

# HOUSE BILL 790

P1  
HB 1377/17 – HRU

8lr1331

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By: **Delegate Waldstreicher**

Introduced and read first time: February 1, 2018

Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

1 AN ACT concerning

2 **State Government – Maryland Program Evaluation Act – Periodic Full**  
3 **Evaluations**

4 FOR the purpose of requiring the Department of Legislative Services to include certain  
5 information in a preliminary evaluation report of certain governmental activities or  
6 units; requiring the Department to conduct a certain full evaluation of certain  
7 governmental activities or units in certain years and every specified period of years  
8 thereafter; requiring the Department to conduct subsequent full evaluations of  
9 certain entities under certain circumstances; requiring the Department to complete  
10 certain full evaluations by a certain day in an evaluation year; altering a certain  
11 definition; making a certain clarifying change; and generally relating to full  
12 evaluations conducted under the Maryland Program Evaluation Act.

13 BY repealing and reenacting, without amendments,  
14 Article – State Government  
15 Section 8–401(a)  
16 Annotated Code of Maryland  
17 (2014 Replacement Volume and 2017 Supplement)

18 BY repealing and reenacting, with amendments,  
19 Article – State Government  
20 Section 8–401(f), 8–403(c), and 8–405  
21 Annotated Code of Maryland  
22 (2014 Replacement Volume and 2017 Supplement)

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

25 **Article – State Government**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 8-401.

2 (a) In this subtitle the following words have the meanings indicated.

3 (f) "Full evaluation" means:

4 (1) an examination of issues identified in a preliminary evaluation as  
5 requiring further study; [or]

6 (2) a follow-up review of how issues identified in a previous evaluation  
7 have been implemented by a governmental activity or unit; **OR**

8 **(3) A PERIODIC AND COMPREHENSIVE REVIEW OF A GOVERNMENTAL**  
9 **ACTIVITY OR UNIT CONDUCTED UNDER § 8-405(C)(1)(II) OR (2) AND (E)(1) OF THIS**  
10 **SUBTITLE.**

11 8-403.

12 (c) A report on a preliminary evaluation shall:

13 (1) include a summary of:

14 (i) significant legislative and regulatory changes since the last  
15 evaluation;

16 (ii) licensing and enforcement activities since the last evaluation;

17 (iii) registered complaints, complaint outcomes, and disciplinary  
18 activities since the last evaluation; [and]

19 (iv) revenues and expenditures for the most recent 6-year period,  
20 including indirect costs;

21 **(V) HOW ISSUES IDENTIFIED IN THE MOST RECENT FULL**  
22 **EVALUATION HAVE BEEN ADDRESSED; AND**

23 **(VI) INPUT FROM CONSUMERS AND CITIZENS IMPACTED BY THE**  
24 **GOVERNMENTAL ACTIVITY OR UNIT, INCLUDING INVITED INPUT FROM CONSUMERS**  
25 **WHO HAVE REGISTERED COMPLAINTS THAT RELATE TO THE GOVERNMENTAL**  
26 **ACTIVITY OR WITH THE UNIT; and**

27 (2) recommend whether a full evaluation should be undertaken by the  
28 Department.

29 8-405.

1 (a) The Department shall:

2 (1) conduct a full evaluation of each governmental activity or unit to be  
3 evaluated under this section; and

4 (2) prepare a report on each full evaluation conducted.

5 (b) Each of the following governmental activities or units and the statutes and  
6 regulations that relate to the governmental activities or units are subject to full evaluation,  
7 in the evaluation year specified, without the need for a preliminary evaluation:

8 (1) Dental Examiners, State Board of (§ 4–201 of the Health Occupations  
9 Article: 2019);

10 (2) Morticians and Funeral Directors, State Board of (§ 7–201 of the Health  
11 Occupations Article: 2026);

12 (3) Nursing, State Board of (§ 8–201 of the Health Occupations Article:  
13 2021) including:

14 (i) Electrology Practice Committee (§ 8–6B–05 of the Health  
15 Occupations Article: 2021); and

16 (ii) Direct–Entry Midwifery Advisory Committee (§ 8–6C–10 of the  
17 Health Occupations Article: 2021);

18 (4) Pharmacy, State Board of (§ 12–201 of the Health Occupations Article:  
19 2021); and

20 (5) Physicians, State Board of (§ 14–201 of the Health Occupations Article:  
21 2021), including:

22 (i) Athletic Training Advisory Committee (§ 14–5D–04 of the Health  
23 Occupations Article: 2021);

