
By: **Delegate Barve**
Introduced and read first time: February 12, 1998
Assigned to: Environmental Matters

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 24, 1998

CHAPTER _____

1 AN ACT concerning

2 ~~Health Occupations – Boards – Conflicts of Interest~~
3 Health Occupation Boards - Study of Codes of Conduct for Board Members
4 and Investigators

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

15 FOR the purpose of requiring the health occupation boards and the Department of
16 Health and Mental Hygiene to study the recommendations of a certain report
17 concerning the establishment of certain codes of conduct and determine how to
18 implement those recommendations in a specified manner; requiring each health
19 occupation board to identify certain changes to its statutory authority; requiring
20 the health occupation boards and the Department of Health and Mental
21 Hygiene to report to certain committees of the General Assembly by a certain
22 date; providing for the effective date of this Act; and generally relating to the
23 study of the establishment of codes of conduct for health occupation board
24 members and investigators.

25 ~~BY repealing and reenacting, without amendments,~~
26 ~~Article – Health Occupations~~

1 Section 4-318(h), 17-314(f), and 18-315(f)
 2 Annotated Code of Maryland
 3 (1994 Replacement Volume and 1997 Supplement)

4 ~~BY~~ repealing and reenacting, with amendments,
 5 Article ~~Health Occupations~~
 6 Section 2-312(b), 3-315, 4-318(g), 7-319(f) and (g), 9-315(e), 10-316(g),
 7 11-315(e), 12-315(f), (g), (h), and (i), 13-317(f), 14-401(h) and (i),
 8 15-313(b), 16-314(f), 17-314(e), 18-315(e), and 19-312(e)
 9 Annotated Code of Maryland
 10 (1994 Replacement Volume and 1997 Supplement)

11 ~~BY~~ adding to
 12 Article ~~Health Occupations~~
 13 Section 2-312(c), (d), and (e), 4-318(i), (j), and (k), 5-312(g), (h), (i), (j), and (k),
 14 6-314(g), (h), (i), (j), and (k), 7-319(f), (g), (j), (k), and (l), 8-317(g), (h), (i),
 15 (j), and (k), 9-315(e), (f), (h), (i), and (j), 10-316(g), (h), (j), (k), and (l),
 16 11-315(e), (f), (h), (i), and (j), 12-315(f), (g), (l), (m), and (n), 13-317(f), (g),
 17 (i), (j), and (k), 14-401(h), (i), (l), (m), and (n), 15-313(b), (c), (d), (e), and (f),
 18 16-314(f), (g), (i), (j), and (k), 17-314(g), (h), and (i), 18-315(g), (h), and (i),
 19 and 19-312(e), (f), (h), (i), and (j)
 20 Annotated Code of Maryland
 21 (1994 Replacement Volume and 1997 Supplement)

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

24 **~~Article – Health Occupations~~**

25 ~~2-312.~~

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

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

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

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

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

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

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

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

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

11 ~~3-315.~~

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

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

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

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

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

24 (3) ONLY THE ITEMS MENTIONED SPECIFICALLY IN ANY SUBPOENA
25 ISSUED BY THE BOARD MAY BE REMOVED FROM THE PERSON WHO IS NAMED IN THE
26 SUBPOENA.

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

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

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

1 ~~(I) 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~~
4 ~~BOARD MEMBER HAS OR APPEARS TO HAVE A:~~

5 ~~(1) PERSONAL BIAS OR PREJUDICE CONCERNING A PARTY; OR~~

6 ~~(2) PERSONAL KNOWLEDGE OF DISPUTED EVIDENTIARY FACTS~~
7 ~~CONCERNING A PROCEEDING.~~

8 ~~(J) 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 4-318.

