

HB1002/953221/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1002
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “**and Taveras**” and substitute “**Taveras, Pena-Melnyk, Cullison, Alston, Bagnall, Bhandari, Hill, S. Johnson, Kaiser, Kerr, R. Lewis, Lopez, Martinez, Rosenberg, White Holland, and Woods**”; in line 2, strike “**Maryland Department of Health –**”; in line 3, after “**Authority**” insert “**– Health Care Fraud**”; in line 4, strike “**Office of the**”; in the same line, after “**General**” insert “**, a Deputy Attorney General, or an Assistant Attorney General**”; in the same line, after “**to**” insert “**issue a**”; strike beginning with “**persons**” in line 4 down through “**circumstances**” in line 9 and substitute “**to a person to produce certain materials, answer written interrogatories, and give certain testimony in furtherance of a certain health care fraud investigation; authorizing the Attorney General to report a failure to obey the subpoena to the circuit court with jurisdiction over the matter**”; and strike in their entirety lines 11 through 15, inclusive, and substitute:

“BY adding to

Article – State Government

Section 6–901 to be under the new subtitle “Subtitle 9. Subpoenas”

Annotated Code of Maryland

(2021 Replacement Volume and 2023 Supplement)”.”

AMENDMENT NO. 2

On pages 1 and 2, strike in their entirety the lines beginning with line 18 on page 1 through line 31 on page 2, inclusive, and substitute:

“Article – State Government

SUBTITLE 9. SUBPOENAS.

6-901.

(A) THIS SECTION MAY NOT BE CONSTRUED TO ALLOW THE CONTRAVENTION, DENIAL, OR ABROGATION OF A PRIVILEGE OR RIGHT RECOGNIZED BY LAW.

(B) (1) FOR THE LIMITED PURPOSE OF FURTHERING AN ONGOING HEALTH CARE FRAUD INVESTIGATION UNDER THE MARYLAND FALSE HEALTH CLAIMS ACT OR OTHER CIVIL AUTHORITY, THE ATTORNEY GENERAL, A DEPUTY ATTORNEY GENERAL, OR AN ASSISTANT ATTORNEY GENERAL DESIGNATED IN WRITING BY THE ATTORNEY GENERAL MAY ISSUE IN ANY COURT IN THE STATE A SUBPOENA REQUIRING A PERSON TO:

(I) PRODUCE DOCUMENTARY MATERIAL FOR INSPECTION, COPYING, OR REPRODUCTION;

(II) ANSWER, UNDER OATH AND IN WRITING, WRITTEN INTERROGATORIES;

(III) GIVE SWORN ORAL TESTIMONY; OR

(IV) PROVIDE ANY COMBINATION OF ITEMS (I), (II), AND (III) OF THIS PARAGRAPH.

(2) A SUBPOENA ISSUED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY BE SERVED IN THE SAME MANNER AS A SUBPOENA ISSUED BY A CIRCUIT COURT.

(C) (1) (I) IF A PERSON FAILS TO OBEY A LAWFULLY SERVED SUBPOENA ISSUED UNDER SUBSECTION (B) OF THIS SECTION, THE ATTORNEY GENERAL MAY REPORT A FAILURE TO OBEY THE SUBPOENA TO THE CIRCUIT COURT WITH JURISDICTION OVER THE MATTER.

(II) THE ATTORNEY GENERAL SHALL PROVIDE A COPY OF THE SUBPOENA AND PROOF OF SERVICE TO THE CIRCUIT COURT.

(2) AFTER CONDUCTING A HEARING AT WHICH THE PERSON WHO ALLEGEDLY FAILED TO COMPLY WITH A SUBPOENA ISSUED UNDER SUBSECTION (B) OF THIS SECTION HAS HAD AN OPPORTUNITY TO BE HEARD AND BE REPRESENTED BY COUNSEL, THE COURT MAY GRANT APPROPRIATE RELIEF.”.