
By: **Delegate Barve**

Introduced and read first time: February 12, 1998

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Health Occupations - Boards - Conflicts of Interest**

3 FOR the purpose of requiring that health occupation boards that issue subpoenas
4 approve the subpoenas by a majority of board membership; requiring that only
5 the items mentioned in the subpoena may be obtained from the party who is
6 subpoenaed; requiring the members of health occupation boards to recuse
7 themselves from certain investigations and proceedings in which their
8 impartiality may be reasonably questioned; requiring that the Executive
9 Director of the State Ethics Commission or the Executive Director's designee
10 develop a code of conduct for the members of the health occupation boards and
11 their designated investigators; and generally relating to health occupation
12 boards.

13 BY repealing and reenacting, without amendments,
14 Article - Health Occupations
15 Section 4-318(h), 17-314(f), and 18-315(f)
16 Annotated Code of Maryland
17 (1994 Replacement Volume and 1997 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article - Health Occupations
20 Section 2-312(b), 3-315, 4-318(g), 7-319(f) and (g), 9-315(e), 10-316(g),
21 11-315(e), 12-315(f), (g), (h), and (i), 13-317(f), 14-401(h) and (i),
22 15-313(b), 16-314(f), 17-314(e), 18-315(e), and 19-312(e)
23 Annotated Code of Maryland
24 (1994 Replacement Volume and 1997 Supplement)

25 BY adding to
26 Article - Health Occupations
27 Section 2-312(c), (d), and (e), 4-318(i), (j), and (k), 5-312(g), (h), (i), (j), and (k),
28 6-314(g), (h), (i), (j), and (k), 7-319(f), (g), (j), (k), and (l), 8-317(g), (h), (i),
29 (j), and (k), 9-315(e), (f), (h), (i), and (j), 10-316(g), (h), (j), (k), and (l),
30 11-315(e), (f), (h), (i), and (j), 12-315(f), (g), (l), (m), and (n), 13-317(f), (g),
31 (i), (j), and (k), 14-401(h), (i), (l), (m), and (n), 15-313(b), (c), (d), (e), and (f),

1 16-314(f), (g), (i), (j), and (k), 17-314(g), (h), and (i), 18-315(g), (h), and (i),
2 and 19-312(e), (f), (h), (i), and (j)
3 Annotated Code of Maryland
4 (1994 Replacement Volume and 1997 Supplement)

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

7 **Article - Health Occupations**

8 2-312.

9 (b) (1) The Board may sue to enforce any provision of this title by injunction
10 or other appropriate proceeding.

11 (2) An action under this subsection is in addition to and not instead of
12 criminal prosecution under § 2-408 of this title.

13 (3) ANY DECISIONS MADE BY THE BOARD SHALL BE BASED ON THE
14 BOARD RECORD AND NOT BASED ON ANY OUTSIDE INFORMATION.

15 (C) A BOARD MEMBER MAY NOT PARTICIPATE IN AN INVESTIGATION OR A
16 PROCEEDING IN WHICH THE BOARD MEMBER'S IMPARTIALITY MIGHT REASONABLY
17 BE QUESTIONED, INCLUDING PROCEEDINGS AND INVESTIGATIONS IN WHICH THE
18 BOARD MEMBER HAS OR APPEARS TO HAVE A:

19 (1) PERSONAL BIAS OR PREJUDICE CONCERNING A PARTY; OR

20 (2) PERSONAL KNOWLEDGE OF DISPUTED EVIDENTIARY FACTS
21 CONCERNING A PROCEEDING.

22 (D) A PARTY WHO IS A SUBJECT OF A BOARD INVESTIGATION MAY MAKE A
23 STATEMENT FOR THE BOARD RECORD INVOLVING ANY PERSONAL BIAS OR
24 PREJUDICE A BOARD MEMBER MAY HAVE REGARDING THE PARTY.

25 (E)(1) ANY SUBPOENAS ISSUED BY THE BOARD SHALL BE APPROVED BY A VOTE
26 OF THE MAJORITY OF THE ENTIRE BOARD MEMBERSHIP.

