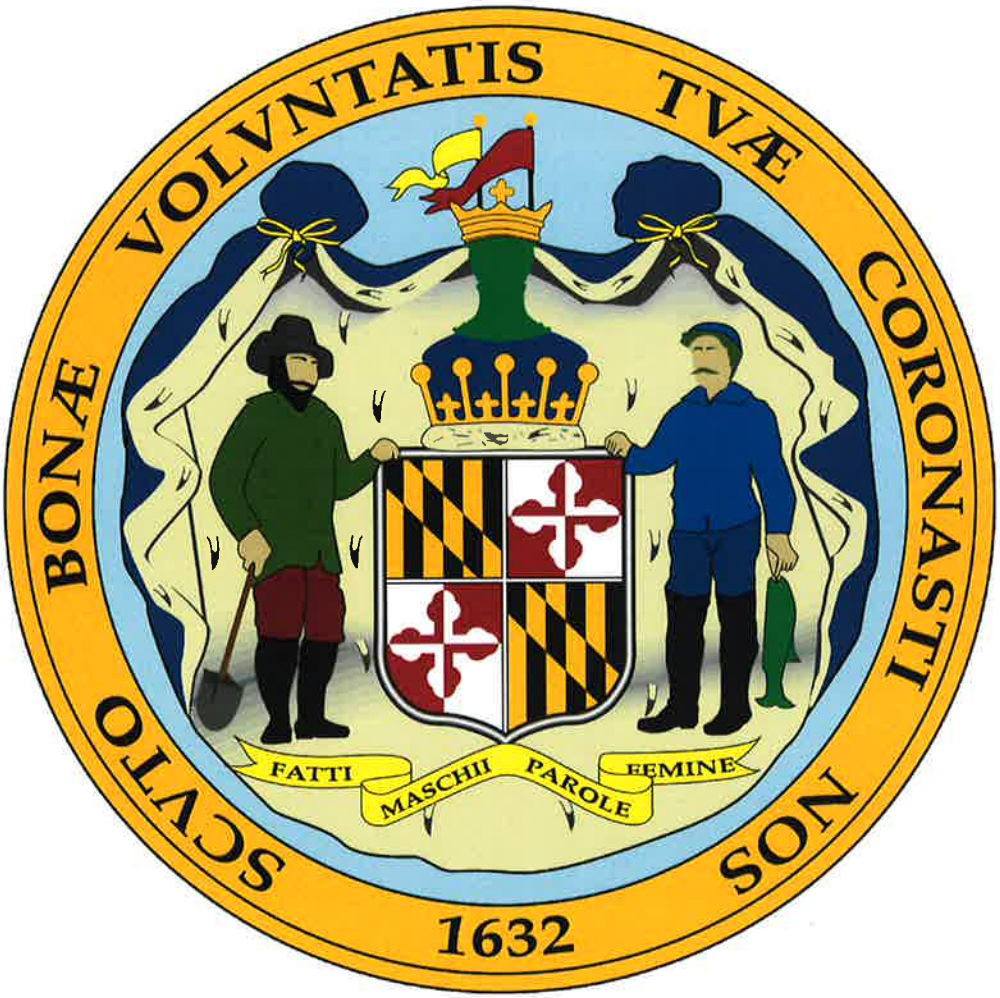
Department of Health and Mental Hygiene

Laws and Regulations Governing the Practice of Podiatry



Maryland Board of Examiners in Podiatry
4201 Patterson Avenue Room 310
Baltimore, MD 21215

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Annotated Code of Maryland
Health Occupations Article
Title 16. Podiatrists

SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS

§16-101. Definitions

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

(b) "Board" means the State Board of Podiatric Medical Examiners.

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

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

(e) "Podiatrist" means an individual who practices podiatry.

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

(2) "Practice podiatry" does not include administration of an anesthetic, other than a local anesthetic.

HISTORY: An. Code 1957, art. 43, § 492; 1981, ch. 8, § 2; 1986, ch. 243; 1990, ch. 6, § 11; 1992, ch. 474; 1997, ch. 182; 2005, ch. 297; 2014, chs. 56, 140.

§ 16-102. Scope of title

(a) Individuals exempt. -- This title does not limit the right of an individual to practice a health occupation that the individual is authorized to practice under this article.

