

HOUSE BILL 803

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1998 Regular Session
8r1647
CF 8r1213

By: **Delegate Rosenberg**

Introduced and read first time: February 12, 1998

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 10, 1998

CHAPTER _____

1 AN ACT concerning

2 **Health Occupations - Boards - Project Reserve Funds**

3 FOR the purpose of allowing certain health occupations boards to allocate money
4 from their respective funds to create a Project Reserve Fund; and generally
5 relating to the creation of Project Reserve Funds for health occupations boards.

6 BY repealing and reenacting, without amendments,

7 Article - Health Occupations

8 Section 1A-206(a), 2-206(a), 3-206(a), 4-207(a), 5-206(a), 6-206(a), 7-206(a),

9 10-206(a), 11-207(a), 12-206(a), 13-207(a), 14-207(a), 16-206(a),

10 17-206(a), 18-207(a), and 19-206(a)

11 Annotated Code of Maryland

12 (1994 Replacement Volume and 1997 Supplement)

13 BY adding to

14 Article - Health Occupations

15 Section 1A-206(g), 2-206(h), 3-206(g), 4-207(h), 5-206(g), 6-206(g), 7-206(g),

16 10-206(g), 11-207(g), 12-206(h), 13-207(g), 14-207(g), 16-206(g),

17 17-206(g), 18-207(g), and 19-206(i)

18 Annotated Code of Maryland

19 (1994 Replacement Volume and 1997 Supplement)

20 Preamble

21 WHEREAS, Each health occupation board has a mandate to protect the health,
22 safety, and welfare of the citizens of the State by licensing, regulating, and
23 disciplining health care practitioners;

1 WHEREAS, The health occupations boards have made significant progress in
2 addressing this mandate since the General Assembly established the boards as
3 special funded agencies in 1993;

4 WHEREAS, The health occupations boards assign the highest priority to
5 addressing disciplinary matters related to complaints received against licensees;

6 WHEREAS, Each health occupation board has difficulty in predicting the
7 amount of funds necessary to meet certain costs related to disciplinary actions,
8 litigation, and certain legislative mandates;

9 WHEREAS, Current policy requires a health occupations board to submit a
10 proposed budget amendment in order to access its surplus funds each time the board
11 incurs an unanticipated expense related to a disciplinary action, litigation, and
12 certain legislative mandates;

13 WHEREAS, If the performance of each health occupation board is to
14 significantly improve a reform allowing each board to establish a project reserve fund,
15 to be expended on unanticipated expenses related to disciplinary actions, litigation,
16 and certain legislative mandates, must be implemented; and

17 WHEREAS, No health occupation board will increase fees for its services in
18 order to establish a project reserve fund or to allocate money to the project reserve
19 fund; now, therefore,

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

22 **Article - Health Occupations**

23 1A-206.

24 (a) There is an Acupuncture Board Fund.

25 (G) (1) THE BOARD MAY CREATE AND ESTABLISH A PROJECT RESERVE
26 FUND IN SUCH AMOUNTS AS THE BOARD CONSIDERS APPROPRIATE NOT TO EXCEED
27 50% OF THE PRECEDING FISCAL YEAR'S BUDGET APPROPRIATION.

28 (2) THE BOARD MAY ALLOCATE TO THE PROJECT RESERVE FUND ANY
29 PAYMENTS RECEIVED FROM FEES COLLECTED BY THE BOARD FROM THE ISSUANCE
30 AND RENEWAL OF LICENSES OR OTHER SERVICES.

31 (3) FUNDS HELD IN THE PROJECT RESERVE FUND MAY BE EXPENDED
32 ONLY FOR UNANTICIPATED:

33 (I) DUTIES CREATED AND MANDATED BY THE GENERAL
34 ASSEMBLY;

35 (II) COSTS ASSOCIATED WITH THE INVESTIGATION OR
36 DISCIPLINING OF LICENSEES; OR

1 (III) LITIGATION EXPENSES.

2 2-206.

3 (a) There is a State Board of Examiners for Audiologists, Hearing Aid
4 Dispensers, and Speech-Language Pathologists Fund.

5 (H) (1) THE BOARD MAY CREATE AND ESTABLISH A PROJECT RESERVE
6 FUND IN SUCH AMOUNTS AS THE BOARD CONSIDERS APPROPRIATE NOT TO EXCEED
7 50% OF THE PRECEDING FISCAL YEAR'S BUDGET APPROPRIATION.