27 (2) ONLY THE ITEMS MENTIONED SPECIFICALLY IN ANY SUBPOENA
28 ISSUED BY THE BOARD MAY BE REMOVED FROM THE PERSON WHO IS NAMED IN THE
29 SUBPOENA.

30 3-315.

31 (a) Except as otherwise provided in the Administrative Procedure Act, before
32 the Board takes any action under § 3-313 of this subtitle, it shall give the individual
33 against whom the action is contemplated an opportunity for a hearing before the
34 Board.

1 (b) The Board shall give notice and hold the hearing in accordance with the
2 Administrative Procedure Act.

3 (c) The individual may be represented at the hearing by counsel.

4 (d) (1) Over the signature of an officer or the administrator of the Board, the
5 Board may issue subpoenas and administer oaths in connection with any
6 investigation under this title and any hearings or proceedings before it.

7 (2) ANY SUBPOENAS ISSUED BY THE BOARD SHALL BE APPROVED BY A
8 VOTE OF THE MAJORITY OF THE ENTIRE BOARD MEMBERSHIP.

9 (3) ONLY THE ITEMS MENTIONED SPECIFICALLY IN ANY SUBPOENA
10 ISSUED BY THE BOARD MAY BE REMOVED FROM THE PERSON WHO IS NAMED IN THE
11 SUBPOENA.

12 (e) If, without lawful excuse, a person disobeys a subpoena from the Board or
13 an order by the Board to take an oath or to testify or answer a question, then, on
14 petition of the Board, a court of competent jurisdiction shall compel compliance with
15 the subpoena and may punish the person as for contempt of court.

16 (f) If after due notice the individual against whom the action is contemplated
17 fails or refuses to appear, nevertheless the Board may hear and determine the matter.

18 (g) If, after a hearing, a chiropractor is found in violation of § 3-313 of this
19 subtitle, the chiropractor shall pay to the Board the costs for court reporting services.

20 (H) ANY DECISIONS MADE BY THE BOARD SHALL BE BASED ON THE BOARD
21 RECORD AND NOT BASED ON ANY OUTSIDE INFORMATION.

22 (I) A BOARD MEMBER MAY NOT PARTICIPATE IN AN INVESTIGATION OR A
23 PROCEEDING IN WHICH THE BOARD MEMBER'S IMPARTIALITY MIGHT REASONABLY
24 BE QUESTIONED, INCLUDING PROCEEDINGS AND INVESTIGATIONS IN WHICH THE
25 BOARD MEMBER HAS OR APPEARS TO HAVE A:

26 (1) PERSONAL BIAS OR PREJUDICE CONCERNING A PARTY; OR

27 (2) PERSONAL KNOWLEDGE OF DISPUTED EVIDENTIARY FACTS
28 CONCERNING A PROCEEDING.

29 (J) A PARTY WHO IS A SUBJECT OF A BOARD INVESTIGATION MAY MAKE A
30 STATEMENT FOR THE BOARD RECORD INVOLVING ANY PERSONAL BIAS OR
31 PREJUDICE A BOARD MEMBER MAY HAVE REGARDING THE PARTY.

32 4-318.

33 (g) (1) Over the signature of the Board secretary, the Board may issue
34 subpoenas and administer oaths to witnesses in connection with any investigation
35 under this title and any hearings or proceedings before it.

1 (2) The Board shall issue subpoenas on behalf of the individual if the
2 individual requests in writing that the Board do so.

3 (3) If, without lawful excuse, a person disobeys a subpoena from the
4 Board or an order by the Board to take an oath or to testify or answer a question,
5 then, on petition of the Board, a court of competent jurisdiction may punish the
6 person as for contempt of court.

7 (4) If, without lawful excuse, an individual disobeys a subpoena from the
8 Board or an order by the Board to take an oath, testify, or answer a question, on
9 petition of the Board, a court of competent jurisdiction may compel compliance with
10 the subpoena.

11 (5) ANY SUBPOENAS ISSUED BY THE BOARD SHALL BE APPROVED BY A
12 VOTE OF THE MAJORITY OF THE ENTIRE BOARD MEMBERSHIP.