(b) Commercial sale or fitting. -- This title does not affect the commercial sale or fitting of shoes or foot appliances.

HISTORY: An. Code 1957, art. 43, § 489; 1981, ch. 8, § 2; 1990, ch. 6, § 11.

§ 16-103. Procedures required to be performed in a licensed hospital

(a) In general. -- All osseous surgical procedures of the ankle, arthrodeses of 2 or more tarsal bones, and complete tarsal osteotomies that are performed by a licensed podiatrist shall be performed in a licensed hospital or ambulatory surgical center, subject to the provisions of § 19-351 of the Health - General Article.

(b) Requirements for procedures in ambulatory surgical centers. -- A licensed podiatrist who performs an osseous surgical procedure of the ankle, arthrodesis of 2 or more tarsal bones, or a complete tarsal osteotomy in a licensed ambulatory surgical center must:

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

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

(c) Qualification requirements and delineation of privileges by hospital or ambulatory surgical center. -- Nothing in this title shall prohibit a licensed hospital or ambulatory surgical center from establishing qualifications or delineating privileges for the performance of surgical procedures of the human foot or ankle, the anatomical structures that attach to the human foot, or the soft tissue below the mid-calf by a licensed podiatrist in the hospital or ambulatory surgical center.

HISTORY: 1992, ch. 474; 2005, ch. 297; 2014, ch. 140.

SUBTITLE 2. STATE BOARD OF PODIATRIC MEDICAL EXAMINERS

§ 16-201. Board established

There is a State Board of Podiatric Medical Examiners in the Department.

HISTORY: An. Code 1957, art. 43, § 482; 1981, ch. 8, § 2; 1986, ch. 243; 1990, ch. 6, § 11.

§ 16-202. Membership

(a) Composition; appointment of members. --

(1) The Board consists of 7 members.

(2) Of the 7 Board members:

(i) 5 shall be licensed podiatrists; and

(ii) 2 shall be consumer members.

(3) The Governor shall appoint the podiatrist members, with the advice of the Secretary, from a list of names submitted by the Maryland Podiatric Medical Association. The number of names on the list shall be twice 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) Preparing lists of nominees. --

(1) The list submitted by the Maryland Podiatric Medical Association shall consist of names of nominees chosen by a majority of its members present at a meeting called for that purpose.

(2) At least 2 weeks before the meeting required by paragraph (1) of this subsection, the Secretary of the Association shall mail to its members, at the addresses that appear on the records of the Association, notice stating the time, place, and purpose of the meeting.

(c) Qualifications of podiatrist members. -- Each podiatrist member of the Board shall be:

(1) A licensed practicing podiatrist of recognized ability and integrity;

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

(3) A licensed podiatrist with peer review experience.

(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 podiatrist or in training to become a podiatrist;

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

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

(5) May not have a household member who participates in a commercial or professional field related to podiatry; 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 the 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) A member may not serve more than 2 consecutive full terms.

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

(h) Removal. --

(1) The Governor shall remove a member for continued neglect of duty, incompetence, or unprofessional or dishonorable conduct.

(2) The Governor shall remove a member whom the Governor finds to have been absent from 2 successive Board meetings without adequate reason.

HISTORY: An. Code 1957, art. 43, § 482; 1981, ch. 8, § 2; ch. 377; 1982, ch. 349; 1986, ch. 243; 1990, ch. 6, § 11; 1991, ch. 186; 1992, chs. 433, 434; 2003, ch. 134; 2009, ch. 60, § 5.

§ 16-203. Officers

(a) In general. -- From among its members, the Board shall elect a president and a secretary-treasurer.

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

(1) The manner of election of officers;

(2) The term of office of each officer; and

(3) The duties of each officer.

HISTORY: An. Code 1957, art. 43, § 482; 1981, ch. 8, § 2; 1990, ch. 6, § 11; 1992, ch. 433.

§ 16-204. Quorum; meetings; compensation; staff

(a) Quorum. -- A majority of the members then serving on the Board is a quorum.

(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 in accordance with the budget of the Board; and

(2) Reimbursement for expenses at a rate determined by the Board.

(d) Staff. -- The Board may employ a staff in accordance with the budget of the Board.

