

CF 7r2257

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**By: Delegates Vallario, Grosfeld, Dembrow, and Genn**

Introduced and read first time: January 29, 1997

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Health Occupations - Penalties**

3 FOR the purpose of altering the penalties for certain violations of certain provisions  
4 relating to the practice of acupuncturists, audiologists, hearing aid dispensers and  
5 speech-language pathologists, chiropractors, dentists and dental hygienists,  
6 electrologists, nurses, optometrists, pharmacists, physical therapists, physicians,  
7 podiatrists, and psychologists; and generally relating to penalties for violations of  
8 certain health occupation provisions.

9 BY repealing and reenacting, with amendments,  
10 Article - Health Occupations  
11 Section 1A-403, 2-408, 3-506, 4-606, 6-606, 8-710, 11-505, 12-707, 13-407, 14-607,  
12 16-505, and 18-404  
13 Annotated Code of Maryland  
14 (1994 Replacement Volume and 1996 Supplement)

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

17 **Article - Health Occupations**

18 1A-403.

19 A person who violates any provision of this subtitle is guilty of a [ misdemeanor]  
20 FELONY and on conviction is subject to a fine not exceeding [ \$1,000] \$5,000 or  
21 imprisonment not exceeding [1 year] 3 YEARS or both.

22 2-408.

23 A person who violates any provision of this title is guilty of a misdemeanor and on  
24 conviction is subject to a fine not exceeding \$500 or imprisonment not exceeding [90  
25 days] 1 YEAR or both.

26 3-506.

27 (a) A person who practices or attempts to practice chiropractic without a license  
28 in violation of § 3-501 of this subtitle or represents to the public in violation of § 3-502 of  
29 this subtitle that the person is authorized to practice chiropractic is guilty of a  
30 [misdemeanor] FELONY and on conviction is subject to[:

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1 (1) For a first offense, a fine not exceeding \$2,000 or imprisonment not  
2 exceeding 6 months; or

3 (2) For a subsequent offense, a fine not exceeding \$6,000 or imprisonment  
4 not exceeding 1 year] A FINE NOT EXCEEDING \$5,000 OR IMPRISONMENT NOT  
5 EXCEEDING 3 YEARS OR BOTH.

6 (b) A person who is convicted under the provisions of this section shall reimburse  
7 the Board for the direct costs of the Board, including court reporting services and expert  
8 witness fees, incurred as a result of a prosecution under this section.

9 4-606.

10 (a) A person who practices or attempts to practice dentistry without a license in  
11 violation of § 4-601(a) of this subtitle or represents to the public in violation of § 4-602  
12 of this subtitle that the person is authorized to practice dentistry is guilty of a  
13 [misdemeanor] FELONY and on conviction is subject to[:

14 (1) For a first offense, a fine not exceeding \$2,000 or imprisonment in jail  
15 not exceeding 6 months; or

16 (2) For a subsequent offense, a fine not exceeding \$6,000 or imprisonment  
17 in the State penitentiary not exceeding 1 year] A FINE NOT EXCEEDING \$5,000 OR  
18 IMPRISONMENT NOT EXCEEDING 3 YEARS OR BOTH.

19 (b) A person who practices or attempts to practice dental hygiene without a  
20 license in violation of § 4-601(a) of this subtitle, aids or abets unauthorized practice of  
21 dental hygiene in violation of § 4-601(b) of this subtitle, or represents to the public in  
22 violation of § 4-602 of this subtitle that the person is authorized to practice dental  
23 hygiene is guilty of a [misdemeanor] FELONY and on conviction is subject to a fine not  
24 exceeding \$1,000 OR IMPRISONMENT NOT EXCEEDING 3 YEARS OR BOTH.

25 (c) A person who violates any provision of Subtitle 4 of this title, which relates to  
26 dental laboratory work, or who advertises a dental appliance in violation of § 4-503(c) of  
27 this title is guilty of a misdemeanor and on conviction is subject to a fine not exceeding  
28 \$2,000 or imprisonment in jail not exceeding 6 months.

29 6-606.

30 A person who violates any provision of this subtitle is guilty of a misdemeanor and  
31 on conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding [6  
32 months] 1 YEAR or both.

33 8-710.

34 (a) Except for a violation of [§ 8-707] §§ 8-701 AND 8-707 of this subtitle, a  
35 person who violates any provision of this subtitle is guilty of a misdemeanor and on  
36 conviction is subject to a fine not exceeding \$5,000 or imprisonment not exceeding 1 year  
37 or both.

38 (b) A person who violates any provision of § 8-707 of this subtitle is guilty of a  
39 [misdemeanor] FELONY and on conviction is subject:

40 (1) For a first offense, to a fine not exceeding \$100; and

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1 (2) For any subsequent violation of the same provision, to a fine not  
2 exceeding \$500 or imprisonment not exceeding 6 months or both.

