

---

By: **Delegates Barve and Hubbard**  
Introduced and read first time: February 11, 1999  
Assigned to: Environmental Matters

---

A BILL ENTITLED

1 AN ACT concerning

2                                   **State Board of Physical Therapy Examiners - Investigations and**  
3                                   **Proceedings**

4 FOR the purpose of requiring that only the items mentioned specifically in any  
5 subpoena issued by the State Board of Physical Therapy Examiners may be  
6 removed from the person who is named in the subpoena; specifying that any  
7 decisions made by the Board are based on the Board record and not outside  
8 information; authorizing a party who is a subject of a Board investigation to  
9 make certain statements for the Board record; requiring the members of the  
10 Board to recuse themselves from certain investigations and proceedings in  
11 which their impartiality may be reasonably questioned; requiring the Attorney  
12 General or the Attorney General's designee and the Executive Director of the  
13 State Ethics Commission or the Executive Director's designee, in consultation  
14 with the Board, to develop a code of conduct for the members of the Board and  
15 their designated investigators and to report to the House Environmental  
16 Matters Committee and the Senate Environmental and Economic Matters  
17 Committee by a certain date; and generally relating to the State Board of  
18 Physical Therapy Examiners.

19 BY repealing and reenacting, with amendments,  
20 Article - Health Occupations  
21 Section 13-317  
22 Annotated Code of Maryland  
23 (1994 Replacement Volume and 1998 Supplement)

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

26                                   **Article - Health Occupations**

27 13-317.

28       (a) Except as otherwise provided in the Administrative Procedure Act, before  
29 the Board takes any action under § 13-316 of this subtitle, it shall give the individual

1 against whom the action is contemplated an opportunity for a hearing before the  
2 Board.

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

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

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

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

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

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

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

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

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

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

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

31 SECTION 2. AND BE IT FURTHER ENACTED, That the Attorney General, or  
32 the Attorney General's designee, and the Executive Director of the State Ethics  
33 Commission, or the Executive Director's designee, in consultation with the State  
34 Board of Physical Therapy Examiners, shall develop a code of conduct for board  
35 members and their designated investigators and shall report, in accordance with §  
36 2-1246 of the State Government Article, to the House Environmental Matters  
37 Committee and the Senate Economic and Environmental Affairs Committee on or  
38 before July 1, 2000.

1 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2 October 1, 1999.