

HOUSE BILL 1348

P5, P1

3lr0853

By: **Chair, Health and Government Operations Committee (By Request – Department of Legislative Services)**

Introduced and read first time: February 11, 2013

Assigned to: Rules and Executive Nominations

Re-referred to: Health and Government Operations and Economic Matters,
February 26, 2013

Committee Report: Favorable

House action: Adopted

Read second time: April 1, 2013

CHAPTER _____

1 AN ACT concerning

2 **Maryland Program Evaluation Act – Revisions and Clarifications**

3 FOR the purpose of altering the date by which the Department of Legislative Services
4 must conduct a preliminary evaluation of certain governmental activities or
5 units and prepare certain reports; specifying the entities subject to a
6 preliminary evaluation; specifying the year in which a preliminary evaluation
7 must be conducted; altering certain elements required in a report on a preliminary
8 evaluation; requiring the Department to consider making a certain
9 recommendation if certain problems are identified; requiring the Department to
10 submit certain reports to the Legislative Policy Committee; altering the date by
11 which the Legislative Policy Committee must make a certain determination;
12 requiring the Department to conduct a full evaluation of a governmental activity or
13 unit under certain circumstances; requiring the Department to prepare a certain
14 report on each full evaluation conducted; specifying the entities subject to a full
15 evaluation without the need for a preliminary evaluation; specifying the year in
16 which a full evaluation must be conducted; altering the date by which the
17 Department must complete certain full evaluation reports; specifying the focus of a
18 full evaluation report; requiring the Department to submit certain reports to
19 certain committees of the General Assembly; altering the date by which certain
20 committees of the General Assembly must hold certain public hearings; requiring
21 certain committees of the General Assembly rather than certain evaluation
22 committees to submit a certain report to the General Assembly; altering the
23 recommendations that must be included in certain reports; repealing the

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 requirement that an evaluation be completed by an evaluation committee;
2 repealing the requirement that an evaluation plan be completed; requiring certain
3 entities to provide certain information and cooperate with the Department to carry
4 out certain requirements; authorizing certain information to be provided to the
5 Department in a certain format; requiring the Department to follow certain
6 confidentiality procedures; defining certain terms; and generally relating to the
7 Maryland Program Evaluation Act.

8 BY repealing and reenacting, with amendments,
9 Article – State Government
10 Section 8–401, 8–403, and 8–409 through 8–413
11 Annotated Code of Maryland
12 (2009 Replacement Volume and 2012 Supplement)

13 BY repealing and reenacting, without amendments,
14 Article – State Government
15 Section 8–402
16 Annotated Code of Maryland
17 (2009 Replacement Volume and 2012 Supplement)

18 BY repealing
19 Article – State Government
20 Section 8–404 through 8–408
21 Annotated Code of Maryland
22 (2009 Replacement Volume and 2012 Supplement)

23 BY adding to
24 Article – State Government
25 Section 8–404, 8–405, and 8–408
26 Annotated Code of Maryland
27 (2009 Replacement Volume and 2012 Supplement)

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

30 **Article — State Government**

31 8–401.

32 (a) In this subtitle the following words have the meanings indicated.

33 (B) **“COMMITTEES OF JURISDICTION” MEANS THE COMMITTEES OF THE**
34 **GENERAL ASSEMBLY THAT ROUTINELY HANDLE THE POLICY ISSUES AND**
35 **LEGISLATION RELATED TO A SPECIFIC GOVERNMENTAL ACTIVITY OR UNIT**
36 **SUBJECT TO REVIEW UNDER THIS SUBTITLE.**

1 **(C) “DEPARTMENT” MEANS THE DEPARTMENT OF LEGISLATIVE**
2 **SERVICES.**

3 **[(b)] (D) “Evaluation” means the TWO-TIERED process of legislative review**
4 **of a governmental activity or unit [for which this subtitle provides] USED TO**
5 **DETERMINE:**

6 **(1) WHETHER THE GOVERNMENTAL ACTIVITY OR UNIT SHOULD**
7 **BE REESTABLISHED OR TERMINATED; AND**

8 **(2) WHAT, IF ANY, STATUTORY OR NONSTATUTORY CHANGES**
9 **SHOULD BE RECOMMENDED TO THE GENERAL ASSEMBLY TO IMPROVE THE**
10 **OPERATIONS OF THE GOVERNMENTAL ACTIVITY OR UNIT.**

