

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE
Revised

House Bill 1163 (Delegate Fulton)

Environmental Matters

Referred to Economic and Environmental Affairs

**Board of Chiropractic Examiners -
Unauthorized Practice of Chiropractic and Injunctive Actions**

This enrolled bill authorizes the State or the Board of Chiropractic Examiners to seek to enjoin the unauthorized practice of chiropractic or conduct that is a ground for disciplinary action by the board. Such actions are in addition to criminal prosecutions. Proof of actual or expectant damage is not required.

The bill subjects persons who are guilty of practicing or attempting to practice chiropractic without a license, or who misrepresent themselves as authorized to practice, to misdemeanor penalties of: (1) for a first offense, a maximum fine of \$2,000 or maximum imprisonment of six months; or (2) for a subsequent offense, a maximum fine of \$6,000 or maximum imprisonment of one year. Persons convicted under these provisions must reimburse the board for its direct costs resulting from the prosecution of the case, including court reporting services and expert witness fees.

Fiscal Summary

State Effect: Potential indeterminate increase in general fund revenues and expenditures due to the bill's penalty provisions. Expenditures would not be affected.

Local Effect: Potential indeterminate increase in revenues and expenditures due to the bill's penalty provisions.

Fiscal Analysis

State Revenues: General fund revenues could increase under the bill's monetary penalty provisions for those cases heard in the District Court, depending upon the number of convictions and fines imposed.

State Expenditures: General fund expenditures could increase as a result of the bill's incarceration penalties due to increased payments to counties for reimbursement of inmate costs, depending upon the number of convictions and sentences imposed.

Persons serving a sentence of one year or less are sentenced to a local detention facility. The State reimburses counties for part of their per diem rate after a person has served 90 days. State per diem reimbursements for fiscal 1997 are estimated to range from \$10 to \$48 per inmate depending upon the jurisdiction. Persons sentenced in Baltimore City are incarcerated in the Baltimore City Detention Center (BCDC), a State operated facility. The per diem cost for fiscal 1997 is estimated at \$43 per inmate.

Local Revenues: Revenues could increase under the bill's monetary penalty provisions for those cases heard in the circuit courts, depending upon the number of convictions and fines imposed.

Local Expenditures: Expenditures could increase as a result of the bill's incarceration penalties depending upon the number of convictions and sentences imposed. Counties pay the full cost of incarceration for people in their facilities for the first 90 days of the sentence, plus part of the per diem cost after 90 days. Per diem operating costs of local detention facilities are expected to range from \$19 to \$96 per inmate in fiscal 1997.

Information Source(s): Department of Health and Mental Hygiene (Board of Chiropractic Examiners), Department of Fiscal Services

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