

# HOUSE BILL 1296

J2

3lr2955  
CF SB 981

---

By: **Delegates Cullison and Frank**

Introduced and read first time: February 8, 2013

Assigned to: Health and Government Operations

---

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 13, 2013

---

## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **State Board of Physicians – Quasi–Judicial Powers – Revision**

3 FOR the purpose of authorizing the State Board of Physicians to issue a cease and  
4 desist order or obtain injunctive relief against an individual for taking any  
5 action ~~that may be~~ for which the Board determines there is a preponderance of  
6 evidence of grounds for discipline under a certain provision of law and that  
7 poses a certain risk to a patient; requiring the Board to adopt certain  
8 regulations to carry out a certain provision of law; and generally relating to the  
9 quasi–judicial powers of the State Board of Physicians.

10 BY repealing and reenacting, with amendments,  
11 Article – Health Occupations  
12 Section 14–206  
13 Annotated Code of Maryland  
14 (2009 Replacement Volume and 2012 Supplement)

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

17 **Article – Health Occupations**

18 14–206.

19 (a) Over the signature of an officer, the executive director, or the deputy  
20 director of the Board, the Board may issue subpoenas and administer oaths in

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 connection with any investigation under this title and any hearings or proceedings  
2 before it.

3 (b) If, without lawful excuse, a person disobeys a subpoena from the Board or  
4 an order by the Board to take an oath or to testify or answer a question, then, on  
5 petition of the Board, a court of competent jurisdiction may punish the person as for  
6 contempt of court.

7 (c) If after due notice the individual against whom the action is  
8 contemplated fails or refuses to appear, nevertheless the Board may hear and  
9 determine the matter.

10 (d) (1) If the entry is necessary to carry out a duty under this title, the  
11 Board's executive director or other duly authorized agent or investigator of the Board  
12 may enter at any reasonable hour:

13 (i) A place of business of a licensed physician;

14 (ii) Private premises where the Board suspects that a person  
15 who is not licensed by the Board is practicing, attempting to practice, or offering to  
16 practice medicine, based on a formal complaint; or

17 (iii) Public premises.

18 (2) A person may not deny or interfere with an entry under this  
19 subsection.

20 (3) A person who violates any provision of this subsection is guilty of a  
21 misdemeanor and on conviction is subject to a fine not exceeding \$100.

22 (e) The Board may issue a cease and desist order or obtain injunctive relief  
23 AGAINST AN INDIVIDUAL for [practicing]:

24 (1) **PRACTICING** medicine without a license; **OR**

25 (2) **TAKING ANY ACTION ~~THAT~~:**

26 (I) ~~MAY BE~~ **FOR WHICH THE BOARD DETERMINES THERE IS**  
27 **A PREPONDERANCE OF EVIDENCE OF GROUNDS FOR DISCIPLINE UNDER §**  
28 **14-404 OF THIS TITLE; AND**

29 (II) ~~POSES THAT POSES~~ **A SERIOUS RISK TO THE HEALTH,**  
30 **SAFETY, AND WELFARE OF A PATIENT.**

1           **(F) THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THE**  
2 **PROVISIONS OF THIS SECTION, INCLUDING HEARING PROCEDURES AND**  
3 **SANCTIONS FOR NONCOMPLIANCE WITH A CEASE AND DESIST ORDER.**

4           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
5 October 1, 2013.

Approved:

---

Governor.

---

Speaker of the House of Delegates.

---

President of the Senate.