HISTORY: An. Code 1957, art. 43, §§ 482, 493; 1981, ch. 8, § 2; 1990, ch. 6, § 11; 1992, ch. 272, § 1.

§16-205.Miscellaneous powers and duties

(a) 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) After consulting with the State Board of Pharmacy, adopt rules and regulations regarding the dispensing of prescription drugs by a licensed podiatrist; and

(3) On receipt of a written and signed allegation, investigate the same for any possible violation of this title.

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

(1) Keep a complete record of all its transactions;

(2) Investigate any alleged unauthorized practice of podiatry and, if the results of the investigation indicate that the allegation has merit, report it to the State's Attorney of the county where the alleged violation occurred;

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

(i) Investigate the allegation for possible violations of this title;

(ii) Provide notice to the licensed podiatrist that an allegation has been received and forward a copy of the allegation to the licensed podiatrist within 60 days of receipt of the allegation, unless the Board:

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

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

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

(iii) Periodically notify the licensed podiatrist and all persons of interest of the status of the allegation until such time as the allegation is resolved; and

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

HISTORY: An. Code 1957, art. 43, §§ 483, 486, 490; 1981, ch. 8, § 2; 1984, ch. 772; 1986, ch. 691, § 2; 1990, ch. 6, § 11; 1992, ch. 154, § 1; 1996, ch. 261; 1998, ch. 392; 2010, ch. 72; 2011, chs. 180, 181; 2012, ch. 67.

§ 16-206. State Board of Podiatric Medical Examiners Fund -- Establishment of fees; disposition of funds

(a) State Board of Podiatric Medical Examiners Fund established. -- There is a State Board of Podiatric Medical Examiners Fund.

(b) Establishment of fees. --

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

(2) The fees charged shall be set so as to produce funds 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 Podiatric Medical 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.

HISTORY: An. Code 1957, art. 43, § 493; 1981, ch. 8, § 2; 1986, ch. 244; 1989, ch. 562; 1990, ch. 6, § 11; 1992, ch. 272, § 1; 1997, ch. 635, § 9; ch. 636, § 9; 2005, ch. 25, § 13.

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§ 16-207. Good faith exemption from civil liability

A person shall have the immunity from liability described under § 5-716 of the Courts and Judicial Proceedings Article for giving information to the Board or otherwise participating in its activities.

HISTORY: 1984, ch. 772; 1990, ch. 6, § 11; ch. 546, § 3; 1997, ch. 14, § 20.

SUBTITLE 3. LICENSING

§ 16-301. License required

An individual shall be licensed by the Board before the individual may practice podiatry in this State.

HISTORY: An. Code 1957, art. 43, § 481; 1981, ch. 8, § 2; 1990, ch. 6, § 11; 1994, ch. 3, § 1.

§16-302. Qualifications of applicants

(a) To qualify for a license, an applicant shall be an individual who meets the requirements of this section.

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

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

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

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

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

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

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

(3) A program approved by the Board.

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

(2) Graduation from a recognized English–speaking undergraduate school after at least 3 years of enrollment, or from a recognized English–speaking professional school is acceptable as proof of proficiency in the oral communication of the English language under this section.

(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.

(h) The applicant shall submit to a criminal history records check in accordance with § 16–302.1 of this subtitle.

HISTORY: An. Code 1957, art. 43, §§ 481, 487; 1981, ch. 8, § 2; 1985, 2nd Sp. Sess., ch. 2; 1986, ch. 243; 1988, ch. 645, § 2; 1990, ch. 6, § 11; 1991, ch. 92.

§16–302.1. Criminal History Records Check

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

(b) 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) One complete set of legible fingerprints taken in a manner 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) In accordance with §§ 10–201 through 10–229 of the Criminal Procedure Article, the Central Repository shall forward to the Board and the applicant the criminal history record information of the applicant.

(d) Information obtained from the Central Repository under this section:

(1) Is confidential;

(2) May not be redisseminated; and

(3) Shall be used only for the licensing purpose authorized by this title.

(e) 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.

HISTORY: 2016, ch. 48

§16-303. Applications for licenses

(a) To apply for a license, an applicant shall:

(1) Submit an application to the Board on the form that the Board requires;

(2) Pay to the Board the application fee set by the Board; and

(3) Submit to a State and national criminal history records check in accordance with § 16–302.1 of this subtitle.