13 (6) ONLY THE ITEMS MENTIONED SPECIFICALLY IN ANY SUBPOENA
14 ISSUED BY THE BOARD MAY BE REMOVED FROM THE PERSON WHO IS NAMED IN THE
15 SUBPOENA.

16 (h) If after due notice the individual against whom the action is contemplated
17 fails or refuses to appear, nevertheless the Board may hear and determine the matter.

18 (i) ANY DECISIONS MADE BY THE BOARD SHALL BE BASED ON THE BOARD
19 RECORD AND NOT BASED ON ANY OUTSIDE INFORMATION.

20 (j) A BOARD MEMBER MAY NOT PARTICIPATE IN AN INVESTIGATION OR A
21 PROCEEDING IN WHICH THE BOARD MEMBER'S IMPARTIALITY MIGHT REASONABLY
22 BE QUESTIONED, INCLUDING PROCEEDINGS AND INVESTIGATIONS IN WHICH THE
23 BOARD MEMBER HAS OR APPEARS TO HAVE A:

24 (1) PERSONAL BIAS OR PREJUDICE CONCERNING A PARTY; OR

25 (2) PERSONAL KNOWLEDGE OF DISPUTED EVIDENTIARY FACTS
26 CONCERNING A PROCEEDING.

27 (k) A PARTY WHO IS A SUBJECT OF A BOARD INVESTIGATION MAY MAKE A
28 STATEMENT FOR THE BOARD RECORD INVOLVING ANY PERSONAL BIAS OR
29 PREJUDICE A BOARD MEMBER MAY HAVE REGARDING THE PARTY.

30 5-312.

31 (g) ANY SUBPOENAS ISSUED BY THE BOARD SHALL BE APPROVED BY A VOTE
32 OF THE MAJORITY OF THE ENTIRE BOARD MEMBERSHIP.

33 (h) ONLY THE ITEMS MENTIONED SPECIFICALLY IN ANY SUBPOENA ISSUED
34 BY THE BOARD MAY BE REMOVED FROM THE PERSON WHO IS NAMED IN THE
35 SUBPOENA.

1 (I) ANY DECISIONS MADE BY THE BOARD SHALL BE BASED ON THE BOARD
2 RECORD AND NOT BASED ON ANY OUTSIDE INFORMATION.

3 (J) A BOARD MEMBER MAY NOT PARTICIPATE IN AN INVESTIGATION OR A
4 PROCEEDING IN WHICH THE BOARD MEMBER'S IMPARTIALITY MIGHT REASONABLY
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11 STATEMENT FOR THE BOARD RECORD INVOLVING ANY PERSONAL BIAS OR
12 PREJUDICE A BOARD MEMBER MAY HAVE REGARDING THE PARTY.

13 6-314.

14 (G) ANY SUBPOENAS ISSUED BY THE BOARD SHALL BE APPROVED BY A VOTE
15 OF THE MAJORITY OF THE ENTIRE BOARD MEMBERSHIP.

16 (H) ONLY THE ITEMS MENTIONED SPECIFICALLY IN ANY SUBPOENA ISSUED
17 BY THE BOARD MAY BE REMOVED FROM THE PERSON WHO IS NAMED IN THE
18 SUBPOENA.

19 (I) ANY DECISIONS MADE BY THE BOARD SHALL BE BASED ON THE BOARD
20 RECORD AND NOT BASED ON ANY OUTSIDE INFORMATION.

21 (J) A BOARD MEMBER MAY NOT PARTICIPATE IN AN INVESTIGATION OR A
22 PROCEEDING IN WHICH THE BOARD MEMBER'S IMPARTIALITY MIGHT REASONABLY
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29 STATEMENT FOR THE BOARD RECORD INVOLVING ANY PERSONAL BIAS OR
30 PREJUDICE A BOARD MEMBER MAY HAVE REGARDING THE PARTY.

31 7-319.

32 (F) ANY SUBPOENAS ISSUED BY THE BOARD SHALL BE APPROVED BY A VOTE
33 OF THE MAJORITY OF THE ENTIRE BOARD MEMBERSHIP.