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

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

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

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

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

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

32 ~~(I) ANY DECISIONS MADE BY THE BOARD SHALL BE BASED ON THE BOARD~~
33 ~~RECORD AND NOT BASED ON ANY OUTSIDE INFORMATION.~~

34 ~~(J) A BOARD MEMBER MAY NOT PARTICIPATE IN AN INVESTIGATION OR A~~
35 ~~PROCEEDING IN WHICH THE BOARD MEMBER'S IMPARTIALITY MIGHT REASONABLY~~
36 ~~BE QUESTIONED, INCLUDING PROCEEDINGS AND INVESTIGATIONS IN WHICH THE~~
37 ~~BOARD MEMBER HAS OR APPEARS TO HAVE A:~~

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2 (2) ~~PERSONAL KNOWLEDGE OF DISPUTED EVIDENTIARY FACTS~~
3 ~~CONCERNING A PROCEEDING.~~

4 (K) ~~A PARTY WHO IS A SUBJECT OF A BOARD INVESTIGATION MAY MAKE A~~
5 ~~STATEMENT FOR THE BOARD RECORD INVOLVING ANY PERSONAL BIAS OR~~
6 ~~PREJUDICE A BOARD MEMBER MAY HAVE REGARDING THE PARTY.~~

7 ~~5-312.~~

8 (G) ~~ANY SUBPOENAS ISSUED BY THE BOARD SHALL BE APPROVED BY A VOTE~~
9 ~~OF THE MAJORITY OF THE ENTIRE BOARD MEMBERSHIP.~~

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

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

15 (J) ~~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 (K) ~~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 ~~6-314.~~

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

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

31 (I) ~~ANY DECISIONS MADE BY THE BOARD SHALL BE BASED ON THE BOARD~~
32 ~~RECORD AND NOT BASED ON ANY OUTSIDE INFORMATION.~~

33 (J) ~~A BOARD MEMBER MAY NOT PARTICIPATE IN AN INVESTIGATION OR A~~
34 ~~PROCEEDING IN WHICH THE BOARD MEMBER'S IMPARTIALITY MIGHT REASONABLY~~
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5 ~~STATEMENT FOR THE BOARD RECORD INVOLVING ANY PERSONAL BIAS OR~~
6 ~~PREJUDICE A BOARD MEMBER MAY HAVE REGARDING THE PARTY.~~

7 ~~7-319.~~

8 ~~(F) ANY SUBPOENAS ISSUED BY THE BOARD SHALL BE APPROVED BY A VOTE~~
9 ~~OF THE MAJORITY OF THE ENTIRE BOARD MEMBERSHIP.~~

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

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

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

20 ~~(K) A BOARD MEMBER MAY NOT PARTICIPATE IN AN INVESTIGATION OR A~~
21 ~~PROCEEDING IN WHICH THE BOARD MEMBER'S IMPARTIALITY MIGHT REASONABLY~~
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23 ~~BOARD MEMBER HAS OR APPEARS TO HAVE A:~~

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

27 ~~(L) 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 ~~8-317.~~

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

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

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

~~9-315.~~

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

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

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

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

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

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

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

~~10-316.~~

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

1 ~~(H) 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 ~~[(g)] (I) 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 ~~(J) ANY DECISIONS MADE BY THE BOARD SHALL BE BASED ON THE BOARD~~
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11 ~~BE QUESTIONED, INCLUDING PROCEEDINGS AND INVESTIGATIONS IN WHICH THE~~
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15 ~~CONCERNING A PROCEEDING.~~

16 ~~(L) 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 ~~11-315.~~

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

22 ~~(F) 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 ~~[(e)] (G) If after due notice the individual against whom the action is~~
26 ~~contemplated fails or refuses to appear, nevertheless the Board may hear and~~
27 ~~determine the matter.~~

28 ~~(H) ANY DECISIONS MADE BY THE BOARD SHALL BE BASED ON THE BOARD~~
29 ~~RECORD AND NOT BASED ON ANY OUTSIDE INFORMATION.~~

30 ~~(I) A BOARD MEMBER MAY NOT PARTICIPATE IN AN INVESTIGATION OR A~~
31 ~~PROCEEDING IN WHICH THE BOARD MEMBER'S IMPARTIALITY MIGHT REASONABLY~~
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35 ~~(2) PERSONAL KNOWLEDGE OF DISPUTED EVIDENTIARY FACTS~~
36 ~~CONCERNING A PROCEEDING.~~

1 ~~(J) A PARTY WHO IS A SUBJECT OF A BOARD INVESTIGATION MAY MAKE A~~
2 ~~STATEMENT FOR THE BOARD RECORD INVOLVING ANY PERSONAL BIAS OR~~
3 ~~PREJUDICE A BOARD MEMBER MAY HAVE REGARDING THE PARTY.~~

4 12-315.