11 **[(c) “Evaluation committee” means a committee that is appointed to carry out**
12 **an evaluation.]**

13 **[(d)] (E) “Evaluation [date] YEAR” means the [date on] YEAR IN which**
14 **[an] EITHER A PRELIMINARY OR FULL EVALUATION of a governmental activity or**
15 **unit is to be completed.**

16 **(F) “FULL EVALUATION” MEANS:**

17 **(1) AN EXAMINATION OF ISSUES IDENTIFIED IN A PRELIMINARY**
18 **EVALUATION AS REQUIRING FURTHER STUDY; OR**

19 **(2) A FOLLOW-UP REVIEW OF HOW ISSUES IDENTIFIED IN A**
20 **PREVIOUS EVALUATION HAVE BEEN IMPLEMENTED BY A GOVERNMENTAL**
21 **ACTIVITY OR UNIT.**

22 **[(e)] (G) “Governmental activity” means a program, service, or other**
23 **function of government.**

24 **(H) “OFFICE” MEANS THE OFFICE OF POLICY ANALYSIS IN THE**
25 **DEPARTMENT OF LEGISLATIVE SERVICES.**

26 **[(f)] (I) “Preliminary evaluation” means [the process by which the**
27 **Legislative Policy Committee determines whether a governmental activity should**
28 **undergo an evaluation] A REVIEW OF A GOVERNMENTAL ACTIVITY OR UNIT**
29 **LIMITED TO THE ITEMS SPECIFIED UNDER § 8-403(B) OF THIS SUBTITLE THAT**
30 **IS UNDERTAKEN TO PROVIDE A RECOMMENDATION TO THE LEGISLATIVE**
31 **POLICY COMMITTEE ON WHETHER A GOVERNMENTAL ACTIVITY OR UNIT**
32 **SHOULD UNDERGO A FULL EVALUATION.**

1 8-402.

2 (a) The General Assembly finds that:

3 (1) a system for periodic, legislative review of the regulatory, licensing,
4 and other governmental activities of the Executive Branch of the State government is
5 essential for the maintenance of a government in which the citizens have confidence
6 and of a healthy State economy; and

7 (2) this legislative review is consistent with other activities and goals
8 of the General Assembly.

9 (b) The purposes of this subtitle are to:

10 (1) establish a system of legislative review that will:

11 (i) determine whether a governmental activity is necessary for
12 the public interest; and

13 (ii) make units that are responsible for necessary governmental
14 activities accountable and responsive to the public interest; and

15 (2) ensure that the legislative review takes place by establishing, by
16 statute, dates for the review and other legislative action.

17 8-403.

18 (a) On or before December 15 of the [2nd year before the evaluation date of a
19 governmental activity or unit, the Legislative Policy Committee, based on a
20 preliminary evaluation, may waive as unnecessary the evaluation required under this
21 section] **EVALUATION YEAR SPECIFIED, THE DEPARTMENT SHALL:**

22 **(1) CONDUCT A PRELIMINARY EVALUATION OF EACH**
23 **GOVERNMENTAL ACTIVITY OR UNIT TO BE EVALUATED UNDER THIS SECTION;**
24 **AND**

25 **(2) PREPARE A REPORT ON EACH PRELIMINARY EVALUATION**
26 **CONDUCTED.**

27 (b) [Except as otherwise provided in subsection (a) of this section, on or
28 before the evaluation date for the following governmental activities or units, an
29 evaluation shall be made] **EACH** of the following governmental activities or units and
30 the statutes and regulations that relate to the governmental activities or units **ARE**
31 **SUBJECT TO PRELIMINARY EVALUATION IN THE EVALUATION YEAR SPECIFIED:**

1 (1) Acupuncture Board, State (§ 1A–201 of the Health Occupations
2 Article: [July 1, 2014] **2012**);

3 (2) Amusement Ride Safety, State Advisory Board (§ 3–303 of the
4 Business Regulation Article: [July 1, 2013] **2011**);

5 (3) Apprenticeship and Training Council (§ 11–403 of the Labor and
6 Employment Article: [July 1, 2013] **2011**);

7 (4) Architects, State Board of (§ 3–201 of the Business Occupations
8 and Professions Article: [July 1, 2022] **2020**);

