
By: Senators Teitelbaum, Pinsky, Collins, and Hollinger

Introduced and read first time: January 24, 1997

Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Health Occupation Boards - Disciplinary Hearings**

3 FOR the purpose of providing that certain evidence is inadmissible in a disciplinary
4 hearing conducted by a health occupation board on the sexual misconduct of a
5 certificate holder or licensee; providing that consent is not a defense to sexual
6 misconduct; and generally relating to health occupation boards and disciplinary
7 hearings.

8 BY adding to

9 Article - Health Occupations

10 Section 1-211

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 1-211.

17 (A) THIS SECTION APPLIES TO ANY DISCIPLINARY HEARING CONDUCTED BY
18 A HEALTH OCCUPATION BOARD AUTHORIZED TO CONDUCT A DISCIPLINARY
19 HEARING UNDER THIS ARTICLE.

20 (B) IN A DISCIPLINARY HEARING ON THE SEXUAL MISCONDUCT OF A
21 LICENSEE OR CERTIFICATE HOLDER:

22 (1) EVIDENCE OF CONSENT BY THE VICTIM AND EVIDENCE OF A
23 VICTIM'S SEXUAL HISTORY SHALL BE INADMISSIBLE; AND

24 (2) CONSENT BY THE VICTIM IS NOT A DEFENSE TO SEXUAL
25 MISCONDUCT.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect

27 October 1, 1997.