(b) If the applicant is licensed and has practiced in another state, the applicant shall submit proof of practice that is sufficient to demonstrate current clinical proficiency, as specified in regulations adopted by the Board.

HISTORY: An. Code 1957, art. 43, § 487; 1981, ch. 8, § 2; 1990, ch. 6, § 11; 2003, ch. 134.

§ 16-304. Examinations

(a) Right to examination. -- An applicant who otherwise qualifies for a license is entitled to be examined as provided in this section.

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

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

(d) Method of examination. -- For examinations given under this subtitle, the Board shall:

(1) Provide the books and forms necessary to conduct the examinations;

(2) Conduct the examinations in writing, but may use supplementary oral and clinical

examinations; and

(3) Except as otherwise provided in this subsection, determine the scope, form, and passing score for the examinations.

(e) Subjects of examination. -- An examination given under this subtitle may include only subjects normally taught at an accredited school or college of podiatry or chiropody.

(f) Record of examination. -- The Board shall:

(1) Act on each examination promptly; and

(2) Record the results of each examination in the Board's minutes.

HISTORY: An. Code 1957, art. 43, §§ 482, 483, 487; 1981, ch. 8, § 2; 1990, ch. 6, § 11; 1992, ch. 433.

§ 16-305. Issuance and contents of license

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

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

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

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

(c) (1) On receipt of the criminal history record information of an applicant for licensure forwarded to the Board in accordance with § 16–302.1 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 nature of the crime;
(iii) The circumstances surrounding the crime;
(iv) The length of time that has passed since the crime;
(v) Subsequent work history;
(vi) Employment and character references; and
(vii) 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 § 16–302.1 of this subtitle has not been received.

HISTORY: An. Code 1957, art. 43, §§ 483, 484; 1981, ch. 8, § 2; ch. 190; 1990, ch. 6, § 11; 2003, ch. 134.

§ 16-306. Scope of license

A license authorizes the licensee to practice podiatry while the license is effective.

HISTORY: 1981, ch. 8, § 2; 1990, ch. 6, § 11; 2003, ch. 134.

§ 16-307. Term and renewal of license

(a) Except as provided for a limited license in § 16-317 of this subtitle, a license expires on the date set by the Board, unless the license is renewed for an additional term as provided in this section. A license may not be renewed for a term longer than 2 years.

(b) At least 1 month before a license expires, the Board shall send to the licensee, by electronic means or first–class mail to the last known electronic or physical address of the licensee, a renewal notice that states:

(1) The date on which the current license expires;

(2) 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

(3) The amount of the renewal fee.

(c) Before the license expires, a 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 any continuing education requirements set under this subtitle for license renewal.

(d) The Board may establish continuing education requirements as a condition to the renewal of licenses under this section.

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

(f) (1) A podiatrist has a grace period of 30 days after the podiatrist's license expires in which to renew the license retroactively, if the podiatrist:

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

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

(2) After the grace period of 30 days:

(i) The expired license lapses into a nonrenewal status; and

(ii) The Board may require the licensee to meet the requirements of § 16-308 to be reinstated.

HISTORY: An. Code 1957, art. 43, §§ 493, 493A; 1981, ch. 8, § 2; 1982, ch. 858; 1986, ch. 202; 1989, ch. 562; 1990, ch. 6, § 11; 2003, ch. 134; 2004, ch. 25; 2005, ch. 25, § 13; 2013, ch. 404.

§ 16-308. Inactive status; reinstatement of expired licenses

(a) Term of license. --

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

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

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

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

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

(ii) A reinstatement fee set by the Board;

(iii) A licensure affidavit;

(iv) Federation of boards certification of good standing;

(v) The response to an inquiry to the national Healthcare Integrity and Protection Data Bank;

(vi) History of malpractice cases;

(vii) Proof of out-of-state practice preceding the request for reinstatement that is sufficient to demonstrate current clinical proficiency, as specified in regulations adopted by the Board; and

(viii) Proof of passing the Ethics-Jurisprudence Examination as administered by the Board within the last licensing cycle preceding the individual's reinstatement application.

