

HB1275/146987/2

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1275
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Delegate Nathan–Pulliam” and substitute “Delegates Nathan–Pulliam, Benson, Montgomery, Oaks, Pena–Melnyk, Tarrant, and V. Turner”; in line 8, after “diversity;” insert “requiring certain health occupations boards to collaboratively develop certain training and materials for certain board members;”; in line 9, strike “executive”; strike beginning with “requiring” in line 10 down through “subpoenas;” in line 11; in line 11, after “requiring” insert “that after certain consultation and to the extent permitted by certain resources;”; in the same line, strike “to”; in line 15, after “charges” insert “based solely on certain complaints the board receives”; in line 16, after “that” insert “are authorized to”; in line 18, strike “preliminary”; strike beginning with “determine” in line 19 down through “meetings;” in line 21 and substitute “consider certain reports and responses before taking certain action;”; in line 26, strike “final”; strike beginning with “requiring” in line 27 down through “circumstances;” in line 30; and in line 31, strike “certain” and substitute “the timeliness of complaint resolution for certain health occupations boards;”.

On page 2, strike beginning with “compliance” in line 1 down through “Services;” in line 15 and substitute “requiring the Secretary to establish certain guidelines on or before a certain date; requiring certain health occupations boards to collaborate with the Office of the Attorney General to make certain information available to the public concerning certain roles for assistant attorneys general; establishing that certain departure from sanctioning guidelines, failure to meet certain timeliness goals, and noncompliance with certain guidelines concerning certain roles for assistant attorneys general may not be grounds for certain hearings or appeals; requiring the Secretary and health occupations boards to make certain reports to certain committees of the General Assembly on or before certain dates; providing for the construction and the application of this Act;”; in line 19, strike “1–

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610” and substitute “1-609”; and strike beginning with the semicolon in line 20 down through “Positions” in line 23.

AMENDMENT NO. 2

On page 3, in line 4, strike “**EACH HEALTH OCCUPATIONS BOARD**” and substitute “**THE HEALTH OCCUPATIONS BOARDS**”; in line 5, after “**DEVELOP**” insert “**COLLABORATIVELY**”; in line 9, after “**EACH**” insert “**ADMINISTRATIVE OR**”; strike in their entirety lines 21 through 25, inclusive; in line 26, strike “**1-603.**” and substitute “**1-602.**”; in line 27, strike “**EACH**” and substitute “**AFTER CONSULTATION WITH THE SECRETARY AND TO THE EXTENT PERMITTED BY EXISTING ADMINISTRATIVE AND FISCAL RESOURCES, EACH**”; in line 28, strike the colon and substitute a period; and in line 29, strike “**A**” and substitute “**TO THE EXTENT DEEMED PRACTICABLE BY EACH BOARD, A**”.

AMENDMENT NO. 3

On page 4, strike in their entirety lines 6 through 8, inclusive; in lines 9 and 28, strike “**1-604.**” and “**1-605.**”, respectively, and substitute “**1-603.**” and “**1-604.**”, respectively; and in line 12, strike “**IF THE BOARD RECEIVES THE INITIAL COMPLAINT**” and substitute “**BASED SOLELY ON EVENTS CONTAINED IN A COMPLAINT THE BOARD RECEIVES**”.

AMENDMENT NO. 4

On page 5, strike in their entirety lines 1 through 15, inclusive, and substitute:

“(A) IF A STATUTE AUTHORIZES A HEALTH OCCUPATIONS BOARD TO USE A SYSTEM OF PEER REVIEW IN STANDARD OF CARE CASES AND THE PEER REVIEWER OR PEER REVIEWERS DETERMINE THAT THERE HAS BEEN A VIOLATION OF A STANDARD OF CARE, THE BOARD SHALL PROVIDE THE LICENSEE OR CERTIFICATE HOLDER UNDER INVESTIGATION WITH AN OPPORTUNITY TO REVIEW THE FINAL PEER REVIEW REPORT AND PROVIDE THE

BOARD WITH A WRITTEN RESPONSE WITHIN 10 BUSINESS DAYS AFTER THE REPORT WAS SENT TO THE LICENSEE OR CERTIFICATE HOLDER.

(B) IF A HEALTH OCCUPATIONS BOARD RECEIVES A WRITTEN RESPONSE TO A FINAL PEER REVIEW REPORT, THE BOARD SHALL CONSIDER BOTH THE REPORT AND RESPONSE BEFORE TAKING ANY ACTION.”;

and in lines 16 and 23, strike “**1-606.**” and “**1-607.**”, respectively, and substitute “**1-605.**” and “**1-606.**”, respectively.

