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By: **Chairman, Education, Health, and Environmental Affairs Committee**  
**(By Request - Departmental - Labor, Licensing and Regulation)**

Introduced and read first time: January 20, 2005

Rules suspended

Assigned to: Education, Health, and Environmental Affairs

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A BILL ENTITLED

1 AN ACT concerning

2 **Occupational and Professional Licensing - Disciplinary Actions - Grounds**

3 FOR the purpose of altering certain grounds that may be used as the basis for taking  
4 certain disciplinary actions against applicants or licensees under the laws of  
5 Maryland relating to the regulation of architects, certified interior designers,  
6 landscape architects, professional engineers, professional land surveyors, and  
7 property line surveyors; and generally relating to architects, certified interior  
8 designers, landscape architects, professional engineers, professional land  
9 surveyors, and property line surveyors.

10 BY repealing and reenacting, with amendments,  
11 Article - Business Occupations and Professions  
12 Section 3-311(a)(1), 8-310(a)(1), 9-310(a)(1), 14-317(a)(1), and 15-317(a)(1)  
13 Annotated Code of Maryland  
14 (2004 Replacement Volume and 2004 Supplement)

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

17 **Article - Business Occupations and Professions**

18 3-311.

19 (a) (1) Subject to the hearing provisions of § 3-313 of this subtitle, the  
20 Board, on the affirmative vote of a majority of its authorized membership, may deny  
21 a license to any applicant, reprimand any licensee, or suspend or revoke a license if:

22 (i) the applicant or licensee fraudulently or deceptively obtains or  
23 renews or attempts to obtain or renew a license or permit for the applicant or licensee  
24 or for another;

25 (ii) the applicant or licensee fraudulently or deceptively uses a  
26 license;

1 (iii) the applicant or licensee is guilty of any fraud, gross negligence,  
2 incompetence, or misconduct while practicing architecture;

3 (iv) the applicant or licensee [knowingly] violates any [provision of  
4 the code of ethics] REGULATION adopted by the Board;

5 (v) the applicant or licensee [knowingly] violates any provision of  
6 this title;

7 (vi) the applicant or licensee aids or abets an unauthorized person  
8 to practice architecture;

9 (vii) under the laws of the United States or of any state, the  
10 applicant or licensee is convicted of:

11 1. a felony; or

12 2. a misdemeanor that is directly related to the fitness and  
13 qualification of the applicant or licensee to practice architecture; or

14 (viii) the applicant or licensee has had a license to practice  
15 architecture in another state revoked or suspended for grounds that would justify  
16 revocation or suspension of a license under this title, except for failure to pay a license  
17 fee.

18 8-310.

19 (a) (1) Subject to the hearing provisions of § 8-312 of this subtitle, the Board  
20 may deny a certificate to any applicant, reprimand any certificate holder, or suspend  
21 or revoke a certificate if the applicant or certificate holder:

22 (i) fraudulently or deceptively obtains or renews or attempts to  
23 obtain or renew a certificate for the applicant or certificate holder or for another;

24 (ii) fraudulently or deceptively uses the title "certified interior  
25 designer" or the term "certified interior design services";

26 (iii) under the laws of the United States or of any state, is convicted  
27 of:

28 1. a felony; or

29 2. a misdemeanor that is directly related to the fitness and  
30 qualification of the applicant or certificate holder to perform certified interior design  
31 services;

32 (iv) is guilty of any fraud, gross negligence, incompetence, or  
33 misconduct in the use of the title "certified interior designer" or the term "certified  
34 interior design services";

1 (v) signs or seals any interior design documents after a certificate  
2 holder's certificate expires or has been suspended or revoked by the Board;

3 (vi) [knowingly] violates any [provision of the code of ethics]  
4 REGULATION that the Board adopts; or

5 (vii) [knowingly] violates any provision of this title.

6 9-310.

