

Department of Legislative Services

Maryland General Assembly

2004 Session

FISCAL AND POLICY NOTE

Senate Bill 176 (Chairman, Education, Health, and Environmental Affairs Committee)

(By Request – Departmental – Labor, Licensing and Regulation)

Education, Health, and Environmental Affairs

Health and Government Operations

Occupational and Professional Licensing - Disciplinary Actions - Grounds

This departmental bill lowers the standard for specified disciplinary actions against applicants, licensees, and certificate holders for the five design professional boards which regulate architects, certified interior designers, landscape architects, professional engineers, and professional land surveyors and property line surveyors by removing the requirement that an individual “knowingly” committed a violation. The bill also broadens the scope of violations for which these boards may take a disciplinary action against these individuals by making a violation of any regulation adopted by each regulated industry’s respective board, including the code of ethics, to be the basis for a disciplinary action.

Fiscal Summary

State Effect: This bill would not materially affect the finances of the five design professional boards within the Department of Labor, Licensing, and Regulation (DLLR).

Local Effect: None.

Small Business Effect: DLLR has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment.

Analysis

Current Law: The State, on behalf of each design board, must prove that an applicant, licensee, or certificate holder knowingly (*i.e.*, consciously and intentionally) violated a statute or the code of ethics.

Background: DLLR advises that current statute makes it very difficult for the State to prove that applicants, licensees, or certificate holders consciously and intentionally avoided their legal obligations; the bill's changes will allow the five boards to better protect the interest of consumers by making it easier for the boards to take disciplinary action against unethical applicants, licensees, or certificate holders. DLLR further advises that removing "knowingly" from statute for the design boards will make these boards' violation statutes consistent with other licensing boards housed within the department.

DLLR advises that each design board has enacted regulations that compel applicants, licensees, and certificate holders to adhere to minimum standards of professional conduct; the bill's changes will provide each board with the necessary authority to enforce regulations as well as the code of ethics. DLLR further advises that amending statute to reflect that violations of any regulation adopted by the design professional boards are subject to disciplinary action makes the boards' disciplinary authority consistent with other boards housed within the department.

DLLR currently licenses 5,600 architects, 280 certified interior designers, 750 landscape architects, 14,200 professional engineers, and 970 professional land surveyors and property line surveyors.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Labor, Licensing, and Regulation; Department of Legislative Services

Fiscal Note History: First Reader - February 10, 2004
n/ljm

Analysis by: Christopher J. Kelter

Direct Inquiries to:
(410) 946-5510
(301) 970-5510