

Department of Legislative Services
 Maryland General Assembly
 2009 Session

FISCAL AND POLICY NOTE

House Bill 1469 (Chair, Health and Government Operations
 Committee)(By Request - Departmental - Health and
 Mental Hygiene)
 Health and Government Operations Education, Health, and Environmental Affairs

State Board of Nursing - Discipline - Hearing Committee

This emergency departmental bill establishes a hearing committee within the Board of Nursing consisting of three or more board members. When delegated authority to conduct a hearing, the committee must hold a full evidentiary hearing and report its findings, conclusions, and recommended decisions back to the board within 90 days of the hearing’s conclusion. The bill authorizes both parties to file exceptions to the committee’s proposed decision within specified timeframes.

Fiscal Summary

State Effect: Special fund expenditures increase by \$84,600 in FY 2010 to hire legal staff to assist the hearing committee in holding additional monthly evidentiary hearings. Future years reflect inflation. No effect on revenues.

(in dollars)	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Revenues	\$0	\$0	\$0	\$0	\$0
SF Expenditure	84,600	77,300	80,800	84,600	88,600
Net Effect	(\$84,600)	(\$77,300)	(\$80,800)	(\$84,600)	(\$88,600)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: None.

Small Business Effect: The Department of Health and Mental Hygiene has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment.

Analysis

Current Law: The board consists of 12 members and meets at the request of the Secretary of Health and Mental Hygiene or if necessary to transact its business.

With certain exceptions, the board must give the person against whom a disciplinary action is being considered an opportunity for a hearing before the board. The person may be represented at the hearing by counsel. The board may request the Office of the Attorney General to participate in any hearing as counsel for the board. Upon that request, the counsel may submit evidence and question witnesses on behalf of the board.

Background: The board meets monthly and advises that half of the monthly meeting is usually devoted to disciplinary matters that include investigative reports, evidentiary hearings, or hearings for summary suspension. It does not have enough time to schedule more disciplinary hearings at regular board meetings. Further, the number of requests for evidentiary hearings is increasing. The board advises that, under the bill, a small committee of three or more members holding additional evidentiary hearings will expedite the backlog of cases held by the board. The board has not traditionally referred cases to the Office of Administrative Hearings. Two assistant Attorneys General are typically present at all evidentiary hearings held by the board.

State Fiscal Effect: Special fund expenditures increase by \$84,571 in fiscal 2010 to hire two half-time assistant Attorneys General (one full-time equivalent (FTE)) to assist the hearing committee in holding additional monthly evidentiary hearings. Although the bill is an emergency bill, this estimate reflects the hiring of the additional staff at the beginning of fiscal 2010, since it is unlikely that the board will be able to complete the hiring process in fiscal 2009. Legislative Services advises that existing assistant Attorneys General can assist the two additional assistant Attorneys General in preparing materials for the hearings. The estimate includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses.

FTE Positions	1
Salaries and Fringe Benefits	\$71,271
Operating Expenses	4,710
Start-up Costs	<u>8,590</u>
Total FY 2010 Operating Expenses	\$84,571

Future year expenditures reflect half-time salaries with 4.4% annual increases, 3% employee turnover, and 1% increases in ongoing operating expenses.

Legislative Services advises that the estimate is based on the committee holding at least one additional evidentiary hearing each month.

Additional Information

Prior Introductions: None.

Cross File: None.

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

Fiscal Note History: First Reader - March 24, 2009
ncs/mcr

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: State Board of Nursing – Discipline – Hearing Committee

BILL NUMBER: HB 1469

PREPARED BY: Department of Health and Mental Hygiene

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

 X WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND
SMALL BUSINESS

OR

 WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND
SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS

The proposed legislation will have no impact on small business in Maryland.