9 (5) Athletic Commission, State (§ 4–201 of the Business Regulation
10 Article: [July 1, 2020] **2018**);

11 [(6) Athletic Training Advisory Committee (§ 14–5D–04 of the Health
12 Occupations Article: July 1, 2012);]

13 [(7) **(6)** Audiologists, Hearing Aid Dispensers, and
14 Speech–Language Pathologists, State Board of Examiners for (§ 2–201 of the Health
15 Occupations Article: [July 1, 2015] **2013**);

16 [(8) **(7)** Barbers, State Board of (§ 4–201 of the Business
17 Occupations and Professions Article: [July 1, 2020] **2018**);

18 [(9) **(8)** Boiler Rules, Board of (§ 12–904 of the Public Safety Article:
19 [July 1, 2013] **2011**);

20 [(10) **(9)** Cemetery Oversight, Office of (§ 5–201 of the Business
21 Regulation Article: [July 1, 2022] **2020**);

22 [(11) **(10)** Chiropractic and Massage Therapy Examiners, State Board
23 of (§ 3–201 of the Health Occupations Article: [July 1, 2021] **2019**);

24 [(12) **(11)** Collection Agency Licensing Board, State (§ 7–201 of the
25 Business Regulation Article: [July 1, 2021] **2019**);

26 [(13) **(12)** Cosmetologists, State Board of (§ 5–201 of the Business
27 Occupations and Professions Article: [July 1, 2020] **2018**);

28 [(14) **(13)** Counselors and Therapists, State Board of Professional (§
29 17–201 of the Health Occupations Article: [July 1, 2018] **2016**);

30 [(15) Dental Examiners, State Board of (§ 4–201 of the Health
31 Occupations Article: July 1, 2020);]

1 [(16)] **(14)** Dietetic Practice, State Board of (§ 5–201 of the Health
2 Occupations Article: [July 1, 2014] **2012**);

3 [(17)] **(15)** Electricians, State Board of Master (§ 6–201 of the Business
4 Occupations and Professions Article: [July 1, 2022] **2020**);

5 [(18) Electrology Practice Committee (§ 8–6B–05 of the Health
6 Occupations Article: July 1, 2022);]

7 [(19)] **(16)** Elevator Safety Review Board (§§ 12–819 through 12–841 of
8 the Public Safety Article: [July 1, 2013] **2011**);

9 [(20)] **(17)** Engineers, State Board for Professional (§ 14–201 of the
10 Business Occupations and Professions Article: [July 1, 2022] **2020**);

11 [(21)] **(18)** Engineers, State Board of Stationary (§ 6.5–201 of the
12 Business Occupations and Professions Article: [July 1, 2013] **2011**);

13 [(22)] **(19)** Environmental Health Specialists, State Board of (§ 21–201
14 of the Health Occupations Article: [July 1, 2016] **2014**);

15 [(23)] **(20)** Financial Regulation, Office of the Commissioner of (§ 2–101
16 of the Financial Institutions Article: [July 1, 2021] **2019**);

17 [(24)] **(21)** Foresters, State Board of (§ 7–201 of the Business
18 Occupations and Professions Article: [July 1, 2014] **2012**);

19 [(25)] **(22)** Health Care Commission, Maryland (§ 19–103 of the Health
20 – General Article: [July 1, 2017] **2015**);

21 [(26)] **(23)** Health Services Cost Review Commission, State (§ 19–202 of
22 the Health – General Article: [July 1, 2017] **2015**);

23 [(27)] **(24)** Heating, Ventilation, Air–Conditioning, and Refrigeration
24 Contractors, State Board of (§ 9A–201 of the Business Regulation Article: [July 1,
25 2022] **2020**);

26 [(28)] **(25)** Home Improvement Commission, Maryland (§ 8–201 of the
27 Business Regulation Article: [July 1, 2021] **2019**);

28 [(29)] **(26)** Horse Industry Board, Maryland (§ 2–701 of the Agriculture
29 Article: [July 1, 2015] **2013**);

1 [(30)] **(27)** Individual Tax Preparers, State Board of (§ 21–201 of the
2 Business Occupations and Professions Article: [July 1, 2015] **2013**);

3 [(31)] **(28)** Insurance Administration (§§ 2–101 and 2–103 of the
4 Insurance Article: [July 1, 2018] **2016**);