5 ~~(F) ANY SUBPOENAS ISSUED BY THE BOARD SHALL BE APPROVED BY A VOTE~~
6 ~~OF THE MAJORITY OF THE ENTIRE BOARD MEMBERSHIP.~~

7 ~~(G) ONLY THE ITEMS MENTIONED SPECIFICALLY IN ANY SUBPOENA ISSUED~~
8 ~~BY THE BOARD MAY BE REMOVED FROM THE PERSON WHO IS NAMED IN THE~~
9 ~~SUBPOENA.~~

10 ~~[(f)] (H) If, without lawful excuse, a person disobeys a subpoena from the~~
11 ~~Board or an order by the Board to take an oath or to testify or answer a question,~~
12 ~~then, on petition of the Board, a court of competent jurisdiction may punish the~~
13 ~~person as for contempt of court.~~

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

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

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

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

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

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

29 ~~(3) If any medical or hospital record or any other exhibit is subpoenaed~~
30 ~~and otherwise is admissible in evidence, the use of that record or exhibit in a~~
31 ~~proceeding before the Board or any of its investigatory bodies does not prevent its~~
32 ~~production in any other proceeding.~~

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

35 ~~(M) 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 ~~(N) 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 ~~13-317.~~

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

12 ~~(G) 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 ~~[(f)] (H) 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 ~~(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 ~~14-401.~~

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

33 ~~(I) 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 ~~[(h)] (J) Those individuals not licensed under this title but covered under §~~
2 ~~14-413(a)(1)(ii)3 and 4 of this subtitle are subject to the hearing provisions of §~~
3 ~~14-405 of this subtitle.~~

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

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

11 ~~(L) ANY DECISIONS MADE BY THE BOARD SHALL BE BASED ON THE BOARD~~
12 ~~RECORD AND NOT BASED ON ANY OUTSIDE INFORMATION.~~

13 ~~(M) A BOARD MEMBER MAY NOT PARTICIPATE IN AN INVESTIGATION OR A~~
14 ~~PROCEEDING IN WHICH THE BOARD MEMBER'S IMPARTIALITY MIGHT REASONABLY~~
15 ~~BE QUESTIONED, INCLUDING PROCEEDINGS AND INVESTIGATIONS IN WHICH THE~~
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18 ~~(2) PERSONAL KNOWLEDGE OF DISPUTED EVIDENTIARY FACTS~~
19 ~~CONCERNING A PROCEEDING.~~

20 ~~(N) A PARTY WHO IS A SUBJECT OF A BOARD INVESTIGATION MAY MAKE A~~
21 ~~STATEMENT FOR THE BOARD RECORD INVOLVING ANY PERSONAL BIAS OR~~
22 ~~PREJUDICE A BOARD MEMBER MAY HAVE REGARDING THE PARTY.~~

23 ~~15-313.~~

24 ~~(B) ANY SUBPOENAS ISSUED BY THE BOARD SHALL BE APPROVED BY A VOTE~~
25 ~~OF THE MAJORITY OF THE ENTIRE BOARD MEMBERSHIP.~~

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

29 ~~(D) ANY DECISIONS MADE BY THE BOARD SHALL BE BASED ON THE BOARD~~
30 ~~RECORD AND NOT BASED ON ANY OUTSIDE INFORMATION.~~

31 ~~(E) A BOARD MEMBER MAY NOT PARTICIPATE IN AN INVESTIGATION OR A~~
32 ~~PROCEEDING IN WHICH THE BOARD MEMBER'S IMPARTIALITY MIGHT REASONABLY~~
33 ~~BE QUESTIONED, INCLUDING PROCEEDINGS AND INVESTIGATIONS IN WHICH THE~~
34 ~~BOARD MEMBER HAS OR APPEARS TO HAVE A:~~

35 ~~(1) PERSONAL BIAS OR PREJUDICE CONCERNING A PARTY; OR~~

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

3 (F) A PARTY WHO IS A SUBJECT OF A BOARD INVESTIGATION MAY MAKE A
4 STATEMENT FOR THE BOARD RECORD INVOLVING ANY PERSONAL BIAS OR
5 PREJUDICE A BOARD MEMBER MAY HAVE REGARDING THE PARTY.

