the Board's case resolution conference committee to discuss possible settlement of a disciplinary matter pending before the Board.

(5) "Case resolution conference committee" means a committee comprised of one or more members of the Board who make recommendations to the Board regarding settlement of disciplinary matters.

(6) "Cease and desist order" means a public letter issued by the Board ordering:

(a) A licensee to cease doing a specified activity; or

(b) An unlicensed person to cease the unauthorized practice of physical therapy.

(7) "Charges" means a nonpublic record issued by the Board which:

(a) Alleges conduct by a licensee which the Board believes constitutes a violation under the Maryland Physical Therapy Act;

(b) Sets forth sections of the Maryland Physical Therapy Act that the Board believes were violated; and

(c) Provides notice to the licensee of disciplinary proceedings before the Board.

(8) "Complaint" means an allegation:

(a) That a licensee may have violated the Maryland Physical Therapy Act; and

(b) Which may be grounds for an investigation or disciplinary action by the Board.

(9) “Consent order” means a final order issued by the Board that has been negotiated and agreed to by both the licensee and the Board to resolve a formal disciplinary action.

(10) “Contested case” means a proceeding conducted pursuant to the Administrative Procedure Act.

(11) “Final order” means a public record issued by the Board resolving a formal disciplinary action, either by consent or after an adjudication, which:

(a) Denies a license;

(b) Sanctions by reprimand, probation, fine, or suspension or revocation of a license;

(c) Summarily suspends a license;

(d) Dismisses charges;

(e) Surrenders a license;

(f) Resolves the contested case by consent of the parties; or

(g) Takes any other action that the Board is authorized to do by law.

(12) “Formal disciplinary action” means action taken by the Board that:

(a) Is initiated by charges or a notice of initial denial;

(b) Is resolved by a consent order;

(c) Results in a summary suspension; or

(d) Results in a letter of surrender.

(13) “Hearing committee” means a committee of three or more members of the Board which conducts hearings.

(14) “Informal action” means that the Board closes a case, without any formal disciplinary action or without issuing a final order, by sending the licensee a:

(a) Letter of education; or

(b) Letter of admonishment.

(15) Letter of Admonishment.

(a) “Letter of admonishment” means an informal action taken by the Board consisting of a nonpublic letter closing the case when the Board believes a licensee has engaged in conduct which violated the Maryland Physical Therapy Act.

(b) “Letter of admonishment” may include a letter of agreement in which a licensee agrees to satisfy certain conditions in lieu of the Board issuing charges.

(16) Letter of Education.

(a) “Letter of education” means an informal action taken by the Board consisting of a nonpublic letter in which the Board:

(i) Closes the case when the Board does not believe that the licensee’s conduct rose to the level of a violation of the Maryland Physical Therapy Act; and

(ii) Educates the licensee regarding the laws and standards of the practice of physical therapy.

(b) “Letter of education” may include a letter of agreement in which a licensee agrees to satisfy certain conditions.

(17) “Letter of surrender” means a public record accepted by the Board in which the licensee agrees to surrender the licensee’s license, which may include conditions for the Board’s acceptance of the surrender as a resolution of the case.

(18) “Licensee” means the holder of a license issued by the Board of Physical Therapy Examiners.

(19) “Maryland Physical Therapy Act” means Health Occupations Article, Title 13, Annotated Code of Maryland.

(20) “Notice of initial denial” means a nonpublic record issued by the Board by which an applicant or licensee is notified that the Board intends to deny a license, change a licensure status, or change some other benefit sought by the licensee.

(21) “Party” means:

(a) The respondent or any person named or admitted as a party, or properly seeking and entitled as a right to be a party in a formal disciplinary proceeding; or

(b) The administrative prosecutor from the Office of the Attorney General presenting a case on behalf of the Board.

(22) “Post-deprivation hearing” means a show cause or an evidentiary hearing scheduled by the Board after the Board has issued an order for summary suspension pursuant to State Government Article, §10-226(c)(2), Annotated Code of Maryland, in which the licensee may challenge the Board’s basis for issuing the order of summary suspension.

(23) “Predeprivation hearing” means a show cause hearing at which the licensee has an opportunity to demonstrate to the Board why it should not:

(a) Issue an order for summary suspension pursuant to State Government Article §10-226(c)(2), Annotated Code of Maryland; or

(b) Take some other action which the Board is authorized to take.

(24) “Presiding officer” means the chair of the Board or, in the chair’s absence, a Board member designated by the chair, who:

(a) Conducts hearings before the Board; and

(b) Issues prehearing orders.

(25) “Probation” means a sanction imposed by the Board in a public final order where the licensee is:

(a) Monitored by the Board for a period of time; and

(b) Required to comply with certain conditions in order to avoid further disciplinary action.

(26) “Public record” means a document that the Board is permitted or required to disclose to the public pursuant to State Government Article, Title 10, Subtitle 6, Annotated Code of Maryland.

(27) “Recommended decision” means a nonpublic record issued by a hearing committee or by an administrative law judge which sets out proposed findings of fact, proposed conclusions of law, and a proposed sanction, or any combination of these items.

(28) “Recusal” means the disqualification of a member of the Board to participate in a proceeding because of interest, bias, or some other reason which may interfere with the Board member’s participation in the case.

(29) “Respondent” means a licensee subject to the jurisdiction of the Board, who has been:

(a) Given formal notice of allegations concerning violations of the Maryland Physical Therapy Act; and

(b) Notified as to the possible imposition of sanctions or a summary suspension.

(30) “Revocation” means the removal of a licensee’s license.

(31) “Sanction” means an action by the Board which:

(a) Reprimands;

(b) Places on probation;

(c) Fines;

(d) Suspends or revokes a license; or

(e) Disciplines by way of a consent order.

(32) “Show cause hearing” means a non-evidentiary hearing in which the licensee has the opportunity to demonstrate to the Board why the Board should not issue a proposed order or continue to take an action that the Board is legally authorized to take.

(33) “Summary suspension” means the indefinite suspension of a license pursuant to State Government Article, §10-226(c)(2), Annotated Code of Maryland, issued if the Board believes emergency action is necessary to protect the public health, safety, or welfare.

(34) “Suspension” means the temporary denial of the right to use a license and is usually defined by:

(a) A specified period of time;

(b) Specific dates; or

(c) Specific conditions.

### **.03 Confidentiality of Proceedings.**

A. Except as otherwise provided by law, the proceedings of the Board are confidential and that confidentiality may not be waived by the parties.

B. The Office of Administrative Hearings' proceedings involving the adjudication of a Board formal disciplinary action and the administrative law judge's recommended decision are confidential.

C. The respondent may not waive the confidentiality of the:

(1) Proceedings; or

(2) Patients whose medical records or care are reflected in the record of the proceedings.

D. To the extent possible, even after the close of a formal disciplinary action, the parties shall refrain from revealing the identity of any patients involved in the matter, including but not limited to, information contained in:

(1) Legal documents; or

(2) Oral statements.

### **.04 Representation by Counsel.**

A. A respondent may be represented by counsel at any stage of a formal disciplinary action.

B. If a hearing is held, the respondent shall be represented:

(1) In proper person; or

(2) By an attorney who has been:

(a) Admitted to the Maryland Bar; or

(b) Specially admitted to practice law pursuant to Maryland Rules, Rules Governing Admission to the Bar of Maryland, Rule 16, Annotated Code of Maryland.

C. The Board may request the Office of the Attorney General to participate in a hearing to present the case on behalf of the State.