3 (C) A PERSON WHO VIOLATES ANY PROVISION OF § 8-701 OF THIS SUBTITLE IS  
4 GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING  
5 \$5,000 OR IMPRISONMENT NOT EXCEEDING 3 YEARS OR BOTH.

6 11-505.

7 A person who violates any provision of this title is guilty of a misdemeanor and on  
8 conviction is subject to a fine not exceeding \$500 or imprisonment not exceeding[ 6  
9 months] 1 YEAR or both.

10 12-707.

11 (a) A person who violates any provision of the following subtitles or sections of  
12 this title is guilty of a misdemeanor and on conviction is subject to a fine not exceeding  
13 \$100:

14 (1) § 12-311 ("Display of licenses");

15 (2) Subtitle 4 ("Pharmacy permits");

16 (3) § 12-501 ("Supervision by licensed pharmacist");

17 (4) § 12-502(b) ("Pharmaceutical information");

18 (5) § 12-503 ("Required equipment and sanitary appliances; cleanliness of  
19 premises");

20 (6) § 12-504 ("Required publications");

21 (7) § 12-505 ("Required records");

22 (8) § 12-506 ("Storage of drugs, medicines, and devices");

23 (9) § 12-509 ("Labeling requirements for prescription medicines");

24 (10) § 12-510 ("Inspection of pharmacies"); and

25 (11) § 12-604 ("General power to inspect drugs, medicines, and other  
26 products").

27 (b) A person who violates any provision of the following sections of this title is  
28 guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or  
29 imprisonment not exceeding 1 year or both:

30 (1) § 12-601 ("Manufacturing and packaging");

31 (2) § 12-602 ("Distribution permits");

32 (3) [§ 12-701 ("Practicing pharmacy without license");

33 (4)] § 12-702 ("License obtained by false representation");

34 [(5)] (4) § 12-703 ("Operating a pharmacy without permit"); and

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1 [(6)] (5) § 12-704 ("Misrepresentations").

2 (c) ANY PERSON WHO VIOLATES § 12-701 ("PRACTICING PHARMACY WITHOUT  
3 A LICENSE") IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO A FINE  
4 NOT EXCEEDING \$5,000 AND IMPRISONMENT NOT EXCEEDING 5 YEARS OR BOTH.

5 (D) Each day that a violation of any section of Subtitle 4 of this title continues  
6 constitutes a separate offense.

7 [(d)] (E) Within 10 days after a court renders the conviction, the court shall  
8 report to the Board each conviction of a pharmacist for:

9 (1) Any crime respecting the pharmacy or drug laws that involves  
10 professional misconduct; or

11 (2) Any crime that involves the State law regarding controlled dangerous  
12 substances or the federal narcotic laws.

13 13-407.

14 A person who violates any provision of this title is guilty of a misdemeanor and on  
15 conviction is subject to a fine not exceeding \$1,000 OR IMPRISONMENT NOT EXCEEDING  
16 1 YEAR OR BOTH.

17 14-607.

18 (a) (1) A person who violates any provision of this subtitle is guilty of a  
19 [misdemeanor] FELONY and on conviction is subject to a fine not exceeding \$5,000 or  
20 imprisonment not exceeding 5 years or both.

21 (2) A person who violates any provision of § 14-503 of this title is guilty of  
22 a misdemeanor and on conviction is subject to a fine not exceeding \$500.

23 (3) Any person who is required to give notice under § 14-508 ("reporting  
24 burn treatment") of this title, and who fails to give the required notice, is liable for a civil  
25 penalty of not more than \$100.

26 (4) Any person who violates § 14-601 of this subtitle is subject to a civil fine  
27 OR ASSESSMENT of not more than \$50,000 to be levied by the Board.

28 (b) The Board shall pay any penalty collected under this section into the Board of  
29 Physician Quality Assurance Fund.

30 16-505.

31 (a) Any person who practices, attempts to practice, or offers to practice podiatry  
32 in this State without complying with the provisions of this title, WITH THE EXCEPTION OF  
33 § 16-501, is guilty of a misdemeanor and on conviction is subject to a fine not exceeding  
34 \$200 or imprisonment not exceeding 90 days.

35 (b) Any person who violates § 16-501 of this subtitle is:

36 (1) GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO A FINE  
37 NOT EXCEEDING \$5,000 OR IMPRISONMENT NOT EXCEEDING 5 YEARS OR BOTH; AND

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1 (2) [subject] SUBJECT to a civil fine of not more than \$5,000 to be levied by  
2 the Board.

3 18-404.

4 A person who violates any provision of this subtitle is guilty of a [ misdemeanor]  
5 FELONY and on conviction is subject to a fine not exceeding \$500 or imprisonment in jail  
6 not exceeding [6 months] 1 YEAR or both.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
8 October 1, 1997.