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

(b) Reinstatement of expired license -- In general. -- The Board shall reinstate the license of a podiatrist who has been on inactive status and who has failed to renew the license for 1 licensing cycle or a 2-year period, whichever is longer, for any reason, if the podiatrist:

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

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

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

HISTORY: An. Code 1957, art. 43, § 493; 1981, ch. 8, § 2; 1982, ch. 858; 1985, ch. 256; 1990, ch. 6, § 11; 2003, ch. 134; 2004, ch. 25.

§ 16-309. Change of address

(a) In general. -- Each licensee shall notify the Board of any change of address within 30 days of the change of address.

(b) Fee for failure to notify. -- The Board shall assess a fee against any licensee who fails to notify the Board of a change of address as required by subsection (a) of this section.

HISTORY: An. Code 1957, art. 43, § 493; 1981, ch. 8, § 2; 1990, ch. 6, § 11; 2003, ch. 134.

§ 16-310. Surrender of license

(a) In general. -- Unless the Board agrees to accept the surrender of a license, a licensed podiatrist or holder of a limited 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.

HISTORY: 1985, ch. 256; 1990, ch. 6, § 11; 2003, ch. 134.

§ 16-311. Denials, reprimands, probations, suspensions, and revocations -- Grounds

(a) Subject to the hearing provisions of § 16–313 of this subtitle, the Board, on the affirmative vote of a majority of its members then serving, may deny a license or a limited license to any applicant, reprimand any licensee or holder of a limited license, impose an administrative monetary penalty not exceeding $50,000 on any licensee or holder of a limited license, place any licensee or holder of a limited license on probation, or suspend or revoke a license or a limited license if the applicant, licensee, or holder:

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

(2) Fraudulently or deceptively uses a license;

(3) 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;

(4) Abandons a patient;

(5) 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;

(6) Has a condition, illness, or disease that may impair the ability of the individual to perform podiatric services;

(7) Personally uses a controlled dangerous substance in violation of the law;

(8) Prescribes or distributes a controlled dangerous substance to any other person in violation of the law;

(9) Promotes the sale to a patient of drugs, devices, appliances, or goods in a manner that exploits the patient for financial gain;

(10) Willfully makes or files a false report or record of podiatric services rendered;

(11) 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;

(12) Submits a false statement to collect a fee;

(13) Fails to provide the details of the medical records of a patient to a licensed health care practitioner or institution or an authorized insurance carrier on proper request;

(14) Pays or agrees to pay any sum to any person for bringing or referring a patient;

(15) Practices podiatry with an unauthorized person or aids an unauthorized person in the practice of podiatry;

(16) Grossly overutilizes health care services;

(17) Behaves fraudulently, immorally, or unprofessionally in the practice of podiatry;

(18) Is professionally or mentally incompetent;

(19) Violates any provision of this title;

(20) Advertises in a false or misleading manner;

(21) Has been 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 the United States Veterans Administration for an act that would be grounds for disciplinary action under this section;

(22) Violates any rules or regulations adopted by the Board;

(23) Fails to comply with the provisions of § 12–102 of this article;

(24) Refuses, withholds from, denies, or discriminates against an individual with regard to the provision of professional services for which the licensee is licensed and qualified to render because the individual is HIV positive;

(25) Except in an emergency life–threatening situation where it is not feasible or practicable, fails to comply with the Centers for Disease Control and Prevention's guidelines on universal precautions;

(26) Fails to display the notice required under § 16–404 of this title;

(27) Fails to cooperate with a lawful investigation conducted by the Board; or

(28) Fails to submit to a criminal history records check in accordance with § 16–302.1 of this subtitle.

(b) Subject to the hearing provisions of § 16-313 of this subtitle, the Board, on the affirmative vote of a majority of its members then serving, may revoke the license of a podiatrist who practices podiatry while the podiatrist's license is suspended.

(c) On an affirmative vote of the majority of its members then serving, the Board may issue advisory opinions when:

(1) The Board determines that the licensee should modify or eliminate certain practices and that continuation of the practices may result in an action against the licensee's license; or

(2) The Board determines that there is not sufficient evidence to reprimand the licensee, place the licensee on probation, or suspend or revoke the license of the licensee.

(d) The Board may impose a monetary penalty under this section alone or in addition to a reprimand, probation, suspension, or revocation.

(e) By regulation, the Board shall establish standards for the imposition of penalties under this section.