24 (ii) Naturopathic Medicine Advisory Committee (§ 14–5F–04 of the  
25 Health Occupations Article: 2021);

26 (iii) Perfusion Advisory Committee (§ 14–5E–05 of the Health  
27 Occupations Article: 2021);

28 (iv) Physician Assistant Advisory Committee (§ 15–201 of the Health  
29 Occupations Article: 2021);

30 (v) Polysomnography Professional Standards Committee  
31 (§ 14–5C–05 of the Health Occupations Article: 2021);

1 (vi) Radiation Therapy, Radiography, Nuclear Medicine Technology  
2 Advisory, and Radiology Assistance Committee (§ 14-5B-05 of the Health Occupations  
3 Article: 2021); and

4 (vii) Respiratory Care Professional Standards Committee  
5 (§ 14-5A-05 of the Health Occupations Article: 2021).

6 (c) (1) In addition to the entities specified under subsection (b) of this section,  
7 the Department shall conduct a full evaluation of:

8 (I) each entity that has undergone a preliminary evaluation for  
9 which the Legislative Policy Committee determines a full evaluation is necessary; AND

10 (II) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS  
11 SUBSECTION, EACH OF THE FOLLOWING GOVERNMENTAL ACTIVITIES OR UNITS IN  
12 THE EVALUATION YEAR SPECIFIED AND EVERY 30 YEARS THEREAFTER:

13 1. ACUPUNCTURE BOARD, STATE (§ 1A-201 OF THE  
14 HEALTH OCCUPATIONS ARTICLE: 2052);

15 2. AMUSEMENT RIDE SAFETY, STATE ADVISORY BOARD  
16 (§ 3-303 OF THE BUSINESS REGULATION ARTICLE: 2051);

17 3. APPRENTICESHIP AND TRAINING COUNCIL (§ 11-403  
18 OF THE LABOR AND EMPLOYMENT ARTICLE: 2051);

19 4. ARCHITECTS, STATE BOARD OF (§ 3-201 OF THE  
20 BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE: 2050);

21 5. ATHLETIC COMMISSION, STATE (§ 4-201 OF THE  
22 BUSINESS REGULATION ARTICLE: 2048);

23 6. AUDIOLOGISTS, HEARING AID DISPENSERS, AND  
24 SPEECH-LANGUAGE PATHOLOGISTS, STATE BOARD OF EXAMINERS FOR (§ 2-201  
25 OF THE HEALTH OCCUPATIONS ARTICLE: 2053);

26 7. BARBERS, STATE BOARD OF (§ 4-201 OF THE  
27 BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE: 2048);

28 8. BEHAVIOR ANALYST ADVISORY COMMITTEE (§  
29 17-6A-05 OF THE HEALTH OCCUPATIONS ARTICLE: 2051);

30 9. BOILER RULES, BOARD OF (§ 12-904 OF THE PUBLIC  
31 SAFETY ARTICLE: 2051);

1                   **10. CEMETERY OVERSIGHT, OFFICE OF (§ 5-201 OF THE**  
2 **BUSINESS REGULATION ARTICLE: 2050);**

3                   **11. CHIROPRACTIC EXAMINERS, STATE BOARD OF (§**  
4 **3-201 OF THE HEALTH OCCUPATIONS ARTICLE: 2049);**

5                   **12. COLLECTION AGENCY LICENSING BOARD, STATE (§**  
6 **7-201 OF THE BUSINESS REGULATION ARTICLE: 2049);**

7                   **13. COSMETOLOGISTS, STATE BOARD OF (§ 5-201 OF THE**  
8 **BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE: 2048);**

9                   **14. COUNSELORS AND THERAPISTS, STATE BOARD OF**  
10 **PROFESSIONAL (§ 17-201 OF THE HEALTH OCCUPATIONS ARTICLE: 2046);**

11                   **15. DIETETIC PRACTICE, STATE BOARD OF (§ 5-201 OF**  
12 **THE HEALTH OCCUPATIONS ARTICLE: 2052);**

13                   **16. ELECTRICIANS, STATE BOARD OF MASTER (§ 6-201**  
14 **OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE: 2050);**

15                   **17. ELEVATOR SAFETY REVIEW BOARD (§§ 12-819**  
16 **THROUGH 12-841 OF THE PUBLIC SAFETY ARTICLE: 2056);**

17                   **18. ENGINEERS, STATE BOARD FOR PROFESSIONAL (§**  
18 **14-201 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE: 2050);**

19                   **19. ENGINEERS, STATE BOARD OF STATIONARY (§**  
20 **6.5-201 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE: 2051);**

