

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 988

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, insert “EMERGENCY BILL”; in the sponsor line, strike “Delegate Nathan-Pulliam” and substitute “Delegates Nathan-Pulliam, Hammen, Benson, Costa, Donoghue, Elliott, Hubbard, Kach, Kipke, Kullen, McDonough, Mizeur, Montgomery, Morhaim, Oaks, Pena-Melnyk, Pendergrass, Riley, Tarrant, Turner, and Weldon”; in line 2, strike “Restructuring” and substitute “Program Evaluation”; strike beginning with “requiring” in line 9 down through “Governor”; in line 12; strike beginning with “the” in line 12 down through “with” in line 13; strike beginning with “requiring” in line 18 down through “date” in line 19, and substitute “increasing the number of weeks before a certain meeting that certain notice must be mailed; altering the number of years for certain terms”; strike beginning with “requiring” in line 20 down through “Board” in line 21 and substitute “altering the number of times the board is required to meet; requiring the executive director to report to the Secretary”; and strike beginning with “establishing” in line 22 down through “generals” in line 26 and substitute “altering a certain termination date for provisions relating to the statutory and regulatory authority of the Board; altering a certain date for evaluation of certain Board activities; providing for the continued service of certain board members until certain appointments are made”.

On page 2, in line 1, strike “requiring the Board to submit a certain report” and substitute “exempting the Board from certain provisions of law requiring a certain preliminary evaluation; requiring that a certain evaluation conducted by the Department of Legislative Services incorporate a comprehensive review of certain complaints during a certain period of time and assess and identify certain patterns; requiring the Department of Legislative Services to collaborate with the Inspector General in the Department of Health and Mental Hygiene in the review of certain complaint outcomes”; in line 2, after “terms,” insert “making this Act an emergency”.

(Over)

measure;”; in line 6, strike “and 4-316” and substitute “4-316, and 4-702”; and after line 8, insert:

“BY repealing and reenacting, with amendments,
Article – State Government
Section 8-403(b)(17)
Annotated Code of Maryland
(2004 Replacement Volume and 2006 Supplement)”.

AMENDMENT NO. 2

On page 5, in line 23, strike the brackets; and strike beginning with “**DEPARTMENT**” in line 24 down through “**DEPARTMENT**” in line 26.

On page 6, in lines 3 and 6, strike “**(III)**” and “**(IV)**”, respectively, and substitute “**(II)**” and “**(III)**”, respectively; in line 21, strike the brackets; and in line 22, strike “**DEPARTMENT**”.

On page 7, in line 1, strike “2” and substitute “4”; and in line 6, strike the first “2” and substitute “4”.

AMENDMENT NO. 3

On page 8, in line 25, strike “4” and substitute “2”; in line 27, strike the brackets; and in the same line, strike “**JANUARY 1, 2008**”.

On page 9, in line 24, strike “twice a year” and substitute “ONCE A MONTH”.

AMENDMENT NO. 4

On page 10, strike beginning with “**THE**” in line 12, down through “**BOARD.**” in line 13 and substitute “**THE EXECUTIVE DIRECTOR SHALL REPORT TO THE SECRETARY.**”.

AMENDMENT NO. 5

On page 11, after line 11, insert:

“4-702.

Subject to the evaluation and reestablishment provisions of the Program Evaluation Act, this title and all rules and regulations adopted under this title shall terminate and be of no effect after July 1, [2011] 2009.

Article – State Government

8-403.

(b) Except as otherwise provided in subsection (a) of this section, on or before the evaluation date for the following governmental activities or units, an evaluation shall be made of the following governmental activities or units and the statutes and regulations that relate to the governmental activities or units:

(17) Dental Examiners, State Board of (§4-201 of the Health Occupations Article: July 1, [2010] 2008);”.

AMENDMENT NO. 6

On page 11, in line 12, after “That” insert “members of the Board who have served for 4 or more years as of the effective date of this Act shall continue to serve until a successor is appointed and qualifies. The Governor shall appoint successors as soon as is practicable after the effective date of this Act.”.

On pages 11 and 12, strike beginning with the colon in line 12 on page 11 through “member.” in line 18 on page 12.

On page 12, in lines 19 and 27, strike “5.” and “7.”, respectively, and substitute “3.” and “4.”, respectively; in line 20, strike “shall” and substitute “shall:”

(Over)

(a) collaborate with the Department of Legislative Services under Section 4 of this Act; and

(b) (1);

in line 21, strike “once” and substitute “on or before July 1 of”; strike beginning with “between” in line 21 down through “2010” in line 22 and substitute “from July 1, 2008 to July 1, 2012, both inclusive”; in line 22, after “that” insert “during the previous year ending December 31”; in line 22, strike “has” and substitute “consistently applied sanctions against licensees and”; in line 23, strike “authority” and substitute “authority; and

(2) report to the General Assembly in accordance with § 2-1246 of the State Government Article on the finding of the audits on or before July 1 of each year between July 1, 2008 and July 1, 2012, both inclusive;

and strike lines 24 through 26, inclusive.

AMENDMENT NO. 7

On pages 12 and 13, strike beginning with “That,” in line 27 on page 12 down through “Act.” in line 2 on page 13 and substitute “That:

(a) The provisions of § 8-404 of the State Government Article requiring a preliminary evaluation do not apply to the State Board of Dental Examiners prior to the evaluation required on or before July 1, 2008.

(b) The evaluation of the board conducted by the Department of Legislative Services shall incorporate a comprehensive review of complaint outcomes between January 1, 2002 and December 31, 2006, including assessing and identifying patterns related to:

- (1) the source of each complaint;
 - (2) the length of time from receipt of a complaint to it being dismissed or formal action being taken;
 - (3) the focus of any investigations conducted and the process for closing out a case;
 - (4) the types of violations for which sanctions are imposed, the range of sanctions imposed, and the consistency of their application;
 - (5) the board's use of its authority to impose a fine instead of suspending a license or in addition to suspending or revoking a license or reprimanding a licensee;
 - (6) the reinstatement process associated with suspended or revoked licenses;
 - (7) the use of consent decrees and how they are monitored;
 - (8) the use of committees by the board in the complaint and disciplinary process and the extent to which the recommendations of the committees are followed; and
 - (9) the board's use of probation and remedial measures, including educational and advisory letters to enhance compliance rather than or in addition to suspending or revoking a license or otherwise reprimanding a licensee.
- (c) The Department of Legislative Services shall collaborate with the Office of the Inspector General in the Department of Health and Mental Hygiene in the review of complaint outcomes, as appropriate.”.

On page 13, in line 3, strike “8.” and substitute “5.”; and strike beginning with “shall” in line 3 down through “2007” in line 4 and substitute “is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted”.