HISTORY: An. Code 1957, art. 43, §§ 488, 490; 1981, ch. 8, § 2; chs. 189, 377; 1982, ch. 158; 1983, ch. 390; 1984, ch. 772; 1986, ch. 244; 1989, ch. 608; ch. 789, § 2; 1990, ch. 6, § 11; 1992, ch. 154, § 1; 1993, ch. 88; 1999, ch. 114; 2002, ch. 213, § 6; 2003, ch. 134; 2009, ch. 60; 2010, ch. 72.

§ 16-312. Investigations

(a) In general. -- The Board may investigate any complaint filed with the Board that alleges that there are grounds for action under § 16-311 of this subtitle.

(b) Charges. -- After its investigation, the Board, on the affirmative vote of a majority of its members then serving, may commence action on any of the grounds set forth in § 16-311 of this subtitle.

(c) Disclosure of information regarding investigation, reports, and recommendations. --

(1) Except as provided in paragraph (2) of this subsection, until the Board passes an order under § 16-314 of this subtitle, each related investigation, report, and

recommendation is confidential.

(2) On the request of a person who has made a complaint to the Board, the Board shall provide the person with information on the status of the complaint.

HISTORY: An. Code 1957, art. 43, § 490; 1981, ch. 8, § 2; 1990, ch. 6, § 11; 1993, ch. 88; 2003, ch. 134.

§ 16-313. Hearings

(a) Right to hearing. -- Except as otherwise provided in the Administrative Procedure Act, before the Board takes any action under § 16-311 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) Subpoenas and oaths. -- Over the signature of an officer or the administrator 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.

(e) 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.

(f) Ex parte hearings. -- 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.

(g) Costs. -- If, after a hearing, an individual is found in violation of § 16-311 of this subtitle, the individual shall pay the costs of the hearing as specified in a regulation adopted by the Board.

HISTORY: An. Code 1957, art. 43, § 490; 1981, ch. 8, § 2; 1984, ch. 772; 1990, ch. 6, § 11; 1999, ch. 114; 2003, ch. 134.

§ 16-314. Action by Board; surrender of revoked or suspended license

(a) Action by Board. --

(1) If the Board finds that there are grounds for action under § 16-311 of this subtitle, the Board shall pass an order in accordance with the Administrative Procedure Act.

(2) If the Board dismisses all charges, the Board shall expunge all record of the charges 3 years after the charges are dismissed.

(3) If the Board issues an advisory opinion, the Board, at the request of the licensee, shall expunge all record of the matter 5 years after the determination is made.

(b) Surrender of suspended or revoked license. --

(1) If a license is revoked or suspended, the holder shall surrender it to the Board on demand.

(2) At the end of a suspension period, the Board shall return to the licensee any license surrendered under this section.

HISTORY: An. Code 1957, art. 43, § 490; 1981, ch. 8, § 2; 1990, ch. 6, § 11; 1993, ch. 88; 2003, ch. 134.

§ 16-315. Review

(a) Except as provided in this section for an action under § 16–311 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) Any person aggrieved by a final decision of the Board under § 16–311 of this subtitle may not appeal to the Secretary but may take a direct judicial appeal as provided in the Administrative Procedure Act.

HISTORY: An. Code 1957, art. 43, § 490; 1981, ch. 8, § 2; 1982, ch. 21, § 5; 1990, ch. 6, § 11; 1991, ch. 42; 2003, ch. 134; 2014, ch. 457.

§ 16-316. Reinstatement of suspended or revoked license

(a) In general. -- The Board may reinstate the license of any individual whose license has been suspended or revoked under this title only in accordance with:

(1) The terms and conditions of the order of suspension or revocation;

(2) A final judgment in any proceeding for review; or

(3) Subsection (b) of this section.

(b) Exception. -- If the license was revoked under § 16-311(b) of this subtitle for practicing with a suspended license, it may be reinstated at the discretion of the Board.

HISTORY: An. Code 1957, art. 43, § 490; 1981, ch. 8, § 2; 1990, ch. 6, § 11; 2003, ch. 134.

