

SENATE BILL 266

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2000 Regular Session
0lr1689
CF 0lr0322

By: **Senator Collins**

Introduced and read first time: January 28, 2000

Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Emergency Medical Service Providers - Sexual Offenses - License Sanctions**

3 FOR the purpose of requiring the Emergency Medical Services Board to take certain
4 actions concerning a license or certificate of an emergency medical services
5 provider or applicant who has been convicted of certain sexual offenses under
6 certain circumstances; making provisions of this Act severable; and generally
7 relating to license sanctions against emergency medical services providers.

8 BY repealing and reenacting, without amendments,
9 Article - Education
10 Section 13-516(a)(6) and (h)
11 Annotated Code of Maryland
12 (1999 Replacement Volume)

13 BY repealing and reenacting, with amendments,
14 Article - Education
15 Section 13-516(g)
16 Annotated Code of Maryland
17 (1999 Replacement Volume)

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

20 **Article - Education**

21 13-516.

22 (a) (6) "Emergency medical services provider" means an individual licensed
23 or certified by the EMS Board as:

24 (i) A cardiac rescue technician;

25 (ii) An emergency medical dispatcher;

26 (iii) An emergency medical technician-ambulance;

- 1 (iv) An emergency medical technician-basic;
- 2 (v) An emergency medical technician-paramedic; or
- 3 (vi) A first responder.

4 (g) (1) Subject to the hearing provisions of subsection (h) of this section and
5 EXCEPT AS PROVIDED IN PARAGRAPH (5) OF THIS SUBSECTION, as a result of any
6 conduct of an emergency medical services provider or an applicant for a license or
7 certificate under this section that is prohibited under the provisions of this section or
8 any regulations adopted under this section, the EMS Board may:

9 (i) Reprimand or place an emergency medical services provider on
10 probation;

11 (ii) Suspend or revoke the license or certificate of an emergency
12 medical services provider;

13 (iii) Deny a license or certificate to an applicant; or

14 (iv) Refuse to renew an applicant's license or certificate.

15 (2) On the application of an individual whose license or certificate has
16 been suspended or revoked, the EMS Board may reinstate a suspended or revoked
17 license or certificate.

18 (3) (i) Unless the EMS Board agrees to accept the surrender of a
19 license or certificate, a holder of a license or certificate may not surrender the license
20 or certificate.

21 (ii) A license or certificate may not lapse by operation of law while
22 the holder of the license or certificate is under investigation or while charges are
23 pending against the holder of the license or certificate.

24 (4) The EMS Board may set conditions on its agreement with the holder
25 of the license or certificate under investigation or against whom charges are pending
26 to accept surrender of the license or certificate.

27 (5) IF AN EMERGENCY MEDICAL SERVICES PROVIDER OR AN APPLICANT
28 TO BE AN EMERGENCY MEDICAL SERVICES PROVIDER HAS BEEN CONVICTED OF
29 CHILD SEXUAL ABUSE UNDER ARTICLE 27, § 35C OF THE CODE, RAPE OR A SEXUAL
30 OFFENSE UNDER ARTICLE 27, §§ 462 THROUGH 464B OF THE CODE, ATTEMPTED RAPE
31 OR ATTEMPTED SEXUAL OFFENSE UNDER ARTICLE 27, § 464F OF THE CODE, OR
32 SODOMY OR UNNATURAL OR PERVERTED SEXUAL PRACTICES UNDER ARTICLE 27, §§
33 553 OR 554 OF THE CODE, THE EMS BOARD SHALL:

34 (I) REVOKE THE LICENSE OR CERTIFICATE OF AN EMERGENCY
35 MEDICAL SERVICES PROVIDER;

36 (II) DENY A LICENSE OR CERTIFICATE TO AN APPLICANT; OR

1 (III) REFUSE TO RENEW AN APPLICANT'S LICENSE OR CERTIFICATE.

2 (h) (1) The EMS Board may take action under subsection (g) of this section
3 only after:

4 (i) A review and recommendation by the provider review panel;
5 and

6 (ii) After the individual against whom the action is contemplated
7 has had an opportunity for a hearing in accordance with the provisions of Title 10,
8 Subtitle 2 of the State Government Article.

9 (2) The EMS Board may not proceed with disciplinary cases concerning
10 patient care except upon the affirmative recommendation of the provider review
11 panel.

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

13 (4) Any person aggrieved by a decision of the EMS Board may take any
14 further appeal allowed under Title 10, Subtitle 2 of the State Government Article.

15 SECTION 2. AND BE IT FURTHER ENACTED, That if any provision of this
16 Act or the application thereof to any person or circumstance is held invalid for any
17 reason in a court of competent jurisdiction, the invalidity does not affect other
18 provisions or any other application of this Act which can be given effect without the
19 invalid provision or application, and for this purpose the provisions of this Act are
20 declared severable.

21 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2000.