21                   **20. ENVIRONMENTAL HEALTH SPECIALISTS, STATE**  
22 **BOARD OF (§ 21-201 OF THE HEALTH OCCUPATIONS ARTICLE: 2053);**

23                   **21. FINANCIAL REGULATION, OFFICE OF THE**  
24 **COMMISSIONER OF (§ 2-101 OF THE FINANCIAL INSTITUTIONS ARTICLE: 2049);**

25                   **22. FORESTERS, STATE BOARD OF (§ 7-201 OF THE**  
26 **BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE: 2052);**

27                   **23. HEALTH CARE COMMISSION, MARYLAND (§ 19-103**  
28 **OF THE HEALTH – GENERAL ARTICLE: 2045);**

1                   24. HEALTH SERVICES COST REVIEW COMMISSION,  
2 STATE (§ 19–202 OF THE HEALTH – GENERAL ARTICLE: 2045);

3                   25. HEATING, VENTILATION, AIR–CONDITIONING, AND  
4 REFRIGERATION CONTRACTORS, STATE BOARD OF (§ 9A–201 OF THE BUSINESS  
5 REGULATION ARTICLE: 2050);

6                   26. HOME IMPROVEMENT COMMISSION, MARYLAND (§  
7 8–201 OF THE BUSINESS REGULATION ARTICLE: 2049);

8                   27. HORSE INDUSTRY BOARD, MARYLAND (§ 2–701 OF  
9 THE AGRICULTURE ARTICLE: 2053);

10                  28. INDIVIDUAL TAX PREPARERS, STATE BOARD OF (§  
11 21–201 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE: 2053);

12                  29. INTERIOR DESIGNERS, STATE BOARD OF CERTIFIED  
13 (§ 8–201 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE: 2051);

14                  30. LABOR AND INDUSTRY, DIVISION OF (TITLE 2 OF THE  
15 LABOR AND EMPLOYMENT ARTICLE: 2051) AND RELATED PROGRAMS;

16                  31. LAND SURVEYORS, STATE BOARD FOR  
17 PROFESSIONAL (§ 15–201 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS  
18 ARTICLE: 2051);

19                  32. LANDSCAPE ARCHITECTS, STATE BOARD OF  
20 EXAMINERS OF (§ 9–201 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS  
21 ARTICLE: 2051);

22                  33. LAW EXAMINERS, STATE BOARD OF (§ 10–201 OF THE  
23 BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE: 2047);

24                  34. MARYLAND–BRED RACE FUND ADVISORY  
25 COMMITTEE (§ 11–531 OF THE BUSINESS REGULATION ARTICLE: 2051);

26                  35. MASSAGE THERAPY EXAMINERS, STATE BOARD OF (§  
27 6–201 OF THE HEALTH OCCUPATIONS ARTICLE: 2053);

28                  36. NURSING HOME ADMINISTRATORS, STATE BOARD  
29 OF EXAMINERS OF (§ 9–201 OF THE HEALTH OCCUPATIONS ARTICLE: 2054);

30                  37. OCCUPATIONAL SAFETY AND HEALTH ADVISORY

1 **BOARD (§ 5-302 OF THE LABOR AND EMPLOYMENT ARTICLE: 2051);**

2 **38. OCCUPATIONAL THERAPY PRACTICE, STATE BOARD**  
3 **OF (§ 10-201 OF THE HEALTH OCCUPATIONS ARTICLE: 2052);**

4 **39. OPTOMETRY, STATE BOARD OF EXAMINERS IN (§**  
5 **11-201 OF THE HEALTH OCCUPATIONS ARTICLE: 2050);**

6 **40. PHYSICAL THERAPY EXAMINERS, STATE BOARD OF**  
7 **(§ 13-201 OF THE HEALTH OCCUPATIONS ARTICLE: 2049);**

8 **41. PILOTS, STATE BOARD OF (§ 11-201 OF THE**  
9 **BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE: 2049);**

10 **42. PLUMBING, STATE BOARD OF (§ 12-201 OF THE**  
11 **BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE: 2050);**

12 **43. PODIATRIC MEDICAL EXAMINERS, STATE BOARD OF**  
13 **(§ 16-201 OF THE HEALTH OCCUPATIONS ARTICLE: 2049);**

14 **44. PRESCRIPTION DRUG MONITORING PROGRAM IN**  
15 **THE MARYLAND DEPARTMENT OF HEALTH (§ 21-2A-02 OF THE**  
16 **HEALTH - GENERAL ARTICLE: 2043);**