34 (G) ONLY THE ITEMS MENTIONED SPECIFICALLY IN ANY SUBPOENA ISSUED
35 BY THE BOARD MAY BE REMOVED FROM THE PERSON WHO IS NAMED IN THE
36 SUBPOENA.

1 [(f)] (H) If after due notice the individual against whom the action is
2 contemplated fails or refuses to appear, nevertheless the Board may hear and
3 determine the matter.

4 [(g)] (I) If after a hearing an individual is found in violation of § 7-316 of this
5 subtitle, the individual shall pay the hearing costs.

6 (J) ANY DECISIONS MADE BY THE BOARD SHALL BE BASED ON THE BOARD
7 RECORD AND NOT BASED ON ANY OUTSIDE INFORMATION.

8 (K) A BOARD MEMBER MAY NOT PARTICIPATE IN AN INVESTIGATION OR A
9 PROCEEDING IN WHICH THE BOARD MEMBER'S IMPARTIALITY MIGHT REASONABLY
10 BE QUESTIONED, INCLUDING PROCEEDINGS AND INVESTIGATIONS IN WHICH THE
11 BOARD MEMBER HAS OR APPEARS TO HAVE A:

12 (1) PERSONAL BIAS OR PREJUDICE CONCERNING A PARTY; OR

13 (2) PERSONAL KNOWLEDGE OF DISPUTED EVIDENTIARY FACTS
14 CONCERNING A PROCEEDING.

15 (L) A PARTY WHO IS A SUBJECT OF A BOARD INVESTIGATION MAY MAKE A
16 STATEMENT FOR THE BOARD RECORD INVOLVING ANY PERSONAL BIAS OR
17 PREJUDICE A BOARD MEMBER MAY HAVE REGARDING THE PARTY.

18 8-317.

19 (G) ANY SUBPOENAS ISSUED BY THE BOARD SHALL BE APPROVED BY A VOTE
20 OF THE MAJORITY OF THE ENTIRE BOARD MEMBERSHIP.

21 (H) ONLY THE ITEMS MENTIONED SPECIFICALLY IN ANY SUBPOENA ISSUED
22 BY THE BOARD MAY BE REMOVED FROM THE PERSON WHO IS NAMED IN THE
23 SUBPOENA.

24 (I) ANY DECISIONS MADE BY THE BOARD SHALL BE BASED ON THE BOARD
25 RECORD AND NOT BASED ON ANY OUTSIDE INFORMATION.

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34 STATEMENT FOR THE BOARD RECORD INVOLVING ANY PERSONAL BIAS OR
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1 9-315.

2 (E) ANY SUBPOENAS ISSUED BY THE BOARD SHALL BE APPROVED BY A VOTE
3 OF THE MAJORITY OF THE ENTIRE BOARD MEMBERSHIP.

4 (F) ONLY THE ITEMS MENTIONED SPECIFICALLY IN ANY SUBPOENA ISSUED
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6 SUBPOENA.

7 [(e)] (G) If after due notice the individual against whom the action is
8 contemplated fails or refuses to appear, nevertheless the Board may hear and
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22 10-316.

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27 SUBPOENA.

28 [(g)] (I) If after due notice the individual against whom the action is
29 contemplated fails or refuses to appear, nevertheless the Board may hear and
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31 (J) ANY DECISIONS MADE BY THE BOARD SHALL BE BASED ON THE BOARD
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4 (L) A PARTY WHO IS A SUBJECT OF A BOARD INVESTIGATION MAY MAKE A
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6 PREJUDICE A BOARD MEMBER MAY HAVE REGARDING THE PARTY.

7 11-315.

8 (E) ANY SUBPOENAS ISSUED BY THE BOARD SHALL BE APPROVED BY A VOTE
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10 (F) ONLY THE ITEMS MENTIONED SPECIFICALLY IN ANY SUBPOENA ISSUED
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12 SUBPOENA.

13 [(e)] (G) If after due notice the individual against whom the action is
14 contemplated fails or refuses to appear, nevertheless the Board may hear and
15 determine the matter.