D. The member of the Office of the Attorney General presenting the case on behalf of the State shall have the same rights as any party with regard to:

(1) Submission of evidence;

(2) Examination and cross-examination of witnesses; and

(3) The filing of objections, exceptions, and motions.

E. The Board may also request a member of the Office of the Attorney General to act as legal advisor to the Board on questions of:

- (1) Procedure;
- (2) Evidence; and
- (3) Law.

#### **.05 Disposition of Complaints.**

A. For each complaint, after reviewing any completed investigative information or reports, the Board shall:

- (1) Dismiss the complaint;
- (2) Close the case with informal action;
- (3) Issue a cease and desist order;
- (4) Refer the matter for further investigation;
- (5) Refer the matter to an administrative prosecutor; or
- (6) Vote to:
  - (a) Charge a licensee with a violation of the Maryland Physical Therapy Act;
  - (b) Consider the matter as a basis for a summary suspension;
  - (c) Initially deny a license or reinstatement of a license; or
  - (d) Accept the surrender of a license subject to conditions acceptable to the Board.

B. The Board may refer a complaint or other disciplinary matter to the administrative prosecutor at any time, whether or not it has voted to charge a licensee with violations of the Maryland Physical Therapy Act.

#### **.06 Notice of Charges or Notice of Initial Denial.**

A. If the Board issues charges or a notice of initial denial, the document shall be:

- (1) Served on the respondent by certified mail at the address the respondent is required to maintain with the Board; or
- (2) Hand-delivered in person.

B. Charges or notice of initial denial shall:

- (1) Inform the respondent of the statutory basis for the charges or denial of a license;
- (2) Allege sufficient facts that the Board believes constitute either a basis for:

(a) Violation of the Maryland Physical Therapy Act; or

(b) Denial of a license; and

(3) Include the notice of hearing.

C. If the Board issues a notice of initial denial to an applicant for a license, the applicant may not withdraw the application without approval from the Board.

### **.07 Notice of Hearing.**

A. Except for a show cause hearing, written notice of all hearings shall be sent by the Executive Director or an officer of the Board to all parties at least 30 days before the hearing.

B. The Board shall serve the notice of hearing by either:

(1) Certified mail at the address the respondent is required to maintain with the Board; or

(2) Hand-delivery in person.

C. The notice of hearing shall state, if applicable:

(1) The date, time, place, and nature of the hearing;

(2) The right to call witnesses and submit documents or other relevant evidence;

(3) The right to request subpoenas for witnesses and evidence and the costs associated with such a request;

(4) The right to representation;

(5) That a failure to appear for the scheduled hearing may result in an adverse action against the party; and

(6) That the parties may agree to the evidence and waive their right to appear at the hearing.

D. The notice of hearing may include:

(1) Deadlines for discovery and motions; or

(2) Dates for the prehearing conference and case resolution conference.

### **.08 Prehearing Conference and Case Resolution Conference.**

A. The Board may set a prehearing conference or a case resolution conference, or both.

B. The prehearing conference may be used to prepare for the hearing by:

(1) Delineating the issues;

(2) Stipulating to facts, laws, and other matters;

(3) Arranging a schedule for the exchange of documents and witnesses;

(4) Arranging a schedule for the submission of motions and responses to motions; or

(5) Addressing any other matters that will promote the orderly and efficient conduct of the hearing.

#### C. Prehearing Orders.

(1) If a prehearing conference has been held, a prehearing order may be issued by the presiding officer.

(2) The prehearing order shall set forth the actions taken or to be taken with regard to any matter addressed at the prehearing conference.

(3) If a prehearing conference is not held, the presiding officer may issue a prehearing order to regulate the conduct of the proceedings.

(4) Absent an exception from the presiding officer, the prehearing order shall be binding on the parties.

#### D. Case Resolution Conference.

(1) Matters admitted, revealed, negotiated, or otherwise discussed at a case resolution conference are without prejudice and may not be used by the respondent, administrative prosecutor, or the Board in any subsequent proceedings, unless the information is otherwise discoverable or available through another source.

(2) The Board is not bound by the recommendations of the case resolution conference committee and may:

(a) Modify the proposed settlement;

(b) Require additional conditions; or

(c) Reject the recommendation and require the respondent to proceed to a hearing.

(3) If the respondent disagrees with the recommendation of the case resolution conference committee, the respondent may elect to proceed to a hearing on the matter, regardless of whether or not the Board has ratified the recommendation of the case resolution conference committee.

(4) Participation in a case resolution conference is not a basis for recusal of a Board member, Board counsel, or Board prosecutor from further proceedings.

#### E. Motions.

##### (1) General Requirements.

(a) Unless otherwise set forth in a prehearing order or notice of hearing, all motions shall be:

(i) Accompanied by a memorandum of points and authorities; and

(ii) Filed with the Board at least 15 working days before the hearing.

(b) A copy of the motion shall be served on the opposing party.

(c) A response shall be filed with the Board at least 10 working days before the hearing and a copy served on the opposing party.



(d) The Board may refuse to consider a motion or response that is not timely filed.

(2) Motion for Summary Decision.

(a) A party may move for summary decision on any appropriate issue in the case.

(b) The Board may grant a proposed or final summary decision if the Board finds that:

(i) There is no genuine issue of material fact; and

(ii) A party is entitled to prevail as a matter of law.

**.09 Discovery.**

A. Discovery on Request. By written request served on the other party and filed with the Board or the Office of Administrative Hearings, as appropriate, a party may require another party to produce, within 15 days, the following:

(1) A list of witnesses to be called;

(2) Copies of documents intended to be produced at the hearing; or

(3) Both §A(1) and (2) of this regulation.

B. Mandatory Discovery.

(1) Each party shall provide to the other party not later than 15 days before the prehearing conference, if scheduled, or 45 days before the scheduled hearing date, whichever is earlier:

(a) The name and curriculum vitae of any expert witness who will testify at the hearing; and

(b) A detailed written report summarizing the expert's testimony, which includes the:

(i) Opinion offered;

(ii) Factual basis for the opinion; and

(iii) Reasons underlying the opinion.

(2) If the Board or the Office of Administrative Hearings, as appropriate, finds that the report is not sufficiently specific, or otherwise fails to comply with the requirements of this section, the Board or the Office of Administrative Hearings, as appropriate, shall exclude from the hearing the testimony of the expert and any report of the expert.

(3) The Board or the Office of Administrative Hearings, as appropriate, shall consider and decide arguments regarding the sufficiency of the report:

(a) At the prehearing conference, if scheduled; or

(b) Immediately before the scheduled hearing.

(4) If an expert adopts a sufficiently specific charging document as the expert's report, that adoption satisfies the requirements set forth in this section.

C. Parties are not entitled to discovery of items other than as listed in §§A and B of this regulation.

D. Both parties have a continuing duty to supplement their disclosure of witnesses and documents.

E. Absent unforeseen circumstances that would otherwise impose an extraordinary hardship on a party, witnesses or documents may not be added to the list:

(1) After the prehearing conference, if scheduled; or

(2) Later than 15 days before the hearing, if no prehearing conference is scheduled.

F. The prohibition against adding witnesses does not apply to witnesses or documents to be used for impeachment or rebuttal purposes.

G. Construction.

(1) In hearings conducted by an administrative law judge of the Office of Administrative Hearings, this regulation shall, whenever possible, be construed as supplementing and in harmony with COMAR 28.02.01.

(2) In the event of a conflict between this regulation and COMAR 28.02.01, this regulation applies.

