

SENATE BILL 10

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2003 Regular Session  
3r0232

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By: **Senator Hafer**

Introduced and read first time: January 9, 2003

Assigned to: Education, Health, and Environmental Affairs

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A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Dental Examiners - Subpoenas - Authority**

3 FOR the purpose of altering the law so as to authorize an officer or the administrator  
4 of the State Board of Dental Examiners, instead of the secretary of the Board, to  
5 sign subpoenas before the Board may issue subpoenas; and generally relating to  
6 the State Board of Dental Examiners.

7 BY repealing and reenacting, with amendments,  
8 Article - Health Occupations  
9 Section 4-318  
10 Annotated Code of Maryland  
11 (2000 Replacement Volume and 2002 Supplement)

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

14 **Article - Health Occupations**

15 4-318.

16 (a) Except as otherwise provided in the Administrative Procedure Act, before  
17 the Board takes any action under § 4-315 of this subtitle, it shall give the individual  
18 against whom the action is contemplated an opportunity for a hearing before the  
19 Board.

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

22 (c) At least 10 days before the hearing, the hearing notice and a copy of the  
23 complaint required by § 4-316 of this subtitle shall be served on the individual by  
24 delivery to the last known business and home addresses of the individual by:

25 (1) Hand delivery; or

26 (2) Certified mail, return receipt requested, bearing a postmark from the  
27 United States Postal Service.

1 (d) In accordance with the State budget, the Board may authorize payment of  
2 fees and travel expenses of witnesses who testify in a proceeding under this section.

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

4 (f) The Board may administer oaths and take depositions of witnesses in any  
5 proceeding under this section.

6 (g) (1) Over the signature of [the Board secretary] AN OFFICER OR THE  
7 ADMINISTRATOR OF THE BOARD, the Board may issue subpoenas and administer  
8 oaths to witnesses in connection with any investigation under this title and any  
9 hearings or proceedings before it.

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

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

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

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

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
23 October 1, 2003.