16 (H) ANY DECISIONS MADE BY THE BOARD SHALL BE BASED ON THE BOARD
17 RECORD AND NOT BASED ON ANY OUTSIDE INFORMATION.

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28 12-315.

29 (F) ANY SUBPOENAS ISSUED BY THE BOARD SHALL BE APPROVED BY A VOTE
30 OF THE MAJORITY OF THE ENTIRE BOARD MEMBERSHIP.

31 (G) ONLY THE ITEMS MENTIONED SPECIFICALLY IN ANY SUBPOENA ISSUED
32 BY THE BOARD MAY BE REMOVED FROM THE PERSON WHO IS NAMED IN THE
33 SUBPOENA.

34 [(f)] (H) If, without lawful excuse, a person disobeys a subpoena from the
35 Board or an order by the Board to take an oath or to testify or answer a question,

1 then, on petition of the Board, a court of competent jurisdiction may punish the
2 person as for contempt of court.

3 [(g)] (I) If after due notice the individual against whom the action is
4 contemplated fails or refuses to appear, nevertheless the Board may hear and
5 determine the matter.

6 [(h)] (J) The hearing of charges against a person may not be stayed or
7 challenged by procedural defects alleged to have occurred prior to filing of the
8 charges.

9 [(i)] (K) (1) This subsection does not apply to a civil action brought by a
10 party to a proceeding before the Board who claims to be aggrieved by the decision of
11 the Board.

12 (2) Except by the express stipulation and consent of all parties to a
13 proceeding before the Board or any of its investigatory bodies, in a civil or criminal
14 action:

15 (i) The proceedings, records, or files of the Board or any of its
16 investigatory bodies are not discoverable and are not admissible in evidence; and

17 (ii) Any order passed by the Board is not admissible in evidence.

18 (3) If any medical or hospital record or any other exhibit is subpoenaed
19 and otherwise is admissible in evidence, the use of that record or exhibit in a
20 proceeding before the Board or any of its investigatory bodies does not prevent its
21 production in any other proceeding.

22 (L) ANY DECISIONS MADE BY THE BOARD SHALL BE BASED ON THE BOARD
23 RECORD AND NOT BASED ON ANY OUTSIDE INFORMATION.

24 (M) A BOARD MEMBER MAY NOT PARTICIPATE IN AN INVESTIGATION OR A
25 PROCEEDING IN WHICH THE BOARD MEMBER'S IMPARTIALITY MIGHT REASONABLY
26 BE QUESTIONED, INCLUDING PROCEEDINGS AND INVESTIGATIONS IN WHICH THE
27 BOARD MEMBER HAS OR APPEARS TO HAVE A:

28 (1) PERSONAL BIAS OR PREJUDICE CONCERNING A PARTY; OR

29 (2) PERSONAL KNOWLEDGE OF DISPUTED EVIDENTIARY FACTS
30 CONCERNING A PROCEEDING.

31 (N) A PARTY WHO IS A SUBJECT OF A BOARD INVESTIGATION MAY MAKE A
32 STATEMENT FOR THE BOARD RECORD INVOLVING ANY PERSONAL BIAS OR
33 PREJUDICE A BOARD MEMBER MAY HAVE REGARDING THE PARTY.

34 13-317.

35 (F) ANY SUBPOENAS ISSUED BY THE BOARD SHALL BE APPROVED BY A VOTE
36 OF THE MAJORITY OF THE ENTIRE BOARD MEMBERSHIP.

1 (G) ONLY THE ITEMS MENTIONED SPECIFICALLY IN ANY SUBPOENA ISSUED
2 BY THE BOARD MAY BE REMOVED FROM THE PERSON WHO IS NAMED IN THE
3 SUBPOENA.

4 [(f)] (H) If after due notice the individual against whom the action is
5 contemplated fails or refuses to appear, nevertheless the Board may hear and
6 determine the matter.

7 (I) ANY DECISIONS MADE BY THE BOARD SHALL BE BASED ON THE BOARD
8 RECORD AND NOT BASED ON ANY OUTSIDE INFORMATION.