## **.10 Evidentiary Hearings.**

A. Hearings shall be conducted pursuant to the Administrative Procedure Act.

B. The Board may delegate its authority to conduct hearings to:

(1) A hearing committee of the Board; or

(2) The Office of Administrative Hearings.

C. Confidentiality.

(1) Hearings are not open to the public.

(2) All records, including the hearing committee's decision and the administrative law judge's recommended decision, are confidential and sealed.

D. Record. The Board shall prepare an official record of hearings which shall include all:

(1) Pleadings;

(2) Testimony;

(3) Exhibits; and

(4) Other memoranda or material filed in the proceeding.

E. Transcript.

- (1) Unless waived by all parties, a stenographic record of the proceedings shall be made at the expense of the Board.
- (2) The stenographic record may not be transcribed, unless requested by a party or by the Board.
- (3) The cost of any typewritten transcripts of any proceedings, or parts of the transcript, shall be paid by the party requesting the transcript.

F. Presiding Officer.

- (1) The presiding officer shall:
  - (a) Conduct a full, fair, and impartial hearing;
  - (b) Take action to avoid unnecessary delay in the disposition of the proceedings;
  - (c) Maintain order; and
  - (d) Adjourn or recess the hearing from time to time.
- (2) The presiding officer has the power to regulate the course of the hearing and the conduct of the parties, including the power to:
  - (a) Permit the examination of witnesses;
  - (b) Rule on offers of proof and admit relevant and material evidence;
  - (c) Consider and rule upon motions;
  - (d) Grant a continuance or postponement;
  - (e) Determine the order in which the parties shall present their cases;
  - (f) Limit unduly repetitious testimony;
  - (g) Reasonably limit the time for presentation; and
  - (h) Issue orders as necessary to:
    - (i) Secure procedural simplicity and administrative fairness; and
    - (ii) Eliminate unjustifiable expense and delay.

G. Examination of Witnesses and Introduction of Evidence.

- (1) The rules of evidence in State Government Article, §10-213, Annotated Code of Maryland, apply to hearings before the Board.
- (2) A party may:

- (a) Submit evidence;
- (b) Examine and cross-examine witnesses; and
- (c) File objections, exceptions, and motions.

(3) If a party is represented by counsel, all submission of evidence, examination and cross-examination of witnesses, and filing of objections, exceptions, and motions shall be done and presented solely by counsel.

(4) The presiding officer, or a person designated by the presiding officer for that purpose, may examine a witness called by a party.

(5) The presiding officer may call as a witness a person necessary to ensure a full and complete record.

(6) Any Board member may examine any witness.

#### H. Briefs.

(1) A party may submit a brief on the issues of fact and law involved in the hearing.

(2) The presiding officer may designate:

- (a) The form of the brief;
- (b) The number of copies to be submitted; and
- (c) The date and time of submission.

(3) The Board may refuse to consider a brief that is not timely filed or fails to conform to requirements imposed by the presiding officer.

I. If a party who is the respondent in the proceedings fails to appear at a hearing after due notice, the Board may:

(1) Reschedule the hearing; or

(2) In the Board's discretion, proceed upon the investigation, report, documents, witnesses, and records before it.

J. Any testimony taken by the Board shall be taken under oath.

#### K. Decision and Order.

(1) A decision and order rendered by the Board shall:

- (a) Be in writing; and
- (b) Include the findings of fact and conclusions of law.

(2) A copy of the decision and order and accompanying findings and conclusions shall be delivered or mailed promptly to each party or the party's attorney of record.

(3) The findings of fact, conclusions of law, and order shall be retained as a permanent record by the Board.

L. Judicial Review.

(1) A party who is aggrieved by a final decision of the Board under Health Occupations Article, §13-316, Annotated Code of Maryland, may seek judicial review of the Board's decision.

(2) The judicial review shall be in accordance with the provisions of State Government Article, §§10-222—10-223, Annotated Code of Maryland.

M. Rehearings.

(1) Within 10 days after service on a party of the decision of the Board, the party may apply to the Board for rehearing.

(2) The application shall state the grounds for rehearing.

(3) The Board shall grant or deny the application within 20 days of its submission to the Board.

(4) Unless otherwise ordered, neither the rehearing nor the application for rehearing shall:

(a) Stay the enforcement of the order; or

(b) Excuse the persons affected by the order for failure to comply with the terms of the order.

(5) At a rehearing, the Board shall only consider facts not presented in the original proceeding, including facts arising after the date of the original proceeding.

(6) By new order, the Board may abrogate, change, or modify its original order.

**.11 Recommended Decisions, Exceptions Hearings, and Oral Argument.**

A. If a case has been delegated to a hearing committee of the Board or to the Office of Administrative Hearings pursuant to State Government Article, §10-205, Annotated Code of Maryland, the hearing committee or administrative law judge shall prepare a recommended decision for consideration by a quorum of the Board.

B. A quorum of the Board may include members of the hearing committee.

C. The hearing committee shall issue a recommended decision within 90 days of the conclusion of the hearing. This 90-day time frame may be extended by a majority vote of a quorum of the Board.

D. The Board shall notify the parties of the parties' right to:

(1) File written exceptions to the recommended decision issued by the administrative law judge or the hearing committee; and

(2) Present oral argument to the Board.

E. A party may file written exceptions to the recommended decision issued by the administrative law judge or the hearing committee within 30 days of receipt of the recommended decision.

F. The party opposing the exceptions has 15 days to file a written response.

G. The Board may refuse to consider exceptions or responses filed in violation of §§E and F of this regulation.

H. Oral Arguments.

(1) If either party files exceptions, the Board shall schedule an oral argument to be held before a quorum of the Board.

(2) After oral argument, the Board shall prepare an order containing the:

(a) Accepted findings of fact;

(b) Conclusions of law; and

(c) Disposition.

(3) The Board may refuse to hear oral argument if exceptions are not timely filed.

(4) The presiding officer shall:

(a) Determine all procedural issues that are governed by this regulation;

(b) Make any rulings reasonably necessary to facilitate the effectiveness and efficiency of oral argument; and

(c) Impose reasonable time limitations on oral argument and, ordinarily, limit the parties to 30 minutes each.

(5) The party filing the exceptions shall proceed first.

I. If the parties do not file timely exceptions and no oral argument is scheduled, a quorum of the Board shall consider the recommended decision issued by the administrative law judge or hearing committee.

J. The Board shall prepare an order based on the Board's review of the:

(1) Recommended decision of the administrative law judge or hearing committee;

(2) Record developed before the administrative law judge or hearing committee; and

(3) Any exceptions and responses filed by the parties.

## **.12 Revocation of Hearing Authority from the Office of Administrative Hearings.**

A. Consistent with the provisions of State Government Article, §10-205, Annotated Code of Maryland, the Board may revoke authority delegated to the Office of Administrative Hearings by written notice.

B. Criteria for Revocation of Authority in a Specific Case. The Board may revoke all or part of the Office of Administrative Hearings' authority in a specific case if the case:

(1) Involves novel or unanticipated factual or legal issues;

- (2) Has significant fiscal consequences to the Board;
- (3) Involves policy issues of general applicability; or
- (4) Is likely to have precedential value.

C. Procedures for Revocation of the Office of Administrative Hearings' Authority in a Specific Case.

(1) The Board shall provide written notice of a revocation of the Office of Administrative Hearings' authority:

(a) To:

- (i) All parties; and
- (ii) The Office of Administrative Hearings; and

(b) That includes:

- (i) A brief statement of the reasons for the revocation;
- (ii) Whether all or part of the Office of Administrative Hearings' delegated authority has been revoked; and
- (iii) If only part of the delegation has been revoked, the portions of the contested case for which the delegation has been revoked.