5 [(32)] **(29)** Interior Designers, State Board of Certified (§ 8–201 of the
6 Business Occupations and Professions Article: [July 1, 2023] **2021**);

7 [(33)] **(30)** Labor and Industry, Division of (Title 2 of the Labor and
8 Employment Article: [July 1, 2013] **2011**);

9 [(34)] **(31)** Land Surveyors, State Board for Professional (§ 15–201 of
10 the Business Occupations and Professions Article: [July 1, 2023] **2021**);

11 [(35)] **(32)** Landscape Architects, State Board of Examiners of (§ 9–201
12 of the Business Occupations and Professions Article: [July 1, 2023] **2021**);

13 [(36)] **(33)** Law Examiners, State Board of (§ 10–201 of the Business
14 Occupations and Professions Article: [July 1, 2019] **2017**);

15 [(37)] **(34)** Maryland–Bred Race Fund Advisory Committee (§ 11–531 of
16 the Business Regulation Article: [July 1, 2013] **2011**);

17 [(38)] **(35)** mold remediation services, licensing and regulation of (§
18 8–701 of the Business Regulation Article: [July 1, 2018] **2016**);

19 [(39) Morticians and Funeral Directors, State Board of (§ 7–201 of the
20 Health Occupations Article: July 1, 2017);

21 (40) Nursing, State Board of (§ 8–201 of the Health Occupations Article:
22 July 1, 2022);]

23 [(41)] **(36)** Nursing Home Administrators, State Board of Examiners of
24 (§ 9–201 of the Health Occupations Article: [July 1, 2016] **2014**);

25 [(42)] **(37)** Occupational Safety and Health Advisory Board (§ 5–302 of
26 the Labor and Employment Article: [July 1, 2013] **2011**);

27 [(43)] **(38)** Occupational Therapy Practice, State Board of (§ 10–201 of
28 the Health Occupations Article: [July 1, 2014] **2012**);

29 [(44)] **(39)** Optometry, State Board of Examiners in (§ 11–201 of the
30 Health Occupations Article: [July 1, 2022] **2020**);

1 [(45) Perfusion Advisory Committee (§ 14-5E-05 of the Health
2 Occupations Article: July 1, 2021);

3 (46) Pharmacy, State Board of (§ 12-201 of the Health Occupations
4 Article: July 1, 2022);]

5 [(47)] **(40)** Physical Therapy Examiners, State Board of (§ 13-201 of
6 the Health Occupations Article: [July 1, 2021] **2019**);

7 [(48) Physician Assistant Advisory Committee (§ 15-201 of the Health
8 Occupations Article: July 1, 2012);

9 (49) Physicians, State Board of (§ 14-201 of the Health Occupations
10 Article: July 1, 2012);]

11 [(50)] **(41)** Pilots, State Board of (§ 11-201 of the Business Occupations
12 and Professions Article: [July 1, 2021] **2019**);

13 [(51)] **(42)** Plumbing, State Board of (§ 12-201 of the Business
14 Occupations and Professions Article: [July 1, 2022] **2020**);

15 [(52)] **(43)** Podiatric Medical Examiners, State Board of (§ 16-201 of
16 the Health Occupations Article: [July 1, 2021] **2019**);

17 [(53) Polysomnography Professional Standards Committee (§ 14-5C-05
18 of the Health Occupations Article: July 1, 2012);]

19 [(54)] **(44)** Prescription Drug Monitoring Program in the Department of
20 Health and Mental Hygiene (§ 21-2A-02 of the Health – General Article: [July 1,
21 2015] **2013**);

22 [(55)] **(45)** Prevailing Wage Rates, Advisory Council on (§ 17-203 of the
23 State Finance and Procurement Article: [July 1, 2013] **2011**);

24 [(56)] **(46)** Psychologists, State Board of Examiners of (§ 18-201 of the
25 Health Occupations Article: [July 1, 2022] **2020**);

26 [(57)] **(47)** Public Accountancy, State Board of (§ 2-201 of the Business
27 Occupations and Professions Article: [July 1, 2014] **2012**);

28 [(58)] **(48)** Racing Commission, State (§ 11-201 of the Business
29 Regulation Article: [July 1, 2013] **2011**);

