

Department of Legislative Services
Maryland General Assembly
2014 Session

FISCAL AND POLICY NOTE

House Bill 302 (Delegate Reznik)
Health and Government Operations

State Board of Podiatric Medical Examiners - Cease and Desist Orders and Fines

This bill authorizes the State Board of Podiatric Medical Examiners to issue a cease and desist order or obtain injunctive relief for a violation of the prohibition against practicing, attempting to practice, or offering to practice podiatry without a license. The bill also specifies that any civil fines levied by the board on a person guilty of practicing podiatry without a license must be (1) in accordance with board regulations and (2) paid into the State Board of Podiatric Medical Examiners Fund.

Fiscal Summary

State Effect: Potential significant increase in special fund revenues for the board due payment of civil fines to the State Board of Podiatric Medical Examiners Fund rather than the general fund. Actual revenues depend on the number of violations and the actual civil fines imposed. Any increase in the board's workload can be handled with existing resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: A person may not practice, attempt to practice, or offer to practice podiatry in the State unless licensed by the board. A violator is guilty of a misdemeanor and subject to a fine of up to \$5,000 or imprisonment for up to 90 days, or both. Any person who practices without a license is also subject to a civil fine of up to \$50,000. Fines are levied by the board and accrue to the general fund.

Background: Three health occupations boards (nursing, nursing home administrators, and physicians) are authorized to issue cease and desist orders.

Five health occupations boards (pharmacy, physical therapy, physicians, podiatry, and psychologists) are authorized to assess a civil fine of up to \$50,000 for practicing without a license. In all instances *other than podiatry*, such fines are payable to each board's respective special fund.

Additional Information: In response to ongoing challenges among the health occupations boards in addressing unlicensed practitioners, several bills have been introduced in the 2014 legislative session that authorize various boards to issue cease and desist orders, seek injunctive relief, and/or impose fines or penalties:

- **SB 379/HB 304** – State Acupuncture Board and State Board of Dietetic Practice – Action and Penalties for Violations of Practice Acts;
- **SB 448/HB 112** – State Board of Professional Counselors and Therapists – Cease and Desist Orders and Penalties for Misrepresentation and Practicing Without a License;
- **SB 453/HB 403** – State Board of Audiologists, Hearing Aid Dispensers, and Speech-Language Pathologists – Cease and Desist Orders and Injunctive Relief; and
- **SB 587/HB 791** – State Board of Examiners in Optometry – Cease and Desist Orders, Injunctive Relief, and Penalties.

Additional Information

Prior Introductions: None.

Cross File: SB 380 (Senator Conway) - Education, Health, and Environmental Affairs.

Information Source(s): Department of Health and Mental Hygiene, Department of Legislative Services

Fiscal Note History: First Reader - February 3, 2014
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