

Article - State Government

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§9–1607.1.

(a) An individual who is not licensed to practice law in this State may represent a party in a proceeding before the Office if:

(1) authorized by law;

(2) the individual is representing:

(i) a recipient of or applicant for benefits that are:

1. based on the recipient's or applicant's income and resources;

and

2. provided by the Department of Human Resources or the Department of Health and Mental Hygiene;

(ii) a resident of a facility at a proceeding conducted under § 19-344(q)(4) or § 19-345.1 of the Health - General Article;

(iii) a health care facility, as defined in § 10-101 of the Health - General Article, at a proceeding under the provisions of § 10-632 or § 10-708 of the Health - General Article or § 3-121 of the Criminal Procedure Article; or

(iv) a grievant at a proceeding conducted pursuant to Title 10, Subtitle 2 of the Correctional Services Article concerning a grievance submitted to the Inmate Grievance Office, provided the representation is not otherwise restricted for reasons of security or expense pursuant to regulations, rules, directives, or policies adopted by the Division of Correction or Patuxent Institution;

(3) the individual is a designee of a corporation while appearing on its behalf in an administrative proceeding held under § 27-613 of the Insurance Article;

(4) the individual is an officer of a corporation, an employee designated by an officer of a corporation, a general partner in a business operated as a partnership or an employee designated by a general partner, or an employee designated by the owner of a business operated as a sole proprietorship while the officer, partner, or employee is appearing on behalf of the corporation, partnership, or business in an administrative hearing held under:

(i) § 8-312 of the Business Regulation Article (Home Improvement Commission);

(ii) Title 5 of the Labor and Employment Article (Occupational Safety and Health); or

(iii) regulations adopted pursuant to § 14-303 of the State Finance and Procurement Article, concerning the decertification of a minority business enterprise to conduct business with the Department of Transportation;

(5) in the case of an insurer, the individual is a designee of the insurer who:

(i) is employed by the insurer in claims, underwriting, or as otherwise provided by the Commissioner; and

(ii) has been given the authority by the insurer to resolve all issues involved in the proceeding; or

(6) the individual is representing a unit of State government, at the direction of the unit of State government.

(b) (1) An employee designated by a business entity under subsection (a)(3) or (4) of this section:

(i) shall provide the Office a power of attorney sworn to by the employer that certifies that the designated employee is an authorized agent of the business entity and may bind the business entity on matters pending before the Office; and

(ii) may not be a disbarred or suspended lawyer in any state.

(2) A business entity may not contract, hire, or employ another business entity, other than an attorney, to provide appearance services under subsection (a)(3) or (4) of this section.

(3) An employee designated by a business entity under subsection (a)(4) of this section may not be assigned on a full-time basis to appear in administrative hearings before the Office on behalf of the business entity.

(c) This section may not be interpreted to limit the right of an individual to appear on the individual's own behalf.

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