1 [(59) Radiation Oncology/Therapy Technologists, Medical Radiation
2 Technologists, and Nuclear Medicine Technologists Advisory Committee (§ 14–5B–05
3 of the Health Occupations Article: July 1, 2012);]

4 [(60)] **(49)** Real Estate Appraisers, Appraisal Management Companies,
5 and Home Inspectors, State Commission of (§ 16–201 of the Business Occupations and
6 Professions Article: [July 1, 2022] **2020**);

7 [(61)] **(50)** Real Estate Commission, State (§ 17–201 of the Business
8 Occupations and Professions Article: [July 1, 2021] **2019**);

9 [(62)] **(51)** Residential Child Care Program Professionals, State Board
10 for Certification of (§ 20–202 of the Health Occupations Article: [July 1, 2023] **2021**);

11 [(63) Respiratory Care Professional Standards Committee, State (§
12 14–5A–05 of the Health Occupations Article: July 1, 2012);]

13 [(64)] **(52)** security systems technicians, licensing and regulation of (§
14 18–201 of the Business Occupations and Professions Article: [July 1, 2015] **2013**);

15 [(65)] **(53)** Social Work Examiners, State Board of (§ 19–201 of the
16 Health Occupations Article: [July 1, 2023] **2021**);

17 [(66)] **(54)** Standardbred Race Fund Advisory Committee, Maryland (§
18 11–625 of the Business Regulation Article: [July 1, 2013] **2011**);

19 [(67)] **(55)** Veterinary Medical Examiners, State Board of (§ 2–302 of
20 the Agriculture Article: [July 1, 2020] **2018**);

21 [(68)] **(56)** Waterworks and Waste Systems Operators, State Board of
22 (§ 12–201 of the Environment Article: [July 1, 2020] **2018**); and

23 [(69)] **(57)** Well Drillers, State Board of (§ 13–201 of the Environment
24 Article: [July 1, 2020] **2018**).

25 **(C) A REPORT ON A PRELIMINARY EVALUATION SHALL:**

26 **(1) INCLUDE A SUMMARY OF:**

27 **(I) SIGNIFICANT LEGISLATIVE AND REGULATORY CHANGES**
28 **SINCE THE LAST EVALUATION;**

29 **(II) LICENSING AND ENFORCEMENT ACTIVITIES SINCE THE**
30 **LAST EVALUATION;**

1 **(III) REGISTERED COMPLAINTS, COMPLAINT OUTCOMES,**
2 **AND DISCIPLINARY ACTIVITIES SINCE THE LAST EVALUATION; AND**

3 **(IV) REVENUES AND EXPENDITURES FOR THE MOST RECENT**
4 **6-YEAR PERIOD, INCLUDING INDIRECT COSTS; AND**

5 **(2) RECOMMEND WHETHER A FULL EVALUATION SHOULD BE**
6 **UNDERTAKEN BY THE DEPARTMENT.**

7 **(D) THE DEPARTMENT SHALL CONSIDER RECOMMENDING A FULL**
8 **EVALUATION OF A GOVERNMENTAL ACTIVITY OR UNIT IF PROBLEMS ARE**
9 **IDENTIFIED REGARDING:**

10 **(1) IMPLEMENTATION OF THE GOVERNMENTAL ACTIVITY OR**
11 **UNIT'S MANDATE OR STATUTORY REQUIREMENTS;**

12 **(2) MANAGEMENT OR DISPOSITION OF LICENSING,**
13 **ENFORCEMENT, COMPLAINT, OR DISCIPLINARY ACTIVITIES;**

14 **(3) FINANCES OR RESOURCES; OR**

15 **(4) OTHER ISSUES AS IDENTIFIED BY THE GENERAL ASSEMBLY**
16 **OR THE DEPARTMENT.**

17 **(E) ON COMPLETION, THE DEPARTMENT SHALL SUBMIT EACH REPORT**
18 **ON A PRELIMINARY EVALUATION TO THE LEGISLATIVE POLICY COMMITTEE.**

19 [8-404.

20 (a) (1) On or before December 15 of the second year before the evaluation
21 date, the Department of Legislative Services shall prepare a preliminary evaluation
22 report on each governmental activity or unit to be evaluated.