§ 16-317. Limited license

(a) Authority to issue. -- The Board may issue a limited license for training to an applicant who:

(1) Meets all the requirements of this title for a license to practice podiatry, except the National Board of Podiatric Medical Examiners -- Part III examination;

(2) Has an appointment for postgraduate clinical training in podiatry or as a podiatric instructor in:

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

(ii) A program approved by the Council on Education of the American Podiatry Association;

(iii) A program approved by the Board; or

(iv) A program affiliated with the Council of Podiatric Medical Education;

(3) Submits an application to the Board on the form that the Board requires; and

(4) Pays to the Board the application fee set by the Board.

(b) Contents. -- The Board shall include on any limited license that the Board issues:

(1) The name of the health care facility or program to which the individual holds an appointment; and

(2) The expiration date of the limited license.

(c) Scope. -- A limited license temporarily authorizes the licensee to practice podiatry, while the license is effective, only on:

(1) Patients of the health care facility or program named on the license; or

(2) Patients of a health care facility or program that is:

(i) Affiliated for training purposes with the health care facility or program named on the limited license; and

(ii) Approved by the Board.

(d) Term. -- A limited license may be issued for a term of 1 year and may be renewed annually.

HISTORY: An. Code 1957, art. 43, § 488; 1981, ch. 8, § 2; 1990, ch. 6, § 11; 1993, ch. 88; 2003, ch. 134.

§ 16-318. Temporary license

(a) In general. -- The Board may issue a temporary license to a podiatrist licensed in another state to practice or teach podiatry in this State if:

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

(2) The licensed podiatrist pays a temporary license fee as determined by the Board.

(b) Scope. -- A temporary license temporarily authorizes the licensee to practice podiatry, while the license is effective, only on:

(1) Patients of the health care facility or program named on the license; or

(2) Patients of a health care facility or program that is:

(i) Affiliated for training purposes with the health care facility or program named on the temporary license; and

(ii) Approved by the Board.

(c) Term. -- A temporary license may be issued for a term of 3 months and may be renewed at the discretion of the Board.

HISTORY: 2003, ch. 134.

§ 16-319. Injunctive relief

(a) An action may be maintained in the name of the State or the Board to enjoin:

(1) The unauthorized practice of podiatry; or

(2) Conduct that is a ground for disciplinary action under § 16-311 of this subtitle.

(b) 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) An action under this section shall be brought in the county where the defendant:

(1) Resides; or

(2) Engages in the act sought to be enjoined.

(d) 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) An action under this section is in addition to and not instead of criminal prosecution for the unauthorized practice of podiatry under § 16-501 of this title.

HISTORY: 1999, ch. 114; 2003, ch. 134.

§ 16-319.1. Cease and desist orders; injunctive relief.

The Board may issue a cease and desist order or obtain injunctive relief for a violation of § 16-501 of this title.

HISTORY: 2014, ch. 56.

§ 16-320. Investigation and examination

(a) Board may direct examination. -- While investigating an allegation against a licensee under this title, the Board may require the licensee to submit to an appropriate examination by a health care provider designated by the Board if the Board has reason to believe that the licensee may cause harm to a person.

(b) Consent and waiver. -- In return for the privilege given to a licensee to practice podiatry in the State, the licensee is deemed to have:

(1) Consented to submit to an examination under this section, if requested by the Board in writing; and

(2) Waived any claim of privilege as to the testimony or report of a health care provider who examines the licensee.

(c) Failure or refusal to submit. -- The failure or refusal of the licensee to submit to an examination required under this section is prima facie evidence of the licensee's inability to practice podiatry competently, unless the Board finds that the failure or refusal was beyond the control of the licensee.

(d) Costs. -- The Board shall pay the cost of any examination made under this section.

HISTORY: 1999, ch. 114.

SUBTITLE 4. MISCELLANEOUS PROVISIONS

§ 16-401. Titles

A licensed podiatrist may not append to the name of the licensee or use as a title any word or abbreviation that suggests that the licensee is licensed to practice medicine rather than podiatry.

HISTORY: An. Code 1957, art. 43, § 481; 1981, ch. 8, § 2; 1990, ch. 6, § 11.

§ 16-402. Practice under name shown on license only; exceptions

(a) In general. -- Except as otherwise provided in this section, a podiatrist may practice only under the name on the license of the podiatrist.

(b) Group practice not prohibited. -- This section does not prohibit a podiatrist from practicing in a professional association, limited liability company, or in any other group practice otherwise allowed by law.