AMENDMENT NO. 5

On page 6, in line 5, before “**TO**” insert “**(1)**”; in line 7, strike “**IN DETAIL**”; after line 7, insert:

“(2) A DEPARTURE FROM THE GUIDELINES ALONE IS NOT GROUNDS FOR ANY HEARING OR APPEAL OF ANY BOARD ACTION.”;

in line 8, strike “**1-608.**” and substitute “**1-607.**”; in line 9, strike “**(A) ON OR AFTER OCTOBER 1, 2009, EACH**” and substitute “**EACH**”; in line 10, after “**POST**” insert “**ON THE BOARD’S WEBSITE**”; in the same line, after “**FINAL**” insert “**, PUBLIC**”; and in line 11, strike “**ON THE BOARD’S WEBSITE**”.

AMENDMENT NO. 6

On pages 6 through 8, strike in their entirety the lines beginning with line 12 on page 6 through line 8 on page 8, inclusive, and substitute:

“1-608.

(A) THE SECRETARY SHALL MONITOR THE TIMELINESS OF COMPLAINT RESOLUTION FOR EACH HEALTH OCCUPATIONS BOARD.

(B) (1) ON OR BEFORE OCTOBER 1, 2011, THE SECRETARY SHALL ESTABLISH GOALS FOR THE TIMELINESS OF COMPLAINT RESOLUTION FOR ALL OF THE BOARDS, A GROUP OF BOARDS, OR A SPECIFIC BOARD, INCLUDING:

(I) AFTER A COMPLAINT IS FILED WITH A BOARD, A GOAL FOR THE LENGTH OF TIME A BOARD HAS TO COMPLETE AN INVESTIGATION AND DETERMINE WHETHER TO BRING CHARGES;

(II) AFTER A BOARD MAKES A DECISION TO CHARGE, A GOAL FOR THE LENGTH OF TIME A BOARD HAS TO ISSUE CHARGES;

(III) AFTER A BOARD ISSUES CHARGES, A GOAL FOR THE LENGTH OF TIME A BOARD HAS TO SCHEDULE A HEARING; AND

(IV) AFTER THE DATE OF AN OPINION FROM THE OFFICE OF ADMINISTRATIVE HEARINGS, OR THE FINAL DAY OF ANY HEARING, A GOAL FOR THE LENGTH OF TIME A BOARD HAS TO ISSUE A FINAL DECISION.

(2) WHEN DETERMINING THE TIME FRAMES FOR COMPLAINT RESOLUTION, THE SECRETARY SHALL CONSIDER:

(I) THE ADMINISTRATIVE AND FISCAL CONSTRAINTS OF EACH HEALTH OCCUPATIONS BOARD; AND

(II) THE RECOMMENDATIONS FROM THE TASK FORCE ON DISCIPLINE OF HEALTH CARE PROFESSIONALS AND IMPROVED PATIENT CARE.

(3) THE GOALS ESTABLISHED BY THE SECRETARY IN ACCORDANCE WITH THIS SECTION ARE NONBINDING AND FAILURE TO MEET

THE GOALS MAY NOT BE USED AS GROUNDS FOR ANY HEARING OR APPEAL OF ANY BOARD ACTION.

(C) ON OR BEFORE OCTOBER 1, 2011, THE SECRETARY OF HEALTH AND MENTAL HYGIENE SHALL, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, REPORT TO THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE AND THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE ON THE GOALS FOR THE TIMELINESS OF COMPLAINT RESOLUTION ESTABLISHED UNDER THIS SECTION.

1-609.

(A) EACH HEALTH OCCUPATIONS BOARD SHALL COLLABORATE WITH THE OFFICE OF THE ATTORNEY GENERAL TO MAKE GUIDELINES AVAILABLE TO THE PUBLIC CONCERNING THE SEPARATE ROLES FOR ASSISTANT ATTORNEYS GENERAL AS COUNSEL AND PROSECUTOR FOR THE BOARD.

(B) NONCOMPLIANCE WITH THE GUIDELINES MADE AVAILABLE UNDER THIS SECTION MAY NOT BE USED AS GROUNDS FOR ANY HEARING OR APPEAL OF ANY BOARD ACTION.”.

On pages 8 through 10, strike in their entirety the lines beginning with line 9 on page 8 through line 5 on page 10, inclusive.

AMENDMENT NO. 7

On page 10, after line 5, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 31, 2010, each health occupations board shall report to the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government

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Operations Committee, in accordance with § 2-1246 of the State Government Article, on:

- (1) its success in meeting the goals and requirements of this Act;
- (2) recommendations, in keeping with the language from the Report of the Task Force on Discipline of Health Care Professionals and Improved Patient Care, for providing, under appropriate circumstances, a procedure through which a licensee may petition to have a final public order determined to be of no further legal relevancy or expunged from the board's public record; and
- (3) ways in which separation of the board's disciplinary functions can be further achieved.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act may not be construed to diminish, alter, or enhance the existing authority of any party to exercise any responsibility in the appointment of membership to any health occupations board, as provided by the Health Occupations Article.

SECTION 4. AND BE IT FURTHER ENACTED, That, except as otherwise provided by law, this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any complaint made to a health occupations board before the effective date of this Act.”;

and in line 6, strike “2.” and substitute “5.”.