(2) The Board may revoke the Office of Administrative Hearings' authority to decide a case at any time before the earlier of:

- (a) Issuance of a ruling by the administrative law judge on a substantive issue; or
- (b) Taking of oral testimony from the first witness.

(3) A decision issued by the Board shall reflect that the Office of Administrative Hearings' authority was revoked.

(4) The Board shall include as part of the record a copy of the revocation notice.

**.13 Summary Suspensions.**

A. The Board shall order the summary suspension of a license if the Board determines that there is a substantial likelihood that a licensee poses a risk of harm to the public health, safety, or welfare.

B. Based on information gathered in an investigation or otherwise provided to the Board, the Board may vote to issue:

- (1) A notice of an intent to summarily suspend a license; or
- (2) An order of summary suspension.

C. If the Board votes to issue a notice of intent to summarily suspend or an order of summary suspension, the Board shall refer the matter to an administrative prosecutor for prosecution.

D. Service of the notice of intent to summarily suspend a license shall be made by:

- (1) Hand delivery in person to the respondent;
- (2) Certified mail to the address the respondent is required to maintain with the Board; or
- (3) Other reasonable means to effect service.

E. Notice of Intent to Summarily Suspend.

(1) A notice of intent to summarily suspend a license shall include, but is not limited to:

(a) A proposed order of summary suspension which is unexecuted by the Board and which includes:

- (i) The statutory authority on which the action has been taken;
- (ii) Allegations of fact which the Board believes demonstrate a substantial likelihood that the licensee poses a risk of harm to the public health, safety, or welfare; and
- (iii) Notice to the respondent of the right to request an evidentiary hearing of the summary suspension if the Board executes the proposed order of summary suspension; and

(b) An order or summons to appear before the Board:

- (i) To show cause why the Board should not execute the order of summary suspension; and
- (ii) Which notifies the respondent of the consequences of failing to appear.

(2) Predeprivation Hearing.

(a) If the Board issues a notice of intent to summarily suspend a license, the Board shall offer the respondent the opportunity to appear before the Board to show cause why the respondent's license should not be summarily suspended.

(b) The show cause hearing shall be a nonevidentiary hearing to provide the parties with an opportunity for oral argument on the proposed summary suspension.

(c) The presiding officer:

- (i) Shall determine all procedural issues;
- (ii) May impose reasonable time limits on each party's oral argument; and
- (iii) Shall make any rulings reasonably necessary to facilitate the effective and efficient operation of the show cause hearing.

F. Order of Summary Suspension.



(1) The Board may order the summary suspension of a license without first issuing a notice of intent to summarily suspend or providing a respondent with a predeprivation hearing if the Board determines that the threat to public health, safety, and welfare requires the immediate suspension of the license.

(2) Post-Deprivation Hearing.

(a) The respondent shall be provided with a show cause hearing within a reasonable time after the effective date of the order of summary suspension.

(b) The show cause hearing pursuant to §F(2)(a) of this regulation shall:

(i) Be conducted before the Board as provided in §E(2) of this regulation; and

(ii) Provide the respondent with an opportunity to show cause why the Board should lift the summary suspension.

(3) After a show cause hearing, if the Board votes to continue the summary suspension, the respondent may request an evidentiary hearing before the Board.

(4) An evidentiary hearing:

(a) May be consolidated with a hearing on charges issued by the Board which include the facts which form the basis for the summary suspension; and

(b) Shall be conducted pursuant to the Administrative Procedure Act.

#### G. Disposition.

(1) If the Board issues a notice of intent to summarily suspend a license, the Board may, after the show cause hearing, vote to:

(a) Order a summary suspension;

(b) Deny the summary suspension;

(c) Enter into a consent order; or

(d) Enter into any interim order warranted by the circumstances of the case, including one providing for the stay of the summary suspension subject to certain conditions.

(2) If the Board orders a summary suspension before a show cause hearing, the Board may, at the conclusion of the show cause hearing, vote to:

(a) Affirm its order of summary suspension;

(b) Rescind the order of summary suspension;

(c) Enter into a consent order; or

(d) Enter into any interim order warranted by the circumstances of the case, including one providing for a stay of the summary suspension subject to certain conditions.

(3) An order for summary suspension or any other order of the Board issued after the initiation of summary suspension proceedings is a:

- (a) Final order of the Board; and
- (b) Public record.

#### **.14 Surrender of a License.**

A. The Board may accept the surrender of a license.

B. The Board may require conditions for surrender of a license, including but not limited to:

- (1) The admission of a violation of the Maryland Physical Therapy Act;
- (2) The admission of facts;
- (3) A statement of the circumstances under which the surrender was offered or accepted;
- (4) Restrictions on future licensing;
- (5) Conditions for reinstatement of the license; or
- (6) An agreement that the respondent may not again apply for a license.

C. A letter of surrender is a:

- (1) Final order of the Board; and
- (2) Public record.

#### **.15 Probation and Violation of Probation.**

A. If the Board imposes a period of probation as a sanction, the Board may impose conditions of probation which the Board deems appropriate, including:

- (1) Re-education or completion of approved courses;
- (2) Payment of a fine;
- (3) Practicing physical therapy or limited physical therapy under supervision;
- (4) Monitoring by the Board or by an individual or entity approved by the Board with periodic reporting to the Board;
- (5) Periodic review of a licensee's practice;
- (6) Periodic audits of a licensee's billing practice;
- (7) An examination by a physician or other appropriate health care provider;

- (8) Limitation of the licensee's practice;
- (9) Drug screenings;
- (10) Individual or group counseling or therapy;
- (11) Obtaining a passing score on an appropriate examination; or
- (12) Any other condition the Board deems appropriate for the rehabilitation or retraining of a licensee.

B. A term of probation may be defined by a specific period of time or the successful completion of certain conditions or acts by the licensee.

C. A licensee seeking release from probation shall do so only by petitioning the Board to terminate the probation when the:

- (1) Specific period of time has passed; or
- (2) Licensee has successfully completed the conditions or acts required for release.

D. At any time, if the Board has reason to believe that the licensee is not in compliance with the conditions of probation, the Board shall:

- (1) Charge the licensee with a violation of probation;
- (2) Take any action provided for in the final order in the event of a violation of probation, including suspension of the license;
- (3) Consider a summary suspension of the license; or
- (4) Take any other action the Board deems appropriate and which the Board is authorized to take by law.

E. If the Board determines that the respondent has violated probation, the Board shall:

- (1) Take any action provided for in the final order in the event of a violation of probation;
- (2) Impose additional conditions or probation; or
- (3) Impose any sanction or take any other action that the Board deems appropriate and is authorized to take by law.

## **.16 Reinstatement.**

A. A licensee shall petition the Board for a lifting of the suspension of a license or a reinstatement following revocation or surrender of a license.

B. The Board may reinstate a license only in accordance with:

- (1) The terms and conditions of the order of revocation or suspension;
- (2) A letter of surrender;

(3) An order of reinstatement issued by the Board; or

(4) A final judgment in any proceeding for judicial review.

C. When a time period is not specified in the Board's final order, a petition for reinstatement may not be considered by the Board before the expiration of 1 year after the date of the order.

D. The form of a reinstated license shall:

(1) Be similar in every respect to an original license; and

(2) Bear the new date of issue.

