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By: **Delegates V. Turner, Benson, Costa, Hubbard, Murray, and Rudolph  
Rudolph, Frank, Elliott, and Nathan-Pulliam**

Introduced and read first time: February 10, 2006

Assigned to: Health and Government Operations

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 8, 2006

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **State Board of Nursing - Electrologists - Licensure License Renewal and**  
 3 **Discipline - Rehabilitation - Letter of Education - 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 license 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 for electrologists; requiring the State~~  
 11 ~~Board of Nursing to issue an inactive license to a certain licensee; authorizing~~  
 12 ~~the Board to send a letter of education to certain licensees under certain~~  
 13 ~~circumstances; authorizing the Board to send a letter to a person who files a~~  
 14 ~~complaint that advises the person of a certain action taken by the Board;~~  
 15 ~~authorizing the Board to give a licensee certain notice; authorizing the Board to~~  
 16 ~~make available to the public certain advisory letters; specifying that a certain~~  
 17 ~~Board action may not be considered disciplinary action and may not be reported~~  
 18 ~~to certain entities; authorizing the rehabilitation committee to evaluate or~~  
 19 ~~provide certain assistance to an applicant for licensure as an electrologist place~~  
 20 ~~a licensee on inactive status if the licensee fails to provide satisfactory evidence~~  
 21 ~~of compliance with certain continuing education requirements on renewal;~~  
 22 ~~specifying additional grounds for taking certain disciplinary actions against~~  
 23 ~~certain licensees and applicants subject to certain hearing requirements; and~~  
 24 ~~generally relating to the regulation of electrologists by the State Board of~~  
 25 ~~Nursing.~~

26 ~~BY repealing and reenacting, without amendments,~~

1 Article ~~Health Occupations~~  
 2 Section ~~1-401(d)(1)~~  
 3 Annotated Code of Maryland  
 4 (2005 Replacement Volume)

5 BY repealing and reenacting, with amendments,  
 6 Article - Health Occupations  
 7 Section ~~1-401(e), 8-6B-14(b), (d), and (f), and 8-6B-25(d)~~ 8-6B-14 and  
 8 8-6B-18(a)(26) and (27)  
 9 Annotated Code of Maryland  
 10 (2005 Replacement Volume)

11 BY adding to  
 12 Article - Health Occupations  
 13 Section ~~8-6B-18.1~~ 8-6B-18(a)(28) and (29)  
 14 Annotated Code of Maryland  
 15 (2005 Replacement Volume)

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

18 **Article - Health Occupations**

19 ~~1-401.~~

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

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

24 (1) ~~A civil action brought by a party to the proceedings of the medical~~  
 25 ~~review committee who claims to be aggrieved by the decision of the medical review~~  
 26 ~~committee; [or]~~

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

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

31 8-6B-14.

32 (a) A license expires on a date set by the Board, unless the license is renewed  
 33 for an additional term as provided in this section.

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

1 (c) At least 1 month before the license expires, the Board shall send to the  
 2 licensee, by first-class mail to the last known address of the licensee, a renewal notice  
 3 that states:

4 (1) The date on which the current license expires;

5 (2) The date by which the renewal application must be received by the  
 6 Board for the renewal to be issued and mailed before the license expires; and

7 (3) The amount of the renewal fee.

8 (d) Except as otherwise provided in this subtitle, before a license expires, the  
 9 licensee periodically may renew it for an additional [2-year] ~~4-YEAR~~ term, if the  
 10 licensee:

11 (1) Otherwise is entitled to be licensed;

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

13 (3) Submits to the Board:

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

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

17 (e) In addition to any other qualifications and requirements established by  
 18 the Board, the Board may establish continuing education or competency  
 19 requirements as a condition to the renewal of licenses under this section.

20 (f) ~~(1)~~ The Board shall renew the license of each licensee who meets the  
 21 requirements of this section.

