

Chapter 404

(House Bill 1115)

AN ACT concerning

Health Occupations Boards – License Renewal, Investigation of Alleged Violations, and Immunity from Liability

FOR the purpose of authorizing certain health occupations boards within the Department of Health and Mental Hygiene to establish a certain electronic system for the purpose of distributing certain licenses, permits, certifications, or registrations; requiring the system to meet certain requirements; requiring certain boards to discontinue sending by first-class mail certain renewal notices and a renewed license, permit, certificate, or registration; requiring certain boards to send by electronic means certain renewal notices and a renewed license, permit, certification, or registration; requiring certain boards to continue to send by first-class mail ~~an initial license, permit, certification, or registration~~ certain renewal notices, licenses, permits, certifications, or registrations under certain circumstances; requiring certain health occupations boards to investigate certain violations of law; providing immunity from liability for certain persons who provide certain information to certain health occupations boards or participate in certain activities; authorizing certain health occupations boards to send a certain notice by electronic means or first-class mail; providing that certain individuals who act in good faith and within the scope of jurisdiction of certain boards are not civilly liable for providing certain information or for participating in certain activities; defining certain terms; altering certain definitions; making certain conforming and stylistic changes; and generally relating to the health occupations boards and license renewal, investigation of alleged violations, and immunity from liability.

BY adding to

Article – Health Occupations
Section 1–220, 1A–207, 5–207, 17–207, and 20–208
Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,

Article – Health Occupations
Section 1A–205, 1A–306(b), 2–308(b), 3–308(b), 3–5A–10(b), 4–309, 4–505, 5–205, 5–308(b), 7–314(b), 9–311(b), 10–205, 10–311(b), 11–205, 11–308(b), 13–206, 16–307(b), 17–504(b), 19–205, and 20–310(b)
Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, without amendments,

Article – Health Occupations

Section 1A–306(a), 2–308(a), 3–308(a), 3–5A–10(a), 5–308(a), 7–314(a),
9–311(a), 10–311(a), 11–308(a), 16–307(a), 17–504(a), and 20–310(a)

Annotated Code of Maryland

(2009 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,

Article – Courts and Judicial Proceedings

Section 5–702, 5–703, 5–706, 5–707, and 5–719

Annotated Code of Maryland

(2006 Replacement Volume and 2012 Supplement)

BY adding to

Article – Courts and Judicial Proceedings

Section 5–722 through 5–724

Annotated Code of Maryland

(2006 Replacement Volume and 2012 Supplement)

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

Article – Health Occupations

1–220.

(A) EACH HEALTH OCCUPATION BOARD MAY DEVELOP A SECURE ELECTRONIC SYSTEM FOR THE DISTRIBUTION OF A RENEWED LICENSE, PERMIT, CERTIFICATION, OR REGISTRATION REQUIRED TO BE ISSUED UNDER THIS TITLE.

(B) THE SYSTEM SHALL:

(1) BE ACCESSIBLE TO THE PUBLIC FOR THE PURPOSE OF VERIFICATION OF A CURRENT LICENSE, PERMIT, CERTIFICATION, OR REGISTRATION; AND

(2) PROVIDE THE LICENSEE, PERMIT HOLDER, CERTIFICATE HOLDER, OR REGISTRANT THE OPTION OF PRINTING A VERIFICATION OF THE STATUS OF THEIR LICENSE, PERMIT, CERTIFICATION, OR REGISTRATION.

(C) EXCEPT AS OTHERWISE PROVIDED BY LAW, A BOARD THAT DEVELOPS AND IMPLEMENTS A SYSTEM AUTHORIZED UNDER SUBSECTION (A) OF THIS SECTION SHALL:

(1) DISCONTINUE TO SEND BY FIRST-CLASS MAIL:

(I) A RENEWAL NOTICE FOR A LICENSE, PERMIT, CERTIFICATION, OR REGISTRATION; AND

(II) A RENEWED LICENSE, PERMIT, CERTIFICATION, OR REGISTRATION;

(2) SEND BY ELECTRONIC MEANS:

(I) A RENEWAL NOTICE FOR A LICENSE, PERMIT, CERTIFICATION, OR REGISTRATION; AND

(II) A RENEWED LICENSE, PERMIT, CERTIFICATION, OR REGISTRATION; AND

(3) CONTINUE TO SEND BY FIRST-CLASS MAIL AN INITIAL LICENSE, PERMIT, CERTIFICATION, OR REGISTRATION.