23 (2) The preliminary evaluation report shall include:

24 (i) significant legislative changes that affect the governmental
25 activity or unit after the last evaluation;

26 (ii) changes in technology that impact the conduct of the
27 profession or occupation regulated by the governmental activity or unit;

28 (iii) changes in the regulatory environment;

1 (iv) registered complaints and complaint outcomes in the time
2 period after the last evaluation;

3 (v) a 5-year revenue and expenditure comparison, including
4 indirect costs as part of the expenditures of the activity or unit; and

5 (vi) a recommendation whether a full evaluation should be
6 undertaken.

7 (b) On request of the Department of Legislative Services, the governmental
8 activity or unit shall provide the Department with the information required to
9 undertake the preliminary evaluation.]

10 **8-404.**

11 (A) ON OR BEFORE THE 10TH DAY OF THE REGULAR SESSION OF THE
12 GENERAL ASSEMBLY IMMEDIATELY FOLLOWING THE EVALUATION YEAR FOR A
13 GOVERNMENTAL ACTIVITY OR UNIT SPECIFIED UNDER § 8-403(B) OF THIS
14 SUBTITLE, THE LEGISLATIVE POLICY COMMITTEE SHALL APPROVE OR
15 DISAPPROVE THE RECOMMENDATIONS CONTAINED IN EACH REPORT ON A
16 PRELIMINARY EVALUATION SUBMITTED BY THE DEPARTMENT.

17 (B) IF THE LEGISLATIVE POLICY COMMITTEE APPROVES THE
18 DEPARTMENT'S RECOMMENDATION TO WAIVE A GOVERNMENTAL ACTIVITY OR
19 UNIT FROM FULL EVALUATION, THE DEPARTMENT SHALL PREPARE
20 LEGISLATION TO EXTEND THE TERMINATION DATE AND EVALUATION YEAR OF
21 THE GOVERNMENTAL ACTIVITY OR UNIT.

22 (C) THE DEPARTMENT SHALL CONDUCT A FULL EVALUATION OF A
23 GOVERNMENTAL ACTIVITY OR UNIT AS SPECIFIED UNDER § 8-405 OF THIS
24 SUBTITLE IF THE LEGISLATIVE POLICY COMMITTEE:

25 (1) APPROVES THE DEPARTMENT'S RECOMMENDATION THAT A
26 GOVERNMENTAL ACTIVITY OR UNIT UNDERGO FULL EVALUATION; OR

27 (2) REQUESTS THAT A GOVERNMENTAL ACTIVITY OR UNIT THAT
28 THE DEPARTMENT HAS RECOMMENDED BE WAIVED FROM FULL EVALUATION
29 INSTEAD UNDERGO FULL EVALUATION.

30 **[8-405.**

31 (a) Evaluation of a governmental activity or unit shall be completed:

32 (1) by an evaluation committee for the Senate, appointed by the
33 President of the Senate, and an evaluation committee for the House of Delegates,
34 appointed by the Speaker of the House; or

1 (2) by an evaluation committee appointed jointly by the President and
2 Speaker.

3 (b) Each evaluation committee for a governmental activity or unit shall be
4 appointed on or before May 31 of the year before the evaluation date of that
5 governmental activity or unit.]

6 **8-405.**

7 (A) **THE DEPARTMENT SHALL:**

8 (1) **CONDUCT A FULL EVALUATION OF EACH GOVERNMENTAL**
9 **ACTIVITY OR UNIT TO BE EVALUATED UNDER THIS SECTION; AND**

10 (2) **PREPARE A REPORT ON EACH FULL EVALUATION**
11 **CONDUCTED.**

12 (B) **EACH OF THE FOLLOWING GOVERNMENTAL ACTIVITIES OR UNITS**
13 **AND THE STATUTES AND REGULATIONS THAT RELATE TO THE GOVERNMENTAL**
14 **ACTIVITIES OR UNITS ARE SUBJECT TO FULL EVALUATION, IN THE EVALUATION**
15 **YEAR SPECIFIED, WITHOUT THE NEED FOR A PRELIMINARY EVALUATION:**