E. A licensee whose license has been revoked or surrendered for 3 years or more before filing a petition for reinstatement is not eligible for reinstatement but instead shall apply for initial licensure.

F. If the Board grants reinstatement of a license, the Board may impose any restrictions or conditions on the license that the Board deems appropriate.

**TITLE 10 DEPARTMENT OF HEALTH  
SUBTITLE 38 BOARD OF PHYSICAL THERAPY EXAMINERS**

**Chapter 06 Foreign-Educated Licensure Requirements**

**.01 Requirements for Licensure.**

A. Application Options.

(1) An applicant educated in a physical therapy core curriculum outside the United States or its territories shall apply for licensure under one of the categories described in §A(2)—(4) of this regulation.

(2) Examination. The applicant shall file with the Board:

(a) An application on the form the Board provides;

(b) The application and examination fees as specified in COMAR 10.38.07;

(c) Evaluation of educational credentials forwarded directly to the Board from an approved agency that provides evidence that the applicant's education is equivalent to that of an accredited core physical therapy program in the United States;

(d) Evidence of oral competency in the English language; and

(e) Evidence of written competency in the English language.

(3) Transfer of Examination Scores. The applicant shall file the following with the Board:

(a) An application on the form the Board provides;

(b) The application fee as specified in COMAR 10.38.07;

(c) Evaluation of educational credentials forwarded directly to the Board from an approved agency that provides evidence that the applicant's education is equivalent to that of an accredited physical therapy program in the United States;

(d) Evidence of oral competency in the English language;

(e) Evidence of written competency in the English language;

(f) A sworn statement that the applicant is not licensed in another state;

(g) Evidence, satisfactory to the Board, that the applicant is registered to take, or has taken, the national licensing examination in another state; and

(h) A copy of a letter or form to the appropriate reporting service requesting that licensing examination scores be sent to the Board.

(4) Waiver of Examination. The applicant shall file the following with the Board:

(a) An application on the form the Board provides;

- (b) The application fee as specified in COMAR 10.38.07;
- (c) Evaluation of educational credentials forwarded directly to the Board from an approved agency that provides evidence that the applicant's education is equivalent to that of an accredited core physical therapy program in the United States;
- (d) Evidence of oral competency in the English language;
- (e) Evidence of written competency in the English language;
- (f) A copy of a current physical therapy license;
- (g) Verification of current licensure on the form the Board provides; and
- (h) A copy of a letter or form to the appropriate reporting service requesting that licensing examination scores be sent to the Board.

B. In addition to the requirements of §A of this regulation, an applicant educated in a core physical therapy curriculum outside the United States or its territories shall comply with §C of this regulation.

C. Additional Requirements. Applicants for licensure shall:

- (1) Achieve a passing score on the licensing examinations;
- (2) Attend an interview unless the Board waives this requirement; and
- (3) Submit to a State and national criminal history records check in accordance with Health Occupations Article, §13-302.1, Annotated Code of Maryland.

## **.02 Reexamination.**

A. National Licensing Examination.

- (1) An applicant who fails shall repeat the examination.
- (2) Fees.
  - (a) The applicant shall pay to the Board the reexamination fee as specified in COMAR 10.38.07.
  - (b) An applicant who fails the licensing examination twice shall pay to the Board an application fee as specified in COMAR 10.38.07 in addition to the reexamination fee.

B. Examination on Maryland Physical Therapy Law. An applicant who fails the examination on the Maryland Physical Therapy Practice Act and associated regulations shall:

- (1) Repeat the examination; and
- (2) Attend an interview unless the Board waives this requirement.

## **.03 Issuance of Licenses.**

A. When the applicant has met all the requirements for licensure, the Board may issue a physical therapist license to the applicant.

B. Renewal of Physical Therapist License.

- (1) The licensee shall renew the physical therapist license biennially.
- (2) The licensee shall be responsible for notifying the Board if a renewal notice is not received.
- (3) The Board may issue a renewal license to the licensee who meets the requirements of Health Occupations Article, §13-311(c), Annotated Code of Maryland.

C. Method of Renewal Notification.

- (1) Except as otherwise provided in §C(2) of this regulation, the Board shall mail notices for renewal at least 1 month before the expiration date.
- (2) If requested by a licensee, the Board shall send to the licensee, at least two times within the month before a license expires, a renewal notice by electronic means to the last known electronic mail address of the licensee.
- (3) If a renewal notice sent by electronic mail under §C(2) of this regulation is returned to the Board as undeliverable, the Board shall send to the licensee a renewal notice by first-class mail to the last known address of the licensee.

D. The Board may issue a duplicate license for a lost, stolen, or destroyed license provided the licensee:

- (1) Makes a request in writing;
- (2) Provides a sworn statement or police report attesting to the facts; and
- (3) Pays the fee as established in COMAR 10.38.07.

E. The Board may not issue a license under this subtitle if the results of the criminal history records check required pursuant to Regulation .01C(3) of this chapter has not been received.

**.04 Restrictions.**

A. The Board may refuse to grant a license to an applicant who:

- (1) Begins practice as a physical therapist before being licensed to practice in Maryland;
- (2) Practices after the date of expiration of the license;
- (3) Fails the licensing examinations; or
- (4) Fails to pay all outstanding fees to the Board.

B. An applicant shall complete the application process within 1 year of the date of the paid application or reapply for licensure.

C. The Board may refuse to renew a license of an applicant who fails to pay all outstanding fees to the Board.





**TITLE 10 DEPARTMENT OF HEALTH  
SUBTITLE 38 BOARD OF PHYSICAL THERAPY EXAMINERS**

**Chapter 07 Fee Schedule**

**.01 Scope.**

These regulations govern all persons licensed or applying for licensure by the Board.

**.02 Fees.**

A. The following fees are established by the Board:

- (1) Application fee \$150;
- (2) Biennial renewal fee:
  - (a) Physical therapist \$325;
  - (b) Physical therapist assistant \$300;
- (3) Reinstatement fee \$400;
- (4) Restricted license \$125;
- (5) Duplicate license \$75;
- (6) Penalty for returned check \$40;
- (7) Written verification of licensure \$25;
- (8) Law booklet (free to applicants) \$20;
- (9) Approval for CEUs to course sponsor \$50;
- (10) Penalty for failure to maintain correct address with the Board \$100.;
- (11) Interstate physical therapy licensure compact fee \$125

B. The Federation of State Boards of Physical Therapy determines the fees for the National Licensure Examination for physical therapists and physical therapist assistants.

C. The Maryland Health Care Commission (MHCC) assesses a fee for health care professionals which the applicant shall pay at the time of license renewal as specified in COMAR 10.25.02.

**.03 Refunds.**

Fees paid to the Board are nonrefundable.

#### **.04 Change of Fees.**

Fees are subject to change by action of the Board of Physical Therapy Examiners. The Board shall notify licensees and applicants of changes.

**TITLE 10 DEPARTMENT OF HEALTH  
SUBTITLE 38 BOARD OF PHYSICAL THERAPY EXAMINERS**

**Chapter 08 Continuing Education Requirements**

**.01 Scope.**

This chapter governs:

- A. A licensee applying for renewal;
- B. An individual applying for reinstatement of licensure; and
- C. Sponsors of continuing education courses.

**.02 Definitions.**

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

- (1) "Continuing education unit (CEU)" means the basic unit of measurement for a licensee's direct participation in continuing education consisting of 10 contact hours.
- (2) Contact Hour.
  - (a) "Contact hour" means a period of 60 minutes in which actual learning takes place.
  - (b) "Contact hour" does not include:
    - (i) A portion of the program devoted to registration, breaks, meals; or
    - (ii) Fractions of an hour.