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14 (2) PERSONAL KNOWLEDGE OF DISPUTED EVIDENTIARY FACTS
15 CONCERNING A PROCEEDING.

16 (K) A PARTY WHO IS A SUBJECT OF A BOARD INVESTIGATION MAY MAKE A
17 STATEMENT FOR THE BOARD RECORD INVOLVING ANY PERSONAL BIAS OR
18 PREJUDICE A BOARD MEMBER MAY HAVE REGARDING THE PARTY.

19 14-401.

20 (H) ANY SUBPOENAS ISSUED BY THE BOARD SHALL BE APPROVED BY A VOTE
21 OF THE MAJORITY OF THE ENTIRE BOARD MEMBERSHIP.

22 (I) ONLY THE ITEMS MENTIONED SPECIFICALLY IN ANY SUBPOENA ISSUED
23 BY THE BOARD MAY BE REMOVED FROM THE PERSON WHO IS NAMED IN THE
24 SUBPOENA.

25 [(h)] (J) Those individuals not licensed under this title but covered under §
26 14-413(a)(1)(ii)3 and 4 of this subtitle are subject to the hearing provisions of §
27 14-405 of this subtitle.

28 [(i)] (K) (1) It is the intent of this section that the disposition of every
29 complaint against a licensee that sets forth allegations of grounds for disciplinary
30 action filed with the Board shall be completed as expeditiously as possible and, in any
31 event, within 18 months after the complaint was received by the Board.

32 (2) If the Board is unable to complete the disposition of a complaint
33 within 1 year, the Board shall include in the record of that complaint a detailed
34 explanation of the reason for the delay.

35 (L) ANY DECISIONS MADE BY THE BOARD SHALL BE BASED ON THE BOARD
36 RECORD AND NOT BASED ON ANY OUTSIDE INFORMATION.

1 (M) A BOARD MEMBER MAY NOT PARTICIPATE IN AN INVESTIGATION OR A
2 PROCEEDING IN WHICH THE BOARD MEMBER'S IMPARTIALITY MIGHT REASONABLY
3 BE QUESTIONED, INCLUDING PROCEEDINGS AND INVESTIGATIONS IN WHICH THE
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8 (N) A PARTY WHO IS A SUBJECT OF A BOARD INVESTIGATION MAY MAKE A
9 STATEMENT FOR THE BOARD RECORD INVOLVING ANY PERSONAL BIAS OR
10 PREJUDICE A BOARD MEMBER MAY HAVE REGARDING THE PARTY.

11 15-313.

12 (B) ANY SUBPOENAS ISSUED BY THE BOARD SHALL BE APPROVED BY A VOTE
13 OF THE MAJORITY OF THE ENTIRE BOARD MEMBERSHIP.

14 (C) ONLY THE ITEMS MENTIONED SPECIFICALLY IN ANY SUBPOENA ISSUED
15 BY THE BOARD MAY BE REMOVED FROM THE PERSON WHO IS NAMED IN THE
16 SUBPOENA.

17 (D) ANY DECISIONS MADE BY THE BOARD SHALL BE BASED ON THE BOARD
18 RECORD AND NOT BASED ON ANY OUTSIDE INFORMATION.

19 (E) A BOARD MEMBER MAY NOT PARTICIPATE IN AN INVESTIGATION OR A
20 PROCEEDING IN WHICH THE BOARD MEMBER'S IMPARTIALITY MIGHT REASONABLY
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26 (F) A PARTY WHO IS A SUBJECT OF A BOARD INVESTIGATION MAY MAKE A
27 STATEMENT FOR THE BOARD RECORD INVOLVING ANY PERSONAL BIAS OR
28 PREJUDICE A BOARD MEMBER MAY HAVE REGARDING THE PARTY.

29 [(b)] (G) Any applicant aggrieved under this subtitle by a final decision of the
30 Board denying a certificate or denying or modifying a job description may:

31 (1) Appeal that decision to the Board of Review; and

32 (2) Then take any further appeal allowed under Title 10, Subtitle 2 of the
33 State Government Article.

1 16-314.