17 **45. PSYCHOLOGISTS, STATE BOARD OF EXAMINERS OF (§**  
18 **18-201 OF THE HEALTH OCCUPATIONS ARTICLE: 2050);**

19 **46. PUBLIC ACCOUNTANCY, STATE BOARD OF (§ 2-201**  
20 **OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE: 2052);**

21 **47. RACING COMMISSION, STATE (§ 11-201 OF THE**  
22 **BUSINESS REGULATION ARTICLE: 2051);**

23 **48. REAL ESTATE APPRAISERS, APPRAISAL**  
24 **MANAGEMENT COMPANIES, AND HOME INSPECTORS, STATE COMMISSION OF (§**  
25 **16-201 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE: 2050);**

26 **49. REAL ESTATE COMMISSION, STATE (§ 17-201 OF THE**  
27 **BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE: 2049);**

28 **50. RESIDENTIAL CHILD CARE PROGRAM**  
29 **PROFESSIONALS, STATE BOARD FOR CERTIFICATION OF (§ 20-202 OF THE HEALTH**  
30 **OCCUPATIONS ARTICLE: 2051);**

1                   **51. SECURITY SYSTEMS TECHNICIANS, LICENSING AND**  
2 **REGULATION OF (§ 18–201 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS**  
3 **ARTICLE: 2048);**

4                   **52. SOCIAL WORK EXAMINERS, STATE BOARD OF (§**  
5 **19–201 OF THE HEALTH OCCUPATIONS ARTICLE: 2051);**

6                   **53. STANDARD BRED RACE FUND ADVISORY**  
7 **COMMITTEE, MARYLAND (§ 11–625 OF THE BUSINESS REGULATION ARTICLE:**  
8 **2051);**

9                   **54. VETERINARY MEDICAL EXAMINERS, STATE BOARD**  
10 **OF (§ 2–302 OF THE AGRICULTURE ARTICLE: 2048);**

11                   **55. WATERWORKS AND WASTE SYSTEMS OPERATORS,**  
12 **STATE BOARD OF (§ 12–201 OF THE ENVIRONMENT ARTICLE: 2048); AND**

13                   **56. WELL DRILLERS, STATE BOARD OF (§ 13–201 OF THE**  
14 **ENVIRONMENT ARTICLE: 2048).**

15                   **(2) IF THE DEPARTMENT CONDUCTS A FULL EVALUATION OF AN**  
16 **ENTITY UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION, THE DEPARTMENT SHALL**  
17 **CONDUCT THE NEXT FULL EVALUATION OF THE ENTITY IF:**

18                   **(I) THE PRELIMINARY EVALUATION RECOMMENDS THAT A**  
19 **FULL EVALUATION BE CONDUCTED; OR**

20                   **(II) THE ENTITY HAS BEEN WAIVED FROM A FULL EVALUATION**  
21 **BASED ON PRELIMINARY EVALUATIONS TWO OR MORE TIMES SINCE THE LAST FULL**  
22 **EVALUATION.**

23                   (d) Each full evaluation shall be completed on or before:

24                   (1) December 1 of the evaluation year specified for entities subject to a full  
25 evaluation:

26                   (I) without a preliminary evaluation under subsection (b) of this  
27 section; or

28                   (II) UNDER SUBSECTION (C)(1)(II) OR (2) OF THIS SECTION; OR

29                   (2) unless otherwise specified by the Legislative Policy Committee,  
30 December 1 of the year following the completion of a preliminary evaluation report.



1 (e) (1) If a preliminary evaluation has not been conducted **OR A FULL**  
2 **EVALUATION IS REQUIRED UNDER SUBSECTION (C)(1)(II) OR (2) OF THIS SECTION**,  
3 a full evaluation report shall address any issues raised in the previous sunset evaluation  
4 conducted by the Department and the governmental activity's or unit's:

5 (i) efficiency;

6 (ii) effectiveness;

7 (iii) role in protecting consumers;

8 (iv) sufficiency of resources; and

9 (v) accomplishment of legislative objectives.

10 (2) If a preliminary evaluation has been conducted **AND A FULL**  
11 **EVALUATION IS REQUIRED UNDER SUBSECTION (C)(1)(I) OF THIS SECTION**, a full  
12 evaluation report shall focus on the issues identified in the preliminary evaluation of the  
13 governmental activity or unit.

14 (f) On completion, the Department shall submit each full evaluation report,  
15 including draft legislation to implement any recommended statutory changes, to the  
16 committees of jurisdiction.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
18 October 1, 2018.