22 ~~(2) (1) EXCEPT AS PROVIDED IN SUBPARAGRAPH (H) OF THIS~~  
 23 ~~PARAGRAPH, THE BOARD MAY NOT RENEW A LICENSE OF A LICENSEE WHO DOES~~  
 24 ~~NOT COMPLETE THE CONTINUING EDUCATION REQUIREMENTS UNDER THE~~  
 25 ~~REGULATIONS ADOPTED BY THE BOARD.~~

26 ~~(H) THE BOARD MAY ISSUE AN INACTIVE LICENSE TO A LICENSEE~~  
 27 ~~WHO DOES NOT COMPLETE THE CONTINUING EDUCATION REQUIREMENTS UNDER~~  
 28 ~~THE REGULATIONS ADOPTED BY THE BOARD.~~

29 ~~(G) IF A LICENSEE FAILS TO PROVIDE SATISFACTORY EVIDENCE OF~~  
 30 ~~COMPLIANCE WITH ANY CONTINUING EDUCATION REQUIREMENTS SET UNDER THIS~~  
 31 ~~SUBTITLE FOR LICENSE RENEWAL, THE BOARD SHALL PLACE THE LICENSEE ON~~  
 32 ~~INACTIVE STATUS.~~

33 [(g)] (H) (1) The Board shall place a licensee on inactive status, if the  
 34 licensee submits to the Board;

1 (i) An application for inactive status on the form required by the  
2 Board; and

3 (ii) The inactive status fee set by the Board.

4 (2) The Board shall reactivate the license of an individual who is on  
5 inactive status, if the individual:

6 (i) Complies with any continuing education requirement  
7 established by the Board for this purpose;

8 (ii) Pays to the Board a reactivation fee set by the Board; and

9 (iii) Is otherwise entitled to be licensed.

10 (3) If the individual has been on inactive status for 5 years or more,  
11 before the Board may reactivate the license, the individual must pass an examination  
12 approved by the Board.

13 [(h)] (I) The Board, in accordance with its rules and regulations, shall  
14 reinstate the license of an individual who has failed to renew the license for any  
15 reason if the individual:

16 (1) Is otherwise entitled to be licensed;

17 (2) Complies with any continuing education requirement established by  
18 the Board for this purpose;

19 (3) Pays to the Board a reinstatement fee set by the Board; and

20 (4) Applies to the Board for reinstatement of the license within 5 years  
21 after the license expires.

22 [(i)] (J) (1) The Board may not reinstate the license of an electrologist or an  
23 electrology instructor who fails to apply for reinstatement of the license within 5  
24 years after the license expires.

25 (2) The electrologist or electrology instructor may become licensed by  
26 meeting the current requirements for obtaining a new license under this subtitle.

27 ~~§ 8-6B-18.1.~~

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

31 ~~(1) SEND THE LICENSEE A LETTER OF EDUCATION THAT ADVISES THE~~  
32 ~~LICENSEE ON THE WAYS IN WHICH THE LICENSEE MAY IMPROVE THE QUALITY OF~~  
33 ~~CARE THE LICENSEE PROVIDES TO PATIENTS; OR~~

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

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

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

8           (D)     ~~IF THE BOARD SENDS A LETTER OF EDUCATION OR AN ADVISORY LETTER~~  
 9 ~~UNDER THIS SECTION, THE ACTION MAY NOT BE CONSIDERED A DISCIPLINARY~~  
 10 ~~ACTION BY THE BOARD AND MAY NOT BE REPORTED TO A LICENSING ENTITY,~~  
 11 ~~EMPLOYER, OR INSURANCE COMPANY AS A DISCIPLINARY ACTION.~~

12 ~~8-6B-25.~~

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

18 ~~8-6B-18.~~

19           (a)     Subject to the hearing provisions of § 8-317 of this title and § 8-6B-19 of  
 20 this subtitle, the Board may deny a license to an applicant, grant a probationary  
 21 license to an applicant, reprimand a licensee, place a licensee on probation, or  
 22 suspend or revoke a license if the applicant or licensee:

23                   (26)     Fails to allow an inspection under § 8-6B-06(10) and (11) of this  
 24 subtitle; [or]

25                   (27)     Fails to cooperate with a lawful investigation conducted by the  
 26 Board;

27                   (28)     PRACTICES ELECTROLOGY WITHOUT A LICENSE BEFORE OBTAINING  
 28 OR RENEWING A LICENSE, INCLUDING ANY PERIOD WHEN THE LICENSE HAS  
 29 LAPSED; OR

30                   (29)     AFTER FAILING TO RENEW A LICENSE, COMMITS ANY ACT THAT  
 31 WOULD BE GROUNDS FOR DISCIPLINARY ACTION UNDER THIS SECTION.

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