8 (2) THE BOARD MAY ALLOCATE TO THE PROJECT RESERVE FUND ANY
9 PAYMENTS RECEIVED FROM FEES COLLECTED BY THE BOARD FROM THE ISSUANCE
10 AND RENEWAL OF LICENSES OR OTHER SERVICES.

11 (3) FUNDS HELD IN THE PROJECT RESERVE FUND MAY BE EXPENDED
12 ONLY FOR UNANTICIPATED:

13 (I) DUTIES CREATED AND MANDATED BY THE GENERAL
14 ASSEMBLY;

15 (II) COSTS ASSOCIATED WITH THE INVESTIGATION OR
16 DISCIPLINING OF LICENSEES; OR

17 (III) LITIGATION EXPENSES.

18 3-206.

19 (a) There is a State Board of Chiropractic Examiners Fund.

20 (G) (1) THE BOARD MAY CREATE AND ESTABLISH A PROJECT RESERVE
21 FUND IN SUCH AMOUNTS AS THE BOARD CONSIDERS APPROPRIATE NOT TO EXCEED
22 50% OF THE PRECEDING FISCAL YEAR'S BUDGET APPROPRIATION.

23 (2) THE BOARD MAY ALLOCATE TO THE PROJECT RESERVE FUND ANY
24 PAYMENTS RECEIVED FROM FEES COLLECTED BY THE BOARD FROM THE ISSUANCE
25 AND RENEWAL OF LICENSES OR OTHER SERVICES.

26 (3) FUNDS HELD IN THE PROJECT RESERVE FUND MAY BE EXPENDED
27 ONLY FOR UNANTICIPATED:

28 (I) DUTIES CREATED AND MANDATED BY THE GENERAL
29 ASSEMBLY;

30 (II) COSTS ASSOCIATED WITH THE INVESTIGATION OR
31 DISCIPLINING OF LICENSEES; OR

32 (III) LITIGATION EXPENSES.

1 4-207.

2 (a) There is a State Board of Dental Examiners Fund.

3 (H) (1) THE BOARD MAY CREATE AND ESTABLISH A PROJECT RESERVE
4 FUND IN SUCH AMOUNTS AS THE BOARD CONSIDERS APPROPRIATE NOT TO EXCEED
5 50% OF THE PRECEDING FISCAL YEAR'S BUDGET APPROPRIATION.

6 (2) THE BOARD MAY ALLOCATE TO THE PROJECT RESERVE FUND ANY
7 PAYMENTS RECEIVED FROM FEES COLLECTED BY THE BOARD FROM THE ISSUANCE
8 AND RENEWAL OF LICENSES OR OTHER SERVICES.

9 (3) FUNDS HELD IN THE PROJECT RESERVE FUND MAY BE EXPENDED
10 ONLY FOR UNANTICIPATED:

11 (I) DUTIES CREATED AND MANDATED BY THE GENERAL
12 ASSEMBLY;

13 (II) COSTS ASSOCIATED WITH THE INVESTIGATION OR
14 DISCIPLINING OF LICENSEES; OR

15 (III) LITIGATION EXPENSES.

16 5-206.

17 (a) There is a State Board of Dietetic Practice Fund.

18 (G) (1) THE BOARD MAY CREATE AND ESTABLISH A PROJECT RESERVE
19 FUND IN SUCH AMOUNTS AS THE BOARD CONSIDERS APPROPRIATE NOT TO EXCEED
20 50% OF THE PRECEDING FISCAL YEAR'S BUDGET APPROPRIATION.

21 (2) THE BOARD MAY ALLOCATE TO THE PROJECT RESERVE FUND ANY
22 PAYMENTS RECEIVED FROM FEES COLLECTED BY THE BOARD FROM THE ISSUANCE
23 AND RENEWAL OF LICENSES OR OTHER SERVICES.

24 (3) FUNDS HELD IN THE PROJECT RESERVE FUND MAY BE EXPENDED
25 ONLY FOR UNANTICIPATED:

26 (I) DUTIES CREATED AND MANDATED BY THE GENERAL
27 ASSEMBLY;

28 (II) COSTS ASSOCIATED WITH THE INVESTIGATION OR
29 DISCIPLINING OF LICENSEES; OR

30 (III) LITIGATION EXPENSES.

