
By: **Delegates V. Turner, Benson, Costa, Hubbard, Murray, and Rudolph**

Introduced and read first time: February 10, 2006

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Electrologists - Licensure Renewal - Rehabilitation - Letter of Education -**
3 **Advisory Letter**

4 FOR the purpose of providing for a certain exception from provisions of law relating
5 to the discoverability and admissibility of certain proceedings, records, and files
6 of a medical review committee so as to make certain advisory letters
7 discoverable and admissible; altering the term for the renewal of an
8 electrologist's license; prohibiting the State Board of Nursing from renewing an
9 electrologist's license if the electrologist has not completed certain continuing
10 education requirements; authorizing the Board to issue an inactive license to a
11 certain licensee; authorizing the Board to send a letter of education to certain
12 licensees under certain circumstances; authorizing the Board to send a letter to
13 a person who files a complaint that advises the person of a certain action taken
14 by the Board; authorizing the Board to give a licensee certain notice; authorizing
15 the Board to make available to the public certain advisory letters; specifying
16 that a certain Board action may not be considered disciplinary action and may
17 not be reported to certain entities; authorizing the rehabilitation committee to
18 evaluate or provide certain assistance to an applicant for licensure as an
19 electrologist; and generally relating to the regulation of electrologists by the
20 State Board of Nursing.

21 BY repealing and reenacting, without amendments,
22 Article - Health Occupations
23 Section 1-401(d)(1)
24 Annotated Code of Maryland
25 (2005 Replacement Volume)

26 BY repealing and reenacting, with amendments,
27 Article - Health Occupations
28 Section 1-401(e), 8-6B-14(b), (d), and (f), and 8-6B-25(d)
29 Annotated Code of Maryland
30 (2005 Replacement Volume)

31 BY adding to

1 Article - Health Occupations
2 Section 8-6B-18.1
3 Annotated Code of Maryland
4 (2005 Replacement Volume)

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

7 **Article - Health Occupations**

8 1-401.

9 (d) (1) Except as otherwise provided in this section, the proceedings,
10 records, and files of a medical review committee are not discoverable and are not
11 admissible in evidence in any civil action.

12 (e) Subsection (d)(1) of this section does not apply to:

13 (1) A civil action brought by a party to the proceedings of the medical
14 review committee who claims to be aggrieved by the decision of the medical review
15 committee; [or]

16 (2) Any record or document that is considered by the medical review
17 committee and that otherwise would be subject to discovery and introduction into
18 evidence in a civil trial; OR

19 (3) AN ADVISORY LETTER UNDER § 8-6B-18.1 OF THIS ARTICLE.

20 8-6B-14.

21 (b) A license may not be renewed for a term longer than [2 years] 1 YEAR.

22 (d) Except as otherwise provided in this subtitle, before a license expires, the
23 licensee periodically may renew it for an additional [2-year] 1-YEAR term, if the
24 licensee:

25 (1) Otherwise is entitled to be licensed;

26 (2) Pays to the Board a renewal fee set by the Board; and

27 (3) Submits to the Board:

28 (i) A renewal application on the form that the Board requires; and

29 (ii) Satisfactory evidence of compliance with any continuing
30 education requirement set under this subtitle for license renewal.

31 (f) (1) The Board shall renew the license of each licensee who meets the
32 requirements of this section.

1 (2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
2 PARAGRAPH, THE BOARD MAY NOT RENEW A LICENSE OF A LICENSEE WHO DOES
3 NOT COMPLETE THE CONTINUING EDUCATION REQUIREMENTS UNDER THE
4 REGULATIONS ADOPTED BY THE BOARD.

5 (II) THE BOARD MAY ISSUE AN INACTIVE LICENSE TO A LICENSEE
6 WHO DOES NOT COMPLETE THE CONTINUING EDUCATION REQUIREMENTS UNDER
7 THE REGULATIONS ADOPTED BY THE BOARD.

8 8-6B-18.1.

9 (A) IF THE BOARD CONDUCTS AN INVESTIGATION UNDER THIS TITLE AND
10 FINDS THAT THERE ARE NO GROUNDS FOR DISCIPLINE UNDER § 8-6B-18 OF THIS
11 SUBTITLE, THE BOARD MAY:

12 (1) SEND THE LICENSEE A LETTER OF EDUCATION THAT ADVISES THE
13 LICENSEE ON THE WAYS IN WHICH THE LICENSEE MAY IMPROVE THE QUALITY OF
14 CARE THE LICENSEE PROVIDES TO PATIENTS; OR

15 (2) SEND THE PERSON WHO FILED A COMPLAINT AGAINST THE
16 LICENSEE UNDER INVESTIGATION AN ADVISORY LETTER THAT INFORMS THE
17 PERSON OF THE ACTION TAKEN BY THE BOARD.

18 (B) THE BOARD MAY SEND THE LICENSEE NOTICE OF AN ADVISORY LETTER
19 SENT UNDER SUBSECTION (A)(2) OF THIS SECTION.

20 (C) ON REQUEST, THE BOARD MAY MAKE AVAILABLE TO THE PUBLIC AN
21 ADVISORY LETTER SENT UNDER SUBSECTION (A)(2) OF THIS SECTION.

22 (D) IF THE BOARD SENDS A LETTER OF EDUCATION OR AN ADVISORY LETTER
23 UNDER THIS SECTION, THE ACTION MAY NOT BE CONSIDERED A DISCIPLINARY
24 ACTION BY THE BOARD AND MAY NOT BE REPORTED TO A LICENSING ENTITY,
25 EMPLOYER, OR INSURANCE COMPANY AS A DISCIPLINARY ACTION.

26 8-6B-25.

27 (d) For purposes of this section, an electrologist rehabilitation committee
28 [evaluates and provides] MAY EVALUATE OR PROVIDE assistance to an electrologist
29 OR AN APPLICANT FOR LICENSURE AS AN ELECTROLOGIST WHO IS in need of
30 treatment and rehabilitation for alcoholism, drug abuse, chemical dependency, or
31 other physical, emotional, or mental condition.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 October 1, 2006.