16 (1) **DENTAL EXAMINERS, STATE BOARD OF (§ 4-201 OF THE**
17 **HEALTH OCCUPATIONS ARTICLE: 2019);**

18 (2) **MORTICIANS AND FUNERAL DIRECTORS, STATE BOARD OF (§**
19 **7-201 OF THE HEALTH OCCUPATIONS ARTICLE: 2016);**

20 (3) (I) **NURSING, STATE BOARD OF (§ 8-201 OF THE HEALTH**
21 **OCCUPATIONS ARTICLE: 2021); AND**

22 (II) **ELECTROLOGY PRACTICE COMMITTEE (§ 8-6B-05 OF**
23 **THE HEALTH OCCUPATIONS ARTICLE: 2021);**

24 (4) **PHARMACY, STATE BOARD OF (§ 12-201 OF THE HEALTH**
25 **OCCUPATIONS ARTICLE: 2021); AND**

26 (5) **PHYSICIANS, STATE BOARD OF (§ 14-201 OF THE HEALTH**
27 **OCCUPATIONS ARTICLE: 2011), INCLUDING:**

28 (I) **ATHLETIC TRAINING ADVISORY COMMITTEE (§**
29 **14-5D-04 OF THE HEALTH OCCUPATIONS ARTICLE: 2011);**

1 **(II) PERFUSION ADVISORY COMMITTEE (§ 14-5E-05 OF**
2 **THE HEALTH OCCUPATIONS ARTICLE: 2011);**

3 **(III) PHYSICIAN ASSISTANT ADVISORY COMMITTEE (§**
4 **15-201 OF THE HEALTH OCCUPATIONS ARTICLE: 2011);**

5 **(IV) POLYSOMNOGRAPHY PROFESSIONAL STANDARDS**
6 **COMMITTEE (§ 14-5C-05 OF THE HEALTH OCCUPATIONS ARTICLE: 2011);**

7 **(V) RADIATION THERAPY, RADIOGRAPHY, NUCLEAR**
8 **MEDICINE TECHNOLOGY ADVISORY, AND RADIOLOGY ASSISTANCE**
9 **COMMITTEE (§ 14-5B-05 OF THE HEALTH OCCUPATIONS ARTICLE: 2011); AND**

10 **(VI) RESPIRATORY CARE PROFESSIONAL STANDARDS**
11 **COMMITTEE (§ 14-5A-05 OF THE HEALTH OCCUPATIONS ARTICLE: 2011).**

12 **(C) IN ADDITION TO THE ENTITIES SPECIFIED UNDER SUBSECTION (B)**
13 **OF THIS SECTION, THE DEPARTMENT SHALL CONDUCT A FULL EVALUATION OF**
14 **EACH ENTITY THAT HAS UNDERGONE A PRELIMINARY EVALUATION FOR WHICH**
15 **THE LEGISLATIVE POLICY COMMITTEE DETERMINES A FULL EVALUATION IS**
16 **NECESSARY.**

17 **(D) EACH FULL EVALUATION SHALL BE COMPLETED ON OR BEFORE:**

18 **(1) DECEMBER 1 OF THE EVALUATION YEAR SPECIFIED FOR**
19 **ENTITIES SUBJECT TO A FULL EVALUATION WITHOUT A PRELIMINARY**
20 **EVALUATION UNDER SUBSECTION (B) OF THIS SECTION; OR**

21 **(2) UNLESS OTHERWISE SPECIFIED BY THE LEGISLATIVE POLICY**
22 **COMMITTEE, DECEMBER 1 OF THE YEAR FOLLOWING THE COMPLETION OF A**
23 **PRELIMINARY EVALUATION REPORT.**

24 **(E) (1) IF A PRELIMINARY EVALUATION HAS NOT BEEN CONDUCTED,**
25 **A FULL EVALUATION REPORT SHALL ADDRESS ANY ISSUES RAISED IN THE**
26 **PREVIOUS SUNSET EVALUATION CONDUCTED BY THE DEPARTMENT AND THE**
27 **GOVERNMENTAL ACTIVITY'S OR UNIT'S:**

28 **(I) EFFICIENCY;**

29 **(II) EFFECTIVENESS;**

30 **(III) ROLE IN PROTECTING CONSUMERS;**

1 **(IV) SUFFICIENCY OF RESOURCES; AND**

2 **(V) ACCOMPLISHMENT OF LEGISLATIVE OBJECTIVES.**

3 **(2) IF A PRELIMINARY EVALUATION HAS BEEN CONDUCTED, A**
4 **FULL EVALUATION REPORT SHALL FOCUS ON THE ISSUES IDENTIFIED IN THE**
5 **PRELIMINARY EVALUATION OF THE GOVERNMENTAL ACTIVITY OR UNIT.**

6 **(F) ON COMPLETION, THE DEPARTMENT SHALL SUBMIT EACH FULL**
7 **EVALUATION REPORT, INCLUDING DRAFT LEGISLATION TO IMPLEMENT ANY**
8 **RECOMMENDED STATUTORY CHANGES, TO THE COMMITTEES OF JURISDICTION.**

9 [8-406.