2 (F) ANY SUBPOENAS ISSUED BY THE BOARD SHALL BE APPROVED BY A VOTE
3 OF THE MAJORITY OF THE ENTIRE BOARD MEMBERSHIP.

4 (G) ONLY THE ITEMS MENTIONED SPECIFICALLY IN ANY SUBPOENA ISSUED
5 BY THE BOARD MAY BE REMOVED FROM THE PERSON WHO IS NAMED IN THE
6 SUBPOENA.

7 [(f)] (H) If after due notice the individual against whom the action is
8 contemplated fails or refuses to appear, nevertheless the Board may hear and
9 determine the matter.

10 (I) ANY DECISIONS MADE BY THE BOARD SHALL BE BASED ON THE BOARD
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19 (K) A PARTY WHO IS A SUBJECT OF A BOARD INVESTIGATION MAY MAKE A
20 STATEMENT FOR THE BOARD RECORD INVOLVING ANY PERSONAL BIAS OR
21 PREJUDICE A BOARD MEMBER MAY HAVE REGARDING THE PARTY.

22 17-314.

23 (e) (1) Over the signature of an officer or the administrator of the Board, the
24 Board may issue subpoenas and administer oaths in connection with any
25 investigation under this title and any hearings or proceedings before it.

26 (2) If, without lawful excuse, a person disobeys a subpoena from the
27 Board or an order by the Board to take an oath or to testify or answer a question,
28 then, on petition of the Board, a court of competent jurisdiction may punish the
29 person as for contempt of court.

30 (3) ANY SUBPOENAS ISSUED BY THE BOARD SHALL BE APPROVED BY A
31 VOTE OF THE MAJORITY OF THE ENTIRE BOARD MEMBERSHIP.

32 (4) ONLY THE ITEMS MENTIONED SPECIFICALLY IN ANY SUBPOENA
33 ISSUED BY THE BOARD MAY BE REMOVED FROM THE PERSON WHO IS NAMED IN THE
34 SUBPOENA.

35 (f) If after due notice the individual against whom the action is contemplated
36 fails or refuses to appear, the Board may hear and determine the matter.

1 (G) ANY DECISIONS MADE BY THE BOARD SHALL BE BASED ON THE BOARD
2 RECORD AND NOT BASED ON ANY OUTSIDE INFORMATION.

3 (H) A BOARD MEMBER MAY NOT PARTICIPATE IN AN INVESTIGATION OR A
4 PROCEEDING IN WHICH THE BOARD MEMBER'S IMPARTIALITY MIGHT REASONABLY
5 BE QUESTIONED, INCLUDING PROCEEDINGS AND INVESTIGATIONS IN WHICH THE
6 BOARD MEMBER HAS OR APPEARS TO HAVE A:

7 (1) PERSONAL BIAS OR PREJUDICE CONCERNING A PARTY; OR

8 (2) PERSONAL KNOWLEDGE OF DISPUTED EVIDENTIARY FACTS
9 CONCERNING A PROCEEDING.

10 (I) A PARTY WHO IS A SUBJECT OF A BOARD INVESTIGATION MAY MAKE A
11 STATEMENT FOR THE BOARD RECORD INVOLVING ANY PERSONAL BIAS OR
12 PREJUDICE A BOARD MEMBER MAY HAVE REGARDING THE PARTY.

13 18-315.

14 (e) (1) Over the signature of an officer or the administrator of the Board, the
15 Board may issue subpoenas and administer oaths in connection with any
16 investigation under this title and any hearings or proceedings before the Board.

17 (2) The Board shall issue subpoenas on behalf of the individual if the
18 individual:

19 (i) Requests that the Board do so; and

20 (ii) States under oath that the testimony or evidence sought is
21 necessary to the individual's defense.

22 (3) If, without lawful excuse, an individual disobeys a subpoena from the
23 Board or an order by the Board to take an oath, testify, or answer a question, on
24 petition of the Board, a court of competent jurisdiction may compel compliance with
25 the subpoena.