31 6-206.

32 (a) There is a State Board of Electrologists Fund.

1 (G) (1) THE BOARD MAY CREATE AND ESTABLISH A PROJECT RESERVE
2 FUND IN SUCH AMOUNTS AS THE BOARD CONSIDERS APPROPRIATE NOT TO EXCEED
3 50% OF THE PRECEDING FISCAL YEAR'S BUDGET APPROPRIATION.

4 (2) THE BOARD MAY ALLOCATE TO THE PROJECT RESERVE FUND ANY
5 PAYMENTS RECEIVED FROM FEES COLLECTED BY THE BOARD FROM THE ISSUANCE
6 AND RENEWAL OF LICENSES OR OTHER SERVICES.

7 (3) FUNDS HELD IN THE PROJECT RESERVE FUND MAY BE EXPENDED
8 ONLY FOR UNANTICIPATED:

9 (I) DUTIES CREATED AND MANDATED BY THE GENERAL
10 ASSEMBLY;

11 (II) COSTS ASSOCIATED WITH THE INVESTIGATION OR
12 DISCIPLINING OF LICENSEES; OR

13 (III) LITIGATION EXPENSES.

14 7-206.

15 (a) There is a State Board of Morticians Fund.

16 (G) (1) THE BOARD MAY CREATE AND ESTABLISH A PROJECT RESERVE
17 FUND IN SUCH AMOUNTS AS THE BOARD CONSIDERS APPROPRIATE NOT TO EXCEED
18 50% OF THE PRECEDING FISCAL YEAR'S BUDGET APPROPRIATION.

19 (2) THE BOARD MAY ALLOCATE TO THE PROJECT RESERVE FUND ANY
20 PAYMENTS RECEIVED FROM FEES COLLECTED BY THE BOARD FROM THE ISSUANCE
21 AND RENEWAL OF LICENSES OR OTHER SERVICES.

22 (3) FUNDS HELD IN THE PROJECT RESERVE FUND MAY BE EXPENDED
23 ONLY FOR UNANTICIPATED:

24 (I) DUTIES CREATED AND MANDATED BY THE GENERAL
25 ASSEMBLY;

26 (II) COSTS ASSOCIATED WITH THE INVESTIGATION OR
27 DISCIPLINING OF LICENSEES; OR

28 (III) LITIGATION EXPENSES.

29 10-206.

30 (a) There is a State Board of Occupational Therapy Practice Fund.

31 (G) (1) THE BOARD MAY CREATE AND ESTABLISH A PROJECT RESERVE
32 FUND IN SUCH AMOUNTS AS THE BOARD CONSIDERS APPROPRIATE NOT TO EXCEED
33 50% OF THE PRECEDING FISCAL YEAR'S BUDGET APPROPRIATION.

1 (2) THE BOARD MAY ALLOCATE TO THE PROJECT RESERVE FUND ANY
2 PAYMENTS RECEIVED FROM FEES COLLECTED BY THE BOARD FROM THE ISSUANCE
3 AND RENEWAL OF LICENSES OR OTHER SERVICES.

4 (3) FUNDS HELD IN THE PROJECT RESERVE FUND MAY BE EXPENDED
5 ONLY FOR UNANTICIPATED:

6 (I) DUTIES CREATED AND MANDATED BY THE GENERAL
7 ASSEMBLY;

8 (II) COSTS ASSOCIATED WITH THE INVESTIGATION OR
9 DISCIPLINING OF LICENSEES; OR

10 (III) LITIGATION EXPENSES.

11 11-207.

12 (a) There is a State Board of Examiners in Optometry Fund.

13 (G) (1) THE BOARD MAY CREATE AND ESTABLISH A PROJECT RESERVE
14 FUND IN SUCH AMOUNTS AS THE BOARD CONSIDERS APPROPRIATE NOT TO EXCEED
15 50% OF THE PRECEDING FISCAL YEAR'S BUDGET APPROPRIATION.

16 (2) THE BOARD MAY ALLOCATE TO THE PROJECT RESERVE FUND ANY
17 PAYMENTS RECEIVED FROM FEES COLLECTED BY THE BOARD FROM THE ISSUANCE
18 AND RENEWAL OF LICENSES OR OTHER SERVICES.