7 (a) (1) Subject to the hearing provisions of § 9-312 of this subtitle, the  
8 Board, on the affirmative vote of a majority of its members then serving, may deny a  
9 license to any applicant, reprimand any licensee, or suspend or revoke a license if:

10 (i) the applicant or licensee fraudulently or deceptively obtains or  
11 attempts to obtain a license for the applicant or licensee or for another;

12 (ii) the applicant or licensee fraudulently or deceptively uses a  
13 license;

14 (iii) under the laws of the United States or of any state, the  
15 applicant or licensee is convicted of:

16 1. a felony; or

17 2. a misdemeanor that is directly related to the fitness and  
18 qualification of the applicant or licensee to practice landscape architecture;

19 (iv) the applicant or licensee is guilty of gross negligence,  
20 incompetence, or misconduct while practicing landscape architecture;

21 (v) the applicant or licensee has had a license to practice landscape  
22 architecture in another state revoked or suspended by the other state for a cause that  
23 would justify revocation or suspension under this title, except for the failure to pay a  
24 license fee;

25 (vi) the applicant or licensee [knowingly] violates any [provision of  
26 the code of ethics] REGULATION adopted by the Board; or

27 (vii) the applicant or licensee [knowingly] violates any provision of  
28 this title.

29 14-317.

30 (a) (1) Subject to the hearing provisions of § 14-319 of this subtitle, the  
31 Board, on the affirmative vote of a majority of its members then serving, may deny a  
32 license to any applicant, reprimand any licensee, or suspend or revoke a license if:

33 (i) the applicant or licensee fraudulently or deceptively obtains or  
34 attempts to obtain a license for the applicant or licensee or for another;

1 (ii) the applicant or licensee fraudulently or deceptively uses a  
2 license;

3 (iii) under the laws of the United States or of any state, the  
4 applicant or licensee is convicted of:

5 1. a felony; or

6 2. a misdemeanor that is directly related to the fitness and  
7 qualification of the applicant or licensee to practice engineering;

8 (iv) the applicant or licensee is guilty of gross negligence,  
9 incompetence, or misconduct while practicing engineering;

10 (v) the applicant or licensee has had a license to practice  
11 engineering in another state revoked or suspended by the other state for a cause that  
12 would justify revocation or suspension under this title, except for the failure to pay a  
13 license fee;

14 (vi) the applicant or licensee [knowingly] violates any [provision of  
15 the code of ethics] REGULATION adopted by the Board; or

16 (vii) the applicant or licensee [knowingly] violates any provision of  
17 this title.

18 15-317.

19 (a) (1) Subject to the hearing provisions of § 15-319 of this subtitle, the  
20 Board, on the affirmative vote of a majority of its members then serving, may deny a  
21 license to any applicant, reprimand any licensee, or suspend or revoke a license if:

22 (i) the applicant or licensee fraudulently or deceptively obtains,  
23 renews, or attempts to obtain or renew a license or permit for the applicant or licensee  
24 or for another;

25 (ii) the applicant or licensee fraudulently or deceptively uses a  
26 license;

27 (iii) under the laws of the United States or of any state, the  
28 applicant or licensee is convicted of:

29 1. a felony; or

30 2. a misdemeanor that is directly related to the fitness and  
31 qualification of the applicant or licensee to practice land surveying or property line  
32 surveying;

33 (iv) the applicant or licensee is guilty of gross negligence,  
34 incompetence, or misconduct while practicing land surveying or property line  
35 surveying;

1 (v) the applicant or licensee [knowingly] violates any [provision of  
2 the code of ethics] REGULATION adopted by the Board;

3 (vi) the applicant or licensee [knowingly] violates any provision of  
4 this title; or

5 (vii) the applicant or licensee has had a license to practice land  
6 surveying or property line surveying in another state revoked or suspended by the  
7 other state for a cause that would justify revocation or suspension under this title,  
8 except for the failure to pay a license fee.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
10 effect October 1, 2005.