**.03 Continuing Education Requirements.**

A. Continuing education is a requirement for renewal or reinstatement of licenses for physical therapists and physical therapist assistants and may be obtained by:

- (1) Postgraduate studies;
- (2) Attendance or presentation at seminars, conferences, or workshops;
- (3) Authoring, co-authoring, or editing of a book, book chapter, refereed article, or abstract; or
- (4) Home study, including internet courses.

B. Professional education eligible for continuing education credit shall be:

- (1) Relevant to the clinical practice of physical therapy; and
- (2) Directed to a professional audience.

C. The Board shall have final approval of the relevancy of the program to the practice of physical therapy.

D. Continuing education courses shall have course materials that include clear and concise written statements of:

- (1) Intended learning outcomes;

- (2) Behavioral objectives; and
- (3) Performance objectives.

E. Continuing education courses sponsored by the American Physical Therapy Association are automatically approved by the Board.

#### **.04 Continuing Education Course Approval.**

A. To obtain approval of a continuing education course, a course sponsor shall submit the following materials to the Board 6 weeks before the course:

- (1) An application on a Board-approved application form, accompanied by any required fee;
- (2) A complete hour-by-hour agenda of the course;
- (3) A clear and concise written statement describing the course's intended learning outcomes, behavioral objectives, or performance objectives;
- (4) A curriculum vitae for each instructor describing the instructor's competence in the course subject matter and skill in instructional methodologies; and
- (5) If an instructor is not licensed by the Board and plans to perform physical therapy in conjunction with the course, an application for a restricted license obtained from the Board.

B. Public Representations.

- (1) If a course is approved by the Board, the Board shall notify the sponsor of the approval.
- (2) If a sponsor receives notification under §B(1) of this regulation, the sponsor may represent that a course has been approved by the Board.
- (3) Approved course certificates and advertisements shall contain the following statement: "This course has been approved by the Maryland State Board of Physical Therapy Examiners for \_\_\_\_\_ CEUs."
- (4) A record of course attendees shall be retained by the sponsor for at least 4 years.
- (5) The sponsor shall submit to the Board for approval any changes in an approved course, such as changes in speaker, content, or length.

C. Term of Approval.

- (1) The Board shall approve a continuing education course for a period of 4 years.
- (2) At the expiration of the 4-year approval period, the course sponsor may resubmit the course and shall meet the approval requirements of §A of this regulation.

#### **.05 Renewal Requirements.**

A. A licensee shall earn CEUs between April 1 and March 31 during the 2-year period before renewal and maintain the records of the course subject, hours, date, and continuing education units to present to the Board on request.

B. CEUs completed after March 31 of the year of the renewal may not be accepted.

C. All renewal applications shall be accompanied by a continuing education form to be completed by the licensee.

D. A physical therapist shall earn 3 CEUs equal to 30 contact hours for the renewal period.

- E. A physical therapy assistant shall earn 2 CEUs equal to 20 contact hours for the renewal period.
- F. CEUs may not be carried over from one renewal period to the next.
- G. Failure to substantiate CEUs if requested by the Board shall result in denial of license renewal or of reinstatement of a license.
- H. If the licensee has met all the requirements for renewal, the Board may renew a license for the first renewal period following the issuance of the original license without requiring the physical therapist or physical therapist assistant to complete any CEUs if, at the time of renewal, the original license was issued 1 year or less before the renewal period.

#### **.06 Auditing Compliance with Continuing Education Requirements.**

- A. The Board shall audit the continuing education records of as many licensees as time and resources allow.
- B. The Board shall send an audit letter to those to be audited at the close of the renewal period.
- C. At the time of audit, the audited licensees shall submit:
  - (1) Continuing education certificates earned between April 1 and March 31 during the 2-year period before renewal; and
  - (2) A completed continuing education form.
- D. The Board may request from the licensee a brochure, agenda, or other material for courses that have not been previously approved by the Board.

#### **.07 Reinstatement Requirements.**

- A. A physical therapist shall earn 3 CEUs in the 2-year period immediately preceding reinstatement.
- B. A physical therapy assistant shall earn 2 CEUs in the 2-year period immediately preceding reinstatement.

#### **.08 Continuing Education Unit Requirements for Physical Therapy Clinical Practice.**

- A. Continuing Education is a requirement for renewal or reinstatement of licenses for a physical therapy clinical practice.
- B. Activities meeting the criteria for continuing education requirements for practice of physical therapy may be classified as follows:
  - (1) Postgraduate academic course work in physical therapy taken at an accredited college or university may earn 1 CEU per credit hour;
  - (2) Attendance at Board-approved or American Physical Therapy Association sponsored continuing education courses or workshops may earn 1 CEU for every 10 contact hours;
  - (3) Presentation of a continuing education course or workshop may earn 2 contact hours for every hour of presentation with presentations of the same subject matter receiving CEU credit only once in a 2-year period;
  - (4) Authoring, co-authoring, or editing of a book, book chapter, or refereed journal article may earn 3 CEUs with proof accompanying the request for approval;
  - (5) Authoring an abstract may earn 1 CEU;
  - (6) Completion of an approved self-study course may earn 1 contact hour per interactive hour;

(7) Completion of an approved internet course may earn 1 contact hour per interactive hour;

(8) Completion of continuing education relevant to the administration of physical therapy practice may earn up to 1.5 CEUs; or

(9) Postgraduate academic course work in administration of the practice of physical therapy may earn a maximum of 1.5 CEUs in each 2-year period.

C. CEUs may not be carried over from one renewal period to the next.

D. Failure to substantiate CEUs if requested by the Board shall result in denial of license renewal or of reinstatement of a license.

E. If the licensee has met all the requirements for renewal, the Board may renew a license for the first renewal period following the issuance of the original license without requiring the physical therapist or the physical therapist assistant to complete any CEUs, if, at the time of renewal, the original license was issued 1-year or less before the renewal date.

F. To aid licensees in the selection of appropriate continuing education courses, the Board may review, without charge, a course brochure, outline, or agenda before the licensee attends the course, if the request is submitted at least 1 month before the course date.

**TITLE 10 DEPARTMENT OF HEALTH  
SUBTITLE 38 BOARD OF PHYSICAL THERAPY EXAMINERS**

**Chapter 09 Speech-Impaired Applicants**

**.01 Speech-Impaired Applicants.**

A. An applicant who claims a speech impairment shall fulfill all requirements for application and shall submit to the Board the following:

(1) Documentation of the applicant's impairment from an otolaryngologist, who has current certification from the American Board of Otolaryngology; and

(2) Documentation of the applicant's impairment from a speech-language pathologist who has current certification from the American Speech-Language Hearing Association.

B. The Board shall require the speech-impaired applicant to prove ability to communicate adequately with patients and other health care professionals. The proof of ability to communicate shall include:

(1) Three letters from supervising physical therapists or instructors in a physical therapy program, attesting to the applicant's ability to communicate in a professionally competent manner; and

(2) A meeting before the Board where the applicant shall be required to demonstrate the manner in which communication with patients will occur.

C. A speech-language pathologist or otolaryngologist may be asked to attend the meeting in an advisory capacity to the Board to aid in assessing the applicant's ability to communicate.

**.02 Other Requirements.**

A. A foreign-trained speech-impaired applicant shall notify the Board before taking a Board-approved standardized test of oral competency.