19 (3) FUNDS HELD IN THE PROJECT RESERVE FUND MAY BE EXPENDED
20 ONLY FOR UNANTICIPATED:

21 (I) DUTIES CREATED AND MANDATED BY THE GENERAL
22 ASSEMBLY;

23 (II) COSTS ASSOCIATED WITH THE INVESTIGATION OR
24 DISCIPLINING OF LICENSEES; OR

25 (III) LITIGATION EXPENSES.

26 12-206.

27 (a) There is a State Board of Pharmacy Fund.

28 (H) (1) THE BOARD MAY CREATE AND ESTABLISH A PROJECT RESERVE
29 FUND IN SUCH AMOUNTS AS THE BOARD CONSIDERS APPROPRIATE NOT TO EXCEED
30 50% OF THE PRECEDING FISCAL YEAR'S BUDGET APPROPRIATION.

31 (2) THE BOARD MAY ALLOCATE TO THE PROJECT RESERVE FUND ANY
32 PAYMENTS RECEIVED FROM FEES COLLECTED BY THE BOARD FROM THE ISSUANCE
33 AND RENEWAL OF LICENSES OR OTHER SERVICES.

1 (3) FUNDS HELD IN THE PROJECT RESERVE FUND MAY BE EXPENDED
2 ONLY FOR UNANTICIPATED:

3 (I) DUTIES CREATED AND MANDATED BY THE GENERAL
4 ASSEMBLY;

5 (II) COSTS ASSOCIATED WITH THE INVESTIGATION OR
6 DISCIPLINING OF LICENSEES; OR

7 (III) LITIGATION EXPENSES.

8 13-207.

9 (a) There is a State Board of Physical Therapy Examiners Fund.

10 (G) (1) THE BOARD MAY CREATE AND ESTABLISH A PROJECT RESERVE
11 FUND IN SUCH AMOUNTS AS THE BOARD CONSIDERS APPROPRIATE NOT TO EXCEED
12 50% OF THE PRECEDING FISCAL YEAR'S BUDGET APPROPRIATION.

13 (2) THE BOARD MAY ALLOCATE TO THE PROJECT RESERVE FUND ANY
14 PAYMENTS RECEIVED FROM FEES COLLECTED BY THE BOARD FROM THE ISSUANCE
15 AND RENEWAL OF LICENSES OR OTHER SERVICES.

16 (3) FUNDS HELD IN THE PROJECT RESERVE FUND MAY BE EXPENDED
17 ONLY FOR UNANTICIPATED:

18 (I) DUTIES CREATED AND MANDATED BY THE GENERAL
19 ASSEMBLY;

20 (II) COSTS ASSOCIATED WITH THE INVESTIGATION OR
21 DISCIPLINING OF LICENSEES; OR

22 (III) LITIGATION EXPENSES.

23 14-207.

24 (a) There is a Board of Physician Quality Assurance Fund.

25 (G) (1) THE BOARD MAY CREATE AND ESTABLISH A PROJECT RESERVE
26 FUND IN SUCH AMOUNTS AS THE BOARD CONSIDERS APPROPRIATE NOT TO EXCEED
27 50% OF THE PRECEDING FISCAL YEAR'S BUDGET APPROPRIATION.

28 (2) THE BOARD MAY ALLOCATE TO THE PROJECT RESERVE FUND ANY
29 PAYMENTS RECEIVED FROM FEES COLLECTED BY THE BOARD FROM THE ISSUANCE
30 AND RENEWAL OF LICENSES OR OTHER SERVICES.

31 (3) FUNDS HELD IN THE PROJECT RESERVE FUND MAY BE EXPENDED
32 ONLY FOR UNANTICIPATED:

33 (I) DUTIES CREATED AND MANDATED BY THE GENERAL
34 ASSEMBLY;

1 (II) COSTS ASSOCIATED WITH THE INVESTIGATION OR
2 DISCIPLINING OF LICENSEES; OR

3 (III) LITIGATION EXPENSES.

4 16-206.

5 (a) There is a State Board of Podiatric Medical Examiners Fund.

6 (G) (1) THE BOARD MAY CREATE AND ESTABLISH A PROJECT RESERVE
7 FUND IN SUCH AMOUNTS AS THE BOARD CONSIDERS APPROPRIATE NOT TO EXCEED
8 50% OF THE PRECEDING FISCAL YEAR'S BUDGET APPROPRIATION.