26 (4) ANY SUBPOENAS ISSUED BY THE BOARD SHALL BE APPROVED BY A
27 VOTE OF THE MAJORITY OF THE ENTIRE BOARD MEMBERSHIP.

28 (5) ONLY THE ITEMS MENTIONED SPECIFICALLY IN ANY SUBPOENA
29 ISSUED BY THE BOARD MAY BE REMOVED FROM THE PERSON WHO IS NAMED IN THE
30 SUBPOENA.

31 (f) If after due notice the individual against whom the action is contemplated
32 fails or refuses to appear, nevertheless the Board may hear and determine the matter.

33 (G) ANY DECISIONS MADE BY THE BOARD SHALL BE BASED ON THE BOARD
34 RECORD AND NOT BASED ON ANY OUTSIDE INFORMATION.

35 (H) A BOARD MEMBER MAY NOT PARTICIPATE IN AN INVESTIGATION OR A
36 PROCEEDING IN WHICH THE BOARD MEMBER'S IMPARTIALITY MIGHT REASONABLY

1 BE QUESTIONED, INCLUDING PROCEEDINGS AND INVESTIGATIONS IN WHICH THE
2 BOARD MEMBER HAS OR APPEARS TO HAVE A:

3 (1) PERSONAL BIAS OR PREJUDICE CONCERNING A PARTY; OR

4 (2) PERSONAL KNOWLEDGE OF DISPUTED EVIDENTIARY FACTS
5 CONCERNING A PROCEEDING.

6 (I) A PARTY WHO IS A SUBJECT OF A BOARD INVESTIGATION MAY MAKE A
7 STATEMENT FOR THE BOARD RECORD INVOLVING ANY PERSONAL BIAS OR
8 PREJUDICE A BOARD MEMBER MAY HAVE REGARDING THE PARTY.

9 19-312.

10 (E) ANY SUBPOENAS ISSUED BY THE BOARD SHALL BE APPROVED BY A VOTE
11 OF THE MAJORITY OF THE ENTIRE BOARD MEMBERSHIP.

12 (F) ONLY THE ITEMS MENTIONED SPECIFICALLY IN ANY SUBPOENA ISSUED
13 BY THE BOARD MAY BE REMOVED FROM THE PERSON WHO IS NAMED IN THE
14 SUBPOENA.

15 [(e)] (G) If after due notice the individual against whom the action is
16 contemplated fails or refuses to appear, nevertheless the Board may hear and
17 determine the matter.

18 (H) ANY DECISIONS MADE BY THE BOARD SHALL BE BASED ON THE BOARD
19 RECORD AND NOT BASED ON ANY OUTSIDE INFORMATION.

20 (I) A BOARD MEMBER MAY NOT PARTICIPATE IN AN INVESTIGATION OR A
21 PROCEEDING IN WHICH THE BOARD MEMBER'S IMPARTIALITY MIGHT REASONABLY
22 BE QUESTIONED, INCLUDING PROCEEDINGS AND INVESTIGATIONS IN WHICH THE
23 BOARD MEMBER HAS OR APPEARS TO HAVE A:

24 (1) PERSONAL BIAS OR PREJUDICE CONCERNING A PARTY; OR

25 (2) PERSONAL KNOWLEDGE OF DISPUTED EVIDENTIARY FACTS
26 CONCERNING A PROCEEDING.

27 (J) A PARTY WHO IS A SUBJECT OF A BOARD INVESTIGATION MAY MAKE A
28 STATEMENT FOR THE BOARD RECORD INVOLVING ANY PERSONAL BIAS OR
29 PREJUDICE A BOARD MEMBER MAY HAVE REGARDING THE PARTY.

30 SECTION 2. AND BE IT FURTHER ENACTED, That the Attorney General, or
31 the Attorney General's designee, and the Executive Director of the State Ethics
32 Commission, or the Executive Director's designee, in consultation with the health
33 occupation boards, shall develop a code of conduct for board members and their
34 designated investigators and shall report, in accordance with § 2-1246 of the State
35 Government Article, to the House Environmental Matters Committee and the Senate
36 Economic and Environmental Affairs Committee on or before July 1, 1999.

1 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 1998.