

HOUSE BILL 1296

J2

3lr2955

By: **Delegates Cullison and Frank**

Introduced and read first time: February 8, 2013

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Physicians – Quasi–Judicial Powers – Revision**

3 FOR the purpose of authorizing the State Board of Physicians to issue a cease and
4 desist order or obtain injunctive relief for taking any action that may be
5 grounds for discipline under a certain provision of law and that poses a certain
6 risk to a patient; requiring the Board to adopt certain regulations to carry out a
7 certain provision of law; and generally relating to the quasi–judicial powers of
8 the State Board of Physicians.

9 BY repealing and reenacting, with amendments,
10 Article – Health Occupations
11 Section 14–206
12 Annotated Code of Maryland
13 (2009 Replacement Volume and 2012 Supplement)

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

16 **Article – Health Occupations**

17 14–206.

18 (a) Over the signature of an officer, the executive director, or the deputy
19 director of the Board, the Board may issue subpoenas and administer oaths in
20 connection with any investigation under this title and any hearings or proceedings
21 before it.

22 (b) If, without lawful excuse, a person disobeys a subpoena from the Board or
23 an order by the Board to take an oath or to testify or answer a question, then, on
24 petition of the Board, a court of competent jurisdiction may punish the person as for
25 contempt of court.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (c) If after due notice the individual against whom the action is
2 contemplated fails or refuses to appear, nevertheless the Board may hear and
3 determine the matter.

4 (d) (1) If the entry is necessary to carry out a duty under this title, the
5 Board's executive director or other duly authorized agent or investigator of the Board
6 may enter at any reasonable hour:

7 (i) A place of business of a licensed physician;

8 (ii) Private premises where the Board suspects that a person
9 who is not licensed by the Board is practicing, attempting to practice, or offering to
10 practice medicine, based on a formal complaint; or

11 (iii) Public premises.

12 (2) A person may not deny or interfere with an entry under this
13 subsection.

14 (3) A person who violates any provision of this subsection is guilty of a
15 misdemeanor and on conviction is subject to a fine not exceeding \$100.

16 (e) The Board may issue a cease and desist order or obtain injunctive relief
17 for [practicing]:

18 (1) **PRACTICING** medicine without a license; **OR**

19 (2) **TAKING ANY ACTION THAT:**

20 (i) **MAY BE GROUNDS FOR DISCIPLINE UNDER § 14-404 OF**
21 **THIS TITLE; AND**

22 (ii) **POSES A SERIOUS RISK TO THE HEALTH, SAFETY, AND**
23 **WELFARE OF A PATIENT.**

24 **(F) THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THE**
25 **PROVISIONS OF THIS SECTION, INCLUDING HEARING PROCEDURES AND**
26 **SANCTIONS FOR NONCOMPLIANCE.**

27 **SECTION 2. AND BE IT FURTHER ENACTED,** That this Act shall take effect
28 October 1, 2013.