9 (2) THE BOARD MAY ALLOCATE TO THE PROJECT RESERVE FUND ANY
10 PAYMENTS RECEIVED FROM FEES COLLECTED BY THE BOARD FROM THE ISSUANCE
11 AND RENEWAL OF LICENSES OR OTHER SERVICES.

12 (3) FUNDS HELD IN THE PROJECT RESERVE FUND MAY BE EXPENDED
13 ONLY FOR UNANTICIPATED:

14 (I) DUTIES CREATED AND MANDATED BY THE GENERAL
15 ASSEMBLY;

16 (II) COSTS ASSOCIATED WITH THE INVESTIGATION OR
17 DISCIPLINING OF LICENSEES; OR

18 (III) LITIGATION EXPENSES.

19 17-206.

20 (a) There is a State Board of Examiners of Professional Counselors Fund.

21 (G) (1) THE BOARD MAY CREATE AND ESTABLISH A PROJECT RESERVE
22 FUND IN SUCH AMOUNTS AS THE BOARD CONSIDERS APPROPRIATE NOT TO EXCEED
23 50% OF THE PRECEDING FISCAL YEAR'S BUDGET APPROPRIATION.

24 (2) THE BOARD MAY ALLOCATE TO THE PROJECT RESERVE FUND ANY
25 PAYMENTS RECEIVED FROM FEES COLLECTED BY THE BOARD FROM THE ISSUANCE
26 AND RENEWAL CERTIFICATES OR OTHER SERVICES.

27 (3) FUNDS HELD IN THE PROJECT RESERVE FUND MAY BE EXPENDED
28 ONLY FOR UNANTICIPATED:

29 (I) DUTIES CREATED AND MANDATED BY THE GENERAL
30 ASSEMBLY;

31 (II) COSTS ASSOCIATED WITH THE INVESTIGATION OR
32 DISCIPLINING OF CERTIFICATE HOLDERS; OR

33 (III) LITIGATION EXPENSES.

1 18-207.

2 (a) There is a State Board of Examiners for Psychologists Fund.

3 (G) (1) THE BOARD MAY CREATE AND ESTABLISH A PROJECT RESERVE
4 FUND IN SUCH AMOUNTS AS THE BOARD CONSIDERS APPROPRIATE NOT TO EXCEED
5 50% OF THE PRECEDING FISCAL YEAR'S BUDGET APPROPRIATION.

6 (2) THE BOARD MAY ALLOCATE TO THE PROJECT RESERVE FUND ANY
7 PAYMENTS RECEIVED FROM FEES COLLECTED BY THE BOARD FROM THE ISSUANCE
8 AND RENEWAL OF LICENSES OR OTHER SERVICES.

9 (3) FUNDS HELD IN THE PROJECT RESERVE FUND MAY BE EXPENDED
10 ONLY FOR UNANTICIPATED:

11 (I) DUTIES CREATED AND MANDATED BY THE GENERAL
12 ASSEMBLY;

13 (II) COSTS ASSOCIATED WITH THE INVESTIGATION OR
14 DISCIPLINING OF LICENSEES; OR

15 (III) LITIGATION EXPENSES.

16 19-206.

17 (a) There is a State Board of Social Work Examiners Fund.

18 (I) (1) THE BOARD MAY CREATE AND ESTABLISH A PROJECT RESERVE
19 FUND IN SUCH AMOUNTS AS THE BOARD CONSIDERS APPROPRIATE NOT TO EXCEED
20 50% OF THE PRECEDING FISCAL YEAR'S BUDGET APPROPRIATION.

21 (2) THE BOARD MAY ALLOCATE TO THE PROJECT RESERVE FUND ANY
22 PAYMENTS RECEIVED FROM FEES COLLECTED BY THE BOARD FROM THE ISSUANCE
23 AND RENEWAL OF LICENSES OR OTHER SERVICES.

24 (3) FUNDS HELD IN THE PROJECT RESERVE FUND MAY BE EXPENDED
25 ONLY FOR UNANTICIPATED:

26 (I) DUTIES CREATED AND MANDATED BY THE GENERAL
27 ASSEMBLY;

28 (II) COSTS ASSOCIATED WITH THE INVESTIGATION OR
29 DISCIPLINING OF LICENSEES; OR

30 (III) LITIGATION EXPENSES.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 July 1, 1998.