(D) IF A BOARD CHOOSES TO SEND RENEWAL NOTICES OR RENEWED LICENSES, PERMITS, CERTIFICATIONS, OR REGISTRATIONS EXCLUSIVELY BY ELECTRONIC MAIL UNDER SUBSECTION (C) OF THIS SECTION, THE BOARD SHALL, ON REQUEST OF THE LICENSEE, PERMIT HOLDER, CERTIFICATE HOLDER, OR REGISTRANT, SEND BY FIRST-CLASS MAIL:

(1) THE RENEWAL NOTICE; OR

(2) THE RENEWED LICENSE, PERMIT, CERTIFICATION, OR REGISTRATION.

1A-205.

(a) In addition to the powers set forth elsewhere in this title, the Board may adopt:

(1) Regulations to carry out the provisions of this title; and

(2) A code of ethics for licensees.

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

(1) Records and minutes necessary for the orderly conduct of business;

and

- (2) A list of each currently licensed acupuncturist.

(C) IN ADDITION TO THE DUTIES SET FORTH ELSEWHERE IN THIS TITLE, THE BOARD SHALL INVESTIGATE ANY ALLEGED VIOLATION OF THIS TITLE.

1A-207.

A PERSON SHALL HAVE IMMUNITY FROM THE LIABILITY DESCRIBED UNDER § 5-724 OF THE COURTS ARTICLE FOR GIVING INFORMATION TO THE BOARD OR OTHERWISE PARTICIPATING IN ITS ACTIVITIES.

1A-306.

(a) (1) The Board shall provide for the term and renewal of licenses under this section.

- (2) The term of a license may not be more than 3 years.

(3) A license expires at the end of its term, unless the license is renewed for a term as provided by the Board.

(b) At least 1 month before the 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.

2-308.

(a) Except as provided for a limited license in §§ 2-310 through 2-310.3 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.

(b) At least 2 months before the license expires, the Board shall contact the licensee **BY ELECTRONIC MEANS OR FIRST-CLASS MAIL** at the last known **ELECTRONIC OR PHYSICAL** address provided by the licensee and advise the licensee of:

- (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.

3-308.

(a) 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 of longer than 2 years.

(b) At least 1 month before a license expires, the Board shall send to each licensee, by **ELECTRONIC MEANS OR** first-class mail to the last known **ELECTRONIC OR PHYSICAL** address of the licensee, a renewal form and a renewal notice that states:

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

(2) That the renewal application and fee must be received by the Board on or before the license expiration date; and

(3) The amount of the renewal fee.

3-5A-10.

(a) (1) A license or registration expires on the date set by the Board, unless the license or registration is renewed for a 1-year term as provided in this section.

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

(b) At least 1 month before the license or registration expires, the Board shall send to the licensee or registration holder, by **ELECTRONIC MEANS OR** first-class mail to the last known **ELECTRONIC OR PHYSICAL** address of the licensee or registration holder, a renewal notice that states:

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

(3) The amount of the renewal fee.

4-309.

(a) (1) Except as otherwise provided in this subsection, 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.

(2) Except as provided in § 4–303.1 of this subtitle, a limited license to practice dentistry expires on the first anniversary of its effective date.

(3) A teacher’s license to practice dentistry or a teacher’s license to practice dental hygiene expires on the earlier of:

(i) The date set by the Board, unless the license is renewed for an additional term as provided in this section; or

(ii) The date when the licensee ceases to be a full–time or part–time faculty member at the institution named on the license.

(b) If a teacher’s license to practice dentistry expires because the licensee no longer is a full–time or part–time faculty member at the institution named on the license, the licensee shall surrender the license to the Board secretary within 30 days.

(C) 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.

4–505.

(a) The Board of Dental Examiners shall:

(1) Define, for the purpose of this section, the terms “dental radiation technologist” and “practice dental radiation technology”;

(2) Adopt rules and regulations concerning qualifications, training, certification, monitoring of, and enforcement requirements for a dental radiation technologist; and

(3) Provide for a requirement to ensure competency in new safety and technological advances.

(b) The qualifications required of applicants for Board certification as a dental radiation technologist shall include requirements established by:

(1) The American Dental Association; or

(2) Any applicable federal standards for training and certification.

(c) After July 1, 1988, an individual must be certified by the Board as a dental radiation technologist before a licensed dentist may employ the individual to practice dental radiation technology.