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

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

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

11 ~~16-314.~~

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

14 (G) 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 ~~[(f)]~~ (H) If after due notice the individual against whom the action is
18 contemplated fails or refuses to appear, nevertheless the Board may hear and
19 determine the matter.

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

22 (J) 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 (K) 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 ~~17-314.~~

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

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

5 (3) ~~ANY SUBPOENAS ISSUED BY THE BOARD SHALL BE APPROVED BY A
6 VOTE OF THE MAJORITY OF THE ENTIRE BOARD MEMBERSHIP.~~

7 (4) ~~ONLY THE ITEMS MENTIONED SPECIFICALLY IN ANY SUBPOENA
8 ISSUED BY THE BOARD MAY BE REMOVED FROM THE PERSON WHO IS NAMED IN THE
9 SUBPOENA.~~

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

12 (G) ~~ANY DECISIONS MADE BY THE BOARD SHALL BE BASED ON THE BOARD
13 RECORD AND NOT BASED ON ANY OUTSIDE INFORMATION.~~

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

18 (1) ~~PERSONAL BIAS OR PREJUDICE CONCERNING A PARTY; OR~~

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

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

24 ~~18-315-~~

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

28 (2) The Board shall issue subpoenas on behalf of the individual if the
29 individual:

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

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

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

1 (4) ~~ANY SUBPOENAS ISSUED BY THE BOARD SHALL BE APPROVED BY A~~
2 ~~VOTE OF THE MAJORITY OF THE ENTIRE BOARD MEMBERSHIP.~~

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

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

8 ~~(G) ANY DECISIONS MADE BY THE BOARD SHALL BE BASED ON THE BOARD~~
9 ~~RECORD AND NOT BASED ON ANY OUTSIDE INFORMATION.~~

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

14 ~~(1) PERSONAL BIAS OR PREJUDICE CONCERNING A PARTY; OR~~

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

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

20 ~~19-312.~~

21 ~~(E) ANY SUBPOENAS ISSUED BY THE BOARD SHALL BE APPROVED BY A VOTE~~
22 ~~OF THE MAJORITY OF THE ENTIRE BOARD MEMBERSHIP.~~

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

26 ~~{(e)} (G) If after due notice the individual against whom the action is~~
27 ~~contemplated fails or refuses to appear, nevertheless the Board may hear and~~
28 ~~determine the matter.~~

29 ~~(H) ANY DECISIONS MADE BY THE BOARD SHALL BE BASED ON THE BOARD~~
30 ~~RECORD AND NOT BASED ON ANY OUTSIDE INFORMATION.~~

31 ~~(I) A BOARD MEMBER MAY NOT PARTICIPATE IN AN INVESTIGATION OR A~~
32 ~~PROCEEDING IN WHICH THE BOARD MEMBER'S IMPARTIALITY MIGHT REASONABLY~~
33 ~~BE QUESTIONED, INCLUDING PROCEEDINGS AND INVESTIGATIONS IN WHICH THE~~
34 ~~BOARD MEMBER HAS OR APPEARS TO HAVE A:~~

35 ~~(1) PERSONAL BIAS OR PREJUDICE CONCERNING A PARTY; OR~~

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

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

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

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

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
16 MARYLAND, That each health occupation board and the Department of Health and
17 Mental Hygiene shall study the recommendations of the August 25, 1997 report of the
18 Executive Director of the State Ethics Commission concerning the establishment of
19 codes of conduct for members of health occupation boards and the investigators
20 assigned to those boards and determine how to implement those recommendations
21 with as much uniformity among the health occupation boards as practicable. In
22 addition, each health occupation board shall identify the changes to its statutory
23 authority that would be necessary to establish and enforce a code of conduct. The
24 health occupation boards and the Department of Health and Mental Hygiene shall
25 report to the Senate Economic and Environmental Affairs Committee and the House
26 Environmental Matters Committee on or before November 1, 1998, in accordance
27 with § 2-1246 of the State Government Article, with the conclusions of their study.

28 ~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect~~
29 ~~June 1, 1998.~~