
By: Delegate Bonsack

Requested: July 12, 1996

Introduced and read first time: January 8, 1997

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Board of Physician Quality Assurance - Disciplinary Actions - Expungement of Records**

3 FOR the purpose of requiring the State Board of Physician Quality Assurance to expunge
4 certain records relating to disciplinary actions under specified circumstances;
5 establishing certain time frames for the expungement of records; and generally
6 relating to the expungement of records relating to disciplinary actions by the Board
7 of Physician Quality Assurance.

8 BY repealing and reenacting, with amendments,
9 Article - Health Occupations
10 Section 14-406
11 Annotated Code of Maryland
12 (1994 Replacement Volume and 1996 Supplement)

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

15 **Article - Health Occupations**

16 14-406.

17 (a) Following the filing of charges, if a majority of the full authorized membership
18 of the Board finds that there are grounds for action under § 14-404 of this subtitle, the
19 Board shall pass an order in accordance with the Administrative Procedure Act.

20 (b) After the charges are filed, if the Board finds that there are no grounds for
21 action under § 14-404 of this subtitle, the Board:

22 (1) Immediately shall dismiss the charges and exonerate the licensee;

23 (2) (i) Except as provided in item (ii) of this paragraph, shall expunge all
24 records of the charges 3 years after the charges are dismissed; or

25 (ii) If the physician executes a document releasing the Board from any
26 liability related to the charges, shall immediately expunge all records of the charges; and

27 (3) May not take any further action on the charges.

1 (C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, ON
2 THE WRITTEN REQUEST OF A PHYSICIAN WHO HAS BEEN DISCIPLINED BY THE
3 BOARD, THE BOARD SHALL EXPUNGE ALL RECORDS OF A CHARGE AND THE
4 PROCEEDINGS RELATING TO THE CHARGE 10 YEARS AFTER THE DATE OF THE
5 ORDER OF THE BOARD PASSED IN ACCORDANCE WITH THE ADMINISTRATIVE
6 PROCEDURE ACT AFTER FINDING THERE WERE GROUNDS FOR ACTION UNDER §
7 14-404 OF THIS SUBTITLE.

8 (2) IF THE BOARD PASSES A SUBSEQUENT ORDER CONCERNING ANY
9 GROUND FOR ACTION UNDER § 14-404 OF THIS SUBTITLE AFTER FINDING THAT
10 THERE WERE GROUNDS FOR ACTION AGAINST THE PHYSICIAN, THE 10-YEAR TIME
11 PERIOD IN PARAGRAPH (1) OF THIS SUBSECTION SHALL BEGIN TO RUN AGAIN FROM
12 THE DATE OF THE SUBSEQUENT ORDER.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 1997.