(d) After July 1, 1988, an individual may not practice dental radiation technology unless certified by the Board.

(E) AT LEAST 1 MONTH BEFORE A CERTIFICATE EXPIRES, THE BOARD SHALL SEND TO EACH CERTIFICATE HOLDER, BY ELECTRONIC MEANS OR FIRST-CLASS MAIL TO THE LAST KNOWN ELECTRONIC OR PHYSICAL ADDRESS OF THE CERTIFICATE HOLDER, A RENEWAL NOTICE THAT STATES:

(1) THE DATE ON WHICH THE CURRENT CERTIFICATE 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 CERTIFICATE EXPIRES; AND

(3) THE AMOUNT OF THE RENEWAL FEE.

5-205.

(a) In addition to the powers set forth elsewhere in this subtitle, the Board may:

(1) Adopt regulations to carry out the provisions of this subtitle;

(2) Sue to enforce any provision of this subtitle by injunction; and

(3) Issue subpoenas, summon witnesses, administer oaths, take affidavits, and take testimony about matters that relate to the jurisdiction of the Board.

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

- (1) Keep a list of all dietitian–nutritionists who are currently licensed;
- (2) Keep a record of its proceedings; [and]
- (3) Submit an annual report of its transactions for the previous fiscal year to the Governor by September 30 of each year; **AND**
- (4) **INVESTIGATE AN ALLEGED VIOLATION OF THIS TITLE.**

5–207.

A PERSON SHALL HAVE IMMUNITY FROM THE LIABILITY DESCRIBED UNDER § 5–719 OF THE COURTS ARTICLE FOR GIVING INFORMATION TO THE BOARD OR OTHERWISE PARTICIPATING IN ITS ACTIVITIES.

5–308.

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

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

(b) At least 1 month before the 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 Board must receive the renewal application for the renewal to be issued and mailed before the license expires; and

(3) The amount of the renewal fee.

7–314.

(a) A license issued under this title 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.

9–311.

(a) A license expires on the second anniversary of its effective date, unless the license is renewed for a 2–year term as provided in this section.

(b) At least 1 month before the 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.

10–205.

(a) In addition to the powers set forth elsewhere in this title, the Board may adopt:

(1) Rules and regulations to carry out the provisions of this title;

(2) A code of ethics for licensees; and

(3) In consultation with the State Board of Physical Therapy Examiners and the Board of Chiropractic Examiners, regulations that recognize occupational therapists and occupational therapy assistants who have acquired advanced practice skills.

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

(1) [Records] **KEEP RECORDS** and minutes necessary for the orderly conduct of business; [and]

(2) [A] **KEEP A** list of each currently licensed occupational therapist and occupational therapy assistant; **AND**

(3) **INVESTIGATE AN ALLEGED VIOLATION OF THIS TITLE.**

10-311.

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

(b) At least 1 month before the 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.

11-205.

(a) In addition to the powers set forth elsewhere in this title, the Board has the following powers:

(1) Each member of the Board may administer oaths and take affidavits for any matter under the jurisdiction of the Board; and

(2) The Board may adopt rules and regulations to carry out the provisions of this title.

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

(1) Keep a current list showing all:

(i) Licensed optometrists;

(ii) Optometrists who are on inactive status;

(iii) Diagnostically certified optometrists;

(iv) Therapeutically certified optometrists; and

(v) Optometrists against whom action has been taken under § 11-313 of this title;

(2) Keep a full record of its proceedings; [and]

(3) Adopt an official seal; **AND**

(4) INVESTIGATE AN ALLEGED VIOLATION OF THIS TITLE.

11-308.

(a) 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.

13-206.

(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) 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) 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; **[and]**

(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.

16-307.

(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.

17–207.

A PERSON SHALL HAVE IMMUNITY FROM THE LIABILITY DESCRIBED UNDER § 5–722 OF THE COURTS ARTICLE FOR GIVING INFORMATION TO THE BOARD OR OTHERWISE PARTICIPATING IN ITS ACTIVITIES.

17–504.

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

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

(b) At least 1 month before the license or certificate expires, the Board shall send to the licensee or certificate holder, by **ELECTRONIC MEANS OR** first-class mail to the last known **ELECTRONIC OR PHYSICAL** address of the licensee or certificate holder, a renewal notice that states:

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

(3) The amount of the renewal fee.

19–205.

