



Board of Nursing

Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Robert R. Neall,
Secretary

February 11, 2020

The Honorable Shane E. Pendergrass
Chair, Health and Government Operations Committee
Room 214 House Office Building
Annapolis, MD 21401-1991

RE: HB 502 – Public Information Act - Letter of Concern

Dear Chair Pendergrass:

The Maryland Board of Nursing respectfully submits this letter of concern for HB 502 - Public Information Act - Revisions. The purpose of the proposed legislation is to expand the authority of the Public Information Act Compliance Board to resolve disputes, through additional means, between an applicant and an official custodian. However, this legislation is unnecessary as under current law, applicants are able to resolve disputes through the Office of the Public Access Ombudsman.

Ambiguous language of the proposed legislation regards the Compliance Board's definition of what constitutes 'proactive disclosure' of public records, and how that is determined. If not clearly specified, the Compliance Board and each Health Occupations Board may interpret this statement differently.

Another difficult aspect includes the expansion of the Compliance Board's ability to perform the following duties: change the amount or waive an applicant's fees, conduct an investigation prior to a response from an official custodian, and require an official custodian to disclose public information to the applicant.

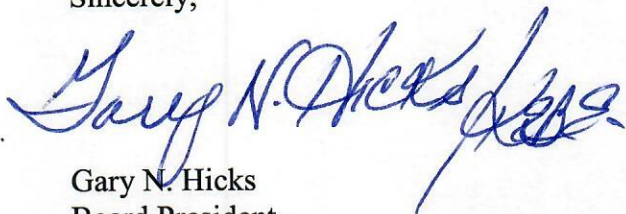
This bill would decrease revenue for the Board of Nursing, more specifically, if the Compliance Board waived or reduced fees for applicants.

The Board of Nursing would like to request data reports to detail dispute resolutions for official custodians employed by varying Health Occupation Boards, including disputes seen by the Public Information Act Compliance Board and Public Access Ombudsman.

I hope this information is useful. If you would like to discuss this further, please contact Deputy Director Rhonda Scott at (410) - 585 - 1953 or rhonda.scott2@maryland.gov; Executive Director Karen E. B. Evans at (410) - 585 - 1914 or karene.evans@maryland.gov

Thank you for your consideration of the Board's position.

Sincerely,

A handwritten signature in blue ink that reads "Gary N. Hicks" with a stylized flourish at the end.

Gary N. Hicks
Board President

The opinion of the Board expressed in this document does not necessarily reflect that of the Department of Health or the Administration.