10 (a) On or before June 30 of the year before the evaluation date of a
11 governmental activity or unit, each evaluation committee for that governmental
12 activity or unit shall:

13 (1) consult with:

14 (i) the Department of Legislative Services; and

15 (ii) the unit under evaluation or responsible for the
16 governmental activity under evaluation; and

17 (2) then prepare a plan for the evaluation.

18 (b) Each evaluation committee shall provide, in the plan, for periodic
19 consultation with the Department of Legislative Services.]

20 [8-407.

21 During an evaluation, the unit under evaluation or responsible for the
22 governmental activity under evaluation shall:

23 (1) provide promptly any information that the Department of
24 Legislative Services or an evaluation committee requests; and

25 (2) otherwise cooperate with the Department and the evaluation
26 committee.]

27 [8-408.

28 (a) (1) Subject to § 2-1246 of this article, on or before October 31 of the
29 year before the evaluation date of a governmental activity or unit, the Department of

1 Legislative Services shall submit to the General Assembly an evaluation report on the
2 governmental activity or unit.

3 (2) The Department of Legislative Services shall make copies of the
4 report available.

5 (b) The report on a governmental activity or unit designated for evaluation
6 under § 8-403 of this subtitle, to the extent appropriate to the evaluation of that
7 governmental activity or unit and consistent with the plan for evaluation, shall:

8 (1) discuss the purpose for which the governmental activity or unit
9 was established;

10 (2) discuss the manner in which the unit under evaluation or
11 responsible for the governmental activity under evaluation operates to carry out this
12 purpose;

13 (3) discuss changes in conditions that have occurred since the
14 governmental activity or unit was established and that suggest a need for change in
15 the governmental activity or unit;

16 (4) discuss whether the public health, safety, or welfare would be
17 affected significantly if the governmental activity or unit did not exist;

18 (5) discuss whether the costs of any goods or services have changed
19 because the governmental activity or unit was established;

20 (6) discuss whether the statute provides a clear regulatory mandate;

21 (7) discuss whether the unit under evaluation or responsible for the
22 governmental activity under evaluation complies with this mandate;

23 (8) discuss whether that unit has clear objectives;

24 (9) discuss the extent to which that unit accomplishes these objectives;

25 (10) discuss whether other governmental activities of the State have
26 similar objectives and, if so, compare the cost and effectiveness and identify
27 duplication in these governmental activities;

28 (11) discuss whether federal or local governmental activities or
29 programs or services in the private sector have similar objectives;

30 (12) state the source of funds of the governmental activity or unit;

31 (13) discuss whether the budget and staff resources and the
32 enforcement authority of the unit under evaluation or responsible for the

1 governmental activity under evaluation meet or exceed the resources and authority
2 that are needed to carry out the statutory mandate of the unit;

3 (14) discuss, as to a governmental activity for licensing of a profession
4 or occupation, whether the unit responsible for the governmental activity has:

5 (i) restricted access to the profession or occupation unduly;

6 (ii) processed applications for licenses efficiently and fairly; and

7 (iii) licensed only qualified applicants;

8 (15) discuss whether the unit under evaluation or responsible for a
9 governmental activity under evaluation operates in an open and accountable manner,
10 with:

11 (i) public access to its records and meetings; and

12 (ii) safeguards against conflicts of interest;

13 (16) discuss the extent to which that unit encourages participation of
14 the public, as opposed to participation only of persons whom the unit regulates, and
15 include a discussion of the role of the consumer representatives on the unit;

16 (17) discuss whether that unit processes efficiently and fairly formal
17 public complaints that are submitted to it;

18 (18) discuss whether that unit gathers and keeps sufficient information
19 about its activities and regulated persons and interests:

20 (i) to carry out the duties of the unit;

21 (ii) to inform the public; and

22 (iii) to enable evaluation of the success of the governmental
23 activity or unit;

24 (19) discuss whether that unit gathers or keeps superfluous
25 information;

26 (20