
By: Senators Teitelbaum, Hollinger, Pinsky, Dyson, Collins, and Frosh

Introduced and read first time: January 27, 1997

Assigned to: Economic and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 13, 1997

CHAPTER ____

1 AN ACT concerning

2 **Health Occupation Boards - Sexual ~~Exploitation~~ Misconduct**

3 FOR the purpose of requiring health occupation boards to adopt certain regulations
4 regarding sexual ~~exploitation misconduct~~; ~~requiring health occupation boards to~~
5 ~~require certain applicants for a license or certificate to demonstrate knowledge on~~
6 ~~certain topics~~ authorizing health occupation boards to take certain disciplinary
7 action under specified circumstances; requiring health occupation boards to provide
8 certain guidance to certain individuals; requiring certain reporting by the health
9 occupation boards and the Secretary of Health and Mental Hygiene; and generally
10 relating to sexual ~~exploitation~~ misconduct and health occupation boards.

11 BY adding to

12 Article - Health Occupations

13 Section 1-211

14 Annotated Code of Maryland

15 (1994 Replacement Volume and 1996 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article - Health Occupations**

19 1-211.

20 (A) EACH HEALTH OCCUPATION BOARD AUTHORIZED TO ISSUE A LICENSE

21 OR CERTIFICATE UNDER THIS ARTICLE SHALL ADOPT REGULATIONS:

22 ~~(1) DEFINING SEXUAL EXPLOITATION FOR THAT PROFESSION;~~

1 ~~(2) SPECIFYING THE APPROPRIATE CLINICAL STANDARDS FOR~~
2 ~~INTERACTING WITH A CLIENT OR PATIENT IN ORDER TO AVOID SEXUAL~~
3 ~~EXPLOITATION OF THE CLIENT OR PATIENT; AND~~

4 ~~(3) PROVIDING FOR DISCIPLINARY ACTION AGAINST ANY LICENSEE OR~~
5 ~~CERTIFICATE HOLDER WHO VIOLATES THE STANDARDS ESTABLISHED BY THE~~
6 ~~HEALTH OCCUPATION BOARD PURSUANT TO PARAGRAPH (2) OF THIS SUBSECTION.~~

7 ~~(B) EACH HEALTH OCCUPATION BOARD SHALL REQUIRE AN APPLICANT FOR~~
8 ~~A NEW OR RENEWED LICENSE OR CERTIFICATE TO DEMONSTRATE KNOWLEDGE OF~~
9 ~~THE REGULATIONS ADOPTED IN SUBSECTION (A) OF THIS SECTION THAT PROVIDE~~
10 ~~FOR THE DISCIPLINE OF A LICENSEE OR CERTIFICATE HOLDER FOR SEXUAL~~
11 ~~MISCONDUCT.~~

12 (B) SUBJECT TO THE HEARING PROVISIONS OF THE LAW GOVERNING
13 CONTESTED CASES FOR EACH HEALTH OCCUPATION BOARD, A BOARD MAY DENY A
14 LICENSE OR CERTIFICATE TO ANY APPLICANT, REPRIMAND ANY LICENSEE OR
15 CERTIFICATE HOLDER, PLACE ANY LICENSEE OR CERTIFICATE HOLDER ON
16 PROBATION, OR SUSPEND OR REVOKE ANY LICENSE OR CERTIFICATE, IF THE
17 APPLICANT, LICENSEE, OR CERTIFICATE HOLDER VIOLATES ANY REGULATION
18 ADOPTED UNDER SUBSECTION (A) OF THIS SECTION.

19 (C) EACH HEALTH OCCUPATION BOARD SHALL PROVIDE GUIDANCE TO
20 LICENSEES OR CERTIFICATE HOLDERS CONCERNING INTERACTIONS WITH CLIENTS
21 OR PATIENTS IN ORDER TO AVOID SEXUAL MISCONDUCT WITH CLIENTS OR
22 PATIENTS.

23 ~~(D)~~ (1) ONCE EACH YEAR, EACH HEALTH OCCUPATION BOARD SHALL
24 ~~INCLUDE IN ONE OF ITS BIMONTHLY REPORTS~~ REPORT TO THE SECRETARY THE
25 NUMBER OF COMPLAINTS OF SEXUAL ~~EXPLOITATION~~ MISCONDUCT AND THE
26 RESOLUTION OF EACH COMPLAINT.

27 (2) THE SECRETARY SHALL COMPILE THE INFORMATION RECEIVED
28 FROM THE HEALTH OCCUPATION BOARDS AND DEVELOP AN ANNUAL REPORT TO
29 BE SUBMITTED TO THE GENERAL ASSEMBLY NO LATER THAN DECEMBER 31 OF
30 EACH YEAR.

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