(c) Trade names. -- This section does not prohibit a podiatrist from advertising under a trade name in connection with the practice of podiatry if:

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

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

(i) The name of the licensed podiatrist; or

(ii) The name of the licensed podiatrist and the name of the business entity under which podiatric services are provided;

(3) The name of the licensed podiatrist who provides podiatric services appears on:

(i) The billing invoices; and

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

(4) Treatment records are maintained and clearly identify the licensed podiatrist who performed the podiatric treatment or service for any patient.

HISTORY: An. Code 1957, art. 43, § 481; 1981, ch. 8, § 2; 1983, ch. 598; 1990, ch. 6, § 11; 1993, ch. 459, § 2.

§ 16-403. Podiatrist rehabilitation committees

(a) "Podiatrist rehabilitation committee" defined. -- In this section, "podiatrist 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 (d) of this section.

(b) In general. -- For purposes of this section, a podiatrist rehabilitation committee is a committee of the Board or a committee of the Maryland Podiatry Association that:

(1) Is recognized by the Board; and

(2) Includes but is not limited to podiatrists.

(c) Scope of authority. -- A rehabilitation committee of the Board or recognized by the Board may function:

(1) Solely for the Board; or

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

(d) Duties. -- For purposes of this section, a podiatrist rehabilitation committee evaluates and provides assistance to any podiatrist, and any other individual regulated by the Board, in need of treatment and rehabilitation for alcoholism, drug abuse, chemical dependency, or other physical, emotional, or mental condition.

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

(1) Except as otherwise provided in this subsection, the proceedings, records, and files of the podiatrist 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 podiatrist rehabilitation committee.

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

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

(f) Good faith exemption from civil liability. -- A person who acts in good faith and

within the scope of jurisdiction of the podiatrist rehabilitation committee is not civilly liable for any action as a member of the podiatrist rehabilitation committee or for giving information to, participating in, or contributing to the function of the podiatrist rehabilitation committee.

HISTORY: 1990, ch. 6, § 11; ch. 661.

§ 16-404. Display of notice explaining Centers for Disease Control's guidelines on universal precautions

If a podiatrist is engaged in the private practice of podiatry in this State, the podiatrist shall display the notice developed under § 1-207 of this article conspicuously in each office where the podiatrist is engaged in practice.

HISTORY: 1992, ch. 154, § 1.

SUBTITLE 5. PROHIBITED ACTS; PENALTIES

§ 16-501. Practicing without license

Except as otherwise provided in this title, a person may not practice, attempt to practice, or offer to practice podiatry in this State unless licensed by the Board.

HISTORY: An. Code 1957, art. 43, §§ 481, 489; 1981, ch. 8, § 2; 1990, ch. 6, § 11; 2014, ch. 56.

§ 16-502. Misrepresentation as podiatrist

Unless authorized to practice podiatry under this title, a person may not represent to the public by title, by description of services, methods, or procedures, or otherwise, that the person is authorized to practice podiatry in this State.

HISTORY: An. Code 1957, art. 43, § 481; 1981, ch. 8, § 2; 1990, ch. 6, § 11.

§§ 16-503, 16-504.

Reserved.

§ 16-505. Penalties

(a) Any person who practices, attempts to practice, or offers to practice podiatry in this State without complying with the provisions of this title is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $5,000 or imprisonment not exceeding 90 days.

(b) Any person who violates § 16–501 of this subtitle is subject to a civil fine of not more than $50,000 to be assessed by the Board in accordance with regulations adopted by the Board.

HISTORY: An. Code 1957, art. 43, § 489; 1981, ch. 8, § 2; 1990, ch. 6, § 11; 1993, ch. 88; 2003, ch. 134; 2014, ch. 56.

SUBTITLE 6. SHORT TITLE; TERMINATION OF TITLE

§ 16-601. Short title

This title may be cited as the "Maryland Podiatry Act".

HISTORY: 1981, ch. 8, § 2; 1990, ch. 6, § 11.

§ 16-602. 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.

HISTORY: An. Code 1957, art. 43, § 494A; 1981, ch. 8, § 2; ch. 170; 1982, ch. 519, § 3; 1990, ch. 6, § 11; 1991, ch. 186; 2000, ch. 143; 2011, ch. 419.