In addition to the powers and duties set forth elsewhere in this title, the Board has the following powers and duties:

- (1) To adopt rules and regulations to carry out the provisions of this title;
- (2) To adopt a code of ethics;
- (3) To adopt an official seal;
- (4) To hold hearings and keep records and minutes necessary for the orderly conduct of business; [and]
- (5) To issue a list annually of all currently licensed social workers and all social workers disciplined by the Board in the past year in accordance with § 10-617(h) of the State Government Article; **AND**
- (6) TO INVESTIGATE AN ALLEGED VIOLATION OF THIS TITLE.**

20-208.

A PERSON SHALL HAVE IMMUNITY FROM THE LIABILITY DESCRIBED UNDER § ~~5-722~~ 5-723 OF THE COURTS ARTICLE FOR GIVING INFORMATION TO THE BOARD OR OTHERWISE PARTICIPATING IN ITS ACTIVITIES.

20-310.

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

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

(b) At least 1 month before the certificate expires, the Board shall send to the certified program administrator or certified residential child and youth care practitioner, by **ELECTRONIC MEANS OR** first-class mail to the last known **ELECTRONIC OR PHYSICAL** address of the certified program administrator or certified residential child and youth care practitioner, a renewal notice that states:

(1) The date on which the current certificate 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 certificate expires; and

(3) The amount of the renewal fee.

Article – Courts and Judicial Proceedings

5–702.

(a) In this section, “Board” means the State Board of Environmental [Sanitarian Registration] **HEALTH SPECIALISTS**.

(b) A person who acts in good faith and within the scope of the jurisdiction of the Board is not civilly liable for giving information to the Board or otherwise participating in its activities.

5–703.

(a) In this section, “Board” means the State Board of Examiners for Audiologists, **HEARING AID DISPENSERS, AND SPEECH–LANGUAGE PATHOLOGISTS** in the Department of Health and Mental Hygiene.

(b) A person who acts in good faith and within the scope of the jurisdiction of the Board is not civilly liable for giving information to the Board or otherwise participating in its activities.

5–706.

(a) In this section, [“Board”] **“COMMITTEE”** means the [State Board of Electrologists] **ELECTROLOGY PRACTICE COMMITTEE**.

(b) A person who acts in good faith and within the scope of the jurisdiction of the [Board] **COMMITTEE** is not civilly liable for giving information to the [Board] **COMMITTEE** or otherwise participating in its activities.

5–707.

(a) In this section, “Board” means the Maryland State Board of Morticians **AND FUNERAL DIRECTORS**.

(b) A person who acts in good faith and within the scope of the jurisdiction of the Board is not civilly liable for giving information to the Board or otherwise participating in its activities.

5–719.

(a) In this section, “Board” means the State Board of [Examiners for Speech–Language Pathologists] **DIETETIC PRACTICE**.

(b) A person who acts in good faith and within the scope of the jurisdiction of the Board is not civilly liable for giving information to the Board or otherwise participating in its activities.

5-722.

(A) IN THIS SECTION, "BOARD" MEANS THE STATE BOARD OF PROFESSIONAL COUNSELORS AND THERAPISTS.

(B) A PERSON WHO ACTS IN GOOD FAITH AND WITHIN THE SCOPE OF THE JURISDICTION OF THE BOARD IS NOT CIVILLY LIABLE FOR GIVING INFORMATION TO THE BOARD OR OTHERWISE PARTICIPATING IN ITS ACTIVITIES.

5-723.

(A) IN THIS SECTION, "BOARD" MEANS THE STATE BOARD FOR CERTIFICATION OF RESIDENTIAL CHILD CARE PROGRAM PROFESSIONALS.

(B) A PERSON WHO ACTS IN GOOD FAITH AND WITHIN THE SCOPE OF THE JURISDICTION OF THE BOARD IS NOT CIVILLY LIABLE FOR GIVING INFORMATION TO THE BOARD OR OTHERWISE PARTICIPATING IN ITS ACTIVITIES.

5-724.

(A) IN THIS SECTION, "BOARD" MEANS THE STATE BOARD OF ACUPUNCTURE.

(B) A PERSON WHO ACTS IN GOOD FAITH AND WITHIN THE SCOPE OF THE JURISDICTION OF THE BOARD IS NOT CIVILLY LIABLE FOR GIVING INFORMATION TO THE BOARD OR OTHERWISE PARTICIPATING IN ACTIVITIES.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2013.

Approved by the Governor, May 2, 2013.