B. The Board shall attempt to locate a speech-language pathologist fluent in the applicant's native language to assess the impairment.

C. A foreign-trained applicant who is in need of foreign accent reduction, but has competency in his or her native language, may obtain assistance from a bilingual speech-language pathologist before attempting to pass the test of spoken English.

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**TITLE 10 DEPARTMENT OF HEALTH  
SUBTITLE 38 BOARD OF PHYSICAL THERAPY EXAMINERS**

**Chapter 10 Disciplinary Sanctions, Monetary Penalties, and Civil Fines**

**.01 Scope.**

This chapter establishes standards for the imposition of disciplinary sanctions, monetary penalties, and civil fines for violations of the Maryland Physical Therapy Act.

**.02 Definitions.**

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

- (1) "Act" means the Maryland Physical Therapy Act, Health Occupations Article, Title 13, Annotated Code of Maryland.
- (2) "Board" means the State Board of Physical Therapy Examiners.
- (3) "Civil fine" means a fine assessed by the Board against an individual for practicing physical therapy or limited physical therapy without a license.
- (4) "License" means a license issued by the Board to practice physical therapy or limited physical therapy.
- (5) "Licensee" means a physical therapist or physical therapist assistant who is licensed by the Board to practice physical therapy or limited physical therapy.
- (6) "Penalty" means monetary penalty.
- (7) "Sanction" means a disciplinary action reprimanding, restricting, suspending, or revoking a license.

**.03 Imposition of a Penalty — General.**

Imposition of a Penalty after a Hearing. If the Board finds that there are grounds under Health Occupations Article, §13-316, Annotated Code of Maryland, to reprimand a licensee or suspend or revoke a license, the Board may impose a penalty as set forth in this chapter:

- A. Instead, of, or in addition to, reprimanding the licensee or suspending the license; or
- B. In addition to revoking the license.

**.04 Guidelines for Imposition of Disciplinary Sanctions or Monetary Penalties.**

- A. Subject to the provisions of this chapter, the Board may impose the following sanctions and, if appropriate, penalties for violations of the Act and its regulations according to the minimum and maximum sanctions and penalties set forth in the following categories:

	Violation	Minimum Sanction	Maximum Sanction	Minimum Penalty	Maximum Penalty
(1)	Continuing education violation	Reprimand	Active suspension for 1 year	\$100	\$1000
(2)	Criminally convicted of, or pled guilty to, a felony, crime of moral turpitude, or violation of narcotics law	Probation for 3 years	Denial of license application or revocation	\$500	Maximum amount allowable under the Act
(3)	Documentation violation	Reprimand	Active suspension for 2 years	\$500	\$2,500
(4)	Professional incompetence; grossly negligent practice	Reprimand	Revocation	\$500	Maximum amount allowable under the Act
(5)	Mental or physical impairment	Probation for 2 years	Denial of license application or revocation	N/A	N/A
(6)	Submitting false billings	Reprimand	Revocation	\$500	Maximum amount allowable under the Act
(7)	Practicing beyond the scope of license	Reprimand	Active suspension for 2 years	\$500	Maximum amount allowable under the Act
(8)	Failure to cooperate with a lawful Board investigation	Reprimand	Denial of license application or revocation	\$1,000	Maximum amount allowable under the Act
(9)	Reciprocal discipline	Reprimand	Denial of license application or revocation	\$500	Maximum amount allowable under the Act
(10)	Sexual misconduct	Active suspension for 1 year	Revocation	\$3,000	Maximum amount allowable under the Act
(11)	Unprofessional conduct in the practice of physical therapy; Code of Ethics violation not specifically enumerated in this chapter	Reprimand	Revocation	\$500	Maximum amount allowable under the Act
(12)	Aiding the unauthorized practice of physical therapy	Reprimand	Active suspension for 1 year	\$1,500	Maximum amount allowable under the Act
(13)	Improper supervision	Reprimand	Revocation	\$500	Maximum amount allowable under the Act
(14)	Standard of practice violation not specifically enumerated in this chapter	Reprimand	Revocation	\$500	Maximum amount allowable under the Act

(15)	Other violation of the Act not specifically enumerated in this chapter	Reprimand	Denial of license application or revocation	\$100	Maximum amount allowable under the Act
(16)	Fraudulently or deceptively obtaining, attempting to obtain, or using a license	Reprimand	Denial of license application or revocation	\$500	Maximum amount allowable under the Act
(17)	Treating more than an average of 3 patients per clinical treatment hour per calendar day	Reprimand	Active suspension for 1 year	\$500	Maximum amount allowable under the Act
(18)	Treating patients without evaluation or reevaluation	Reprimand	Active suspension for 1 year	\$500	Maximum amount allowable under the Act
(19)	Failure to comply with probationary condition of an order	Active suspension for 1 year	Revocation	\$1,000	Maximum amount allowable under the Act

B. If a licensee is found in violation of more than one category enumerated in this regulation, the category or categories containing the highest maximum sanction and penalty shall control.

C. Notwithstanding the guidelines set forth in this regulation, in order to resolve a pending disciplinary action, the Board and licensee may agree to a surrender of license or a consent order with terms, sanction, and penalty agreed to by the Board and the licensee.

D. A departure from the guidelines set forth in this regulation, on its own, is not grounds for any hearing or appeal of a Board action.

E. The Board may not consider a petition for reinstatement of a license that has been revoked until at least 3 years have passed from the date of revocation.

**.05 Mitigating and Aggravating Factors to be Considered in the Assessment of the Sanction and Penalty.**

A. Depending on the facts and circumstances of each case, and to the extent that the facts and circumstances apply, the Board may consider, but not be limited to, the mitigating and aggravating factors outlined in §§B and C of this regulation in determining whether the sanction in a particular case should fall outside the range of sanctions established by the guidelines.

B. Mitigating Factors. The Board may consider the following mitigating factors:

- (1) The licensee’s lack of a prior disciplinary record;
- (2) The licensee self-reported the violation to the Board;
- (3) The licensee’s full and voluntary admission of misconduct to the Board and cooperation during Board proceedings;
- (4) The licensee implemented remedial measures to correct or mitigate harm arising from the misconduct;
- (5) The licensee made timely good-faith effort to make restitution or to rectify the consequences of the misconduct;

- (6) Evidence of rehabilitation or rehabilitative potential;
- (7) Absence of premeditation to commit the misconduct;
- (8) Absence of potential harm to the public or adverse impact; and
- (9) The licensee's conduct was an isolated incident and not likely to recur.

C. Aggravating Factors. The Board may consider the following aggravating factors:

- (1) The licensee has a previous criminal or administrative disciplinary history;
- (2) The violation was committed deliberately or with gross negligence or recklessness;
- (3) The violation had the potential for, or caused, serious patient harm;
- (4) The violation was part of a pattern of detrimental conduct;
- (5) The licensee was motivated to perform the violation for financial gain;
- (6) The vulnerability of the patient or patients;
- (7) The licensee attempted to hide error or misconduct from patients or others;
- (8) Previous attempts at rehabilitation of the licensee were unsuccessful; and
- (9) The licensee committed the violation under the guise of treatment.

D. The existence of one or more of these factors does not impose on the Board or an Administrative Law Judge any requirement to articulate its reasoning for not exercising its discretion to impose a sanction outside of the range of sanctions set forth in this chapter.

E. Nothing in this regulation requires the Board or an Administrative Law Judge to make findings of fact with respect to any of these factors.

## **.06 Civil Fines.**

A. Practicing on an Expired License. The Board may assess a civil fine against a physical therapist or physical therapist assistant who practices physical therapy or limited physical therapy on an expired license in the amount of \$100 per day of practice past the expiration date of the license.

B. Practicing Without a License.

- (1) The Board may assess a civil fine of no less than \$5,000 and no more than \$50,000 against an individual who practices physical therapy or limited physical therapy without a license.
- (2) Factors in determining the amount of a fine include, but are not limited to, the following:
  - (a) The extent to which the individual derived any financial benefit from the unauthorized practice;
  - (b) The willfulness of the unauthorized practice;
  - (c) Actual or potential public harm caused by the unauthorized practice; and
  - (d) The length of time in which the individual engaged in the unauthorized practice.

## **.07 Payment of a Penalty.**

A. Unless the Board specifies otherwise, a licensee shall pay to the Board a penalty imposed under this chapter as of the date the Board's order is issued.

B. Filing an appeal under State Government Article, §10-222, Annotated Code of Maryland, or Health Occupations Article, §13-318, Annotated Code of Maryland, does not automatically stay payment of a penalty imposed by the Board pursuant to this chapter.

C. If a licensee fails to pay, in whole or in part, a penalty imposed by the Board pursuant to this chapter, the Board may not restore, reinstate, or renew a license until the penalty has been paid in full.

D. In its discretion, the Board may refer all cases of delinquent payment to the Central Collection Unit of the Department of Budget and Management to institute and maintain proceedings to ensure prompt payment.

E. Deposit of Monies.

(1) The Board shall pay all monies collected pursuant to this chapter, except for civil fines collected under Regulation .06 of this chapter, into the State's General Fund.

(2) The Board shall pay all civil fines collected under Regulation .06 of this chapter into the State Board of Physical Therapy Examiners Fund, in accordance with Health Occupations Article, §13-407(b)(2), Annotated Code of Maryland.

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**TITLE 10 DEPARTMENT OF HEALTH  
SUBTITLE 38 BOARD OF PHYSICAL THERPAY EXAMINERS**

**Chapter 11 Compelling Purpose Disclosure**

**.01 Scope.**

This chapter does not apply to the disclosure of information in the Board's files to a health occupations regulatory board of this State or another state that licenses or disciplines persons practicing a health occupation.

**.02 Disclosure for Compelling Public Purpose.**

A custodian of the Board may find that a compelling public purpose warrants disclosure of information in a certification, licensing, or investigative file, regardless of whether there has been a request for the information, and may disclose information concerning competent evidence of:

- A. Possible criminal activity, if disclosure is to a federal, state, or local law enforcement or prosecutorial official or authority;
- B. A possible violation of law, if disclosure is to a federal, state, or local authority that has jurisdiction over the individual whose conduct may be a violation and the information disclosed is limited to information relevant to the possible violation by that individual; or
- C. Conduct by an individual which the Board reasonably believes may pose a risk to the public health, safety, or welfare, if disclosure is to a law enforcement authority, administrative official, agency that regulates the individual, or to a hospital or other health care facility where the individual has privileges.

**.03 Other Disclosures.**

This chapter does not prohibit or limit the ability of the Board to disclose general licensing information under General Provisions Article, §4-333, Annotated Code of Maryland, or any information that the Board may otherwise disclose by law.

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**TITLE 10 DEPARTMENT OF HEALTH  
SUBTITLE 38 BOARD OF PHYSICAL THERAPY EXAMINERS**

## **Chapter 12 Dry Needling**

### **.01 Scope.**

This chapter establishes standards for the provision of dry needling as an intervention performed by physical therapists.

### **.02 Definitions.**

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

- (1) "Board" means the State Board of Physical Therapy Examiners.
- (2) "Dry needling" means a physical therapy intervention, also known as intramuscular manual therapy, that:
  - (a) Involves the insertion of one or more solid needles, a mechanical device, into the muscle and related tissues to affect change in muscle and related tissues;
  - (b) Requires ongoing evaluation, assessment, and re-evaluation of the impairments;
  - (c) Is only utilized in parts of the body with neuromuscular or musculoskeletal links to the impairments; and
  - (d) Is not performed for:
    - (i) The purposes of acupuncture as defined in Health Occupations Article, §1A-101, Annotated Code of Maryland; or
    - (ii) Any purpose outside the scope of physical therapy.

### **.03 Minimum Education and Training Necessary to Perform Dry Needling.**

A. In order to perform dry needling, a physical therapist shall have at least 80 total hours of instruction, which includes:

- (1) A total of at least 40 hours of instruction in the following dry needling-specific course content areas:
  - (a) Theory and application of dry needling;
  - (b) Dry needling technique, including spine and extremities;
  - (c) Dry needling indications and contraindications;
  - (d) Infection control, the Occupational Safety and Health Administration's Bloodborne Pathogen Protocol, and safe handling of needles;
  - (e) Emergency preparedness and response procedures related to complications associated with dry needling; and
  - (f) Appropriate documentation of dry needling; and

(2) At least 40 hours of practical, hands-on instruction in the application and technique of dry needling, under the supervision of a licensed health care practitioner competent in dry needling procedures who has:

- (a) Completed the requisite course work under §A(1) of this regulation; and
- (b) Practiced dry needling for at least 5 years.

B. The instruction required under §A(1) of this regulation shall be provided by a continuing education course sponsored by:

- (1) The American Physical Therapy Association;
- (2) The APTA of Maryland;
- (3) The Federation of State Boards of Physical Therapy; or
- (4) The United States Armed Forces.

C. A continuing education course taken before June 19, 2018 shall qualify for instruction if the same course, in substantially similar form, is later sponsored by the American Physical Therapy Association, the APTA of Maryland, or the Federation of State Boards of Physical Therapy.

D. All instruction required under this regulation shall include an assessment of competency.

E. The instruction required under §A(1) of this regulation shall be offered:

- (1) In person at a face-to-face session; or
- (2) In real time through electronic means that allow for simultaneous interaction between the instructor and the participants.

F. A physical therapist may not fulfill any portion of the practical, hands-on instruction required under §A(2) of this regulation with online or distance learning.

G. A physical therapist shall have practiced physical therapy for at least 2 years before performing dry needling in the State.

H. Registration.

- (1) A physical therapist shall be registered with the Board as having the appropriate education and training required by this regulation before the physical therapist may practice dry needling.
- (2) In order to be registered to practice dry needling, a physical therapist shall:
  - (a) Submit a completed application on a form supplied by the Board; and
  - (b) Pay a registration fee as established by COMAR 10.38.07.

I. A physical therapist who practices dry needling without the education and training required by this regulation shall be subject to discipline pursuant to COMAR 10.38.10.04A(4).

#### **.04 Standards of Practice in Performing Dry Needling.**

A. A physical therapist shall:

- (1) Fully explain dry needling to the patient in advance of treatment; and
- (2) Obtain written informed consent specific to dry needling that shall be included in the patient's medical record.

B. A physical therapist shall perform dry needling in a manner consistent with standards set forth in the Maryland Occupational Safety and Health Act, Labor and Employment Article, Title 5, Annotated Code of Maryland.

C. A physical therapist shall document the provision of dry needling services in accordance with the documentation requirements of COMAR 10.38.03.02-1.

D. A physical therapist who practices dry needling in a manner inconsistent with the standards of practice enumerated in this regulation shall be subject to discipline pursuant to COMAR 10.38.10.04A(14).

E. Dry needling is not within the scope of practice of limited physical therapy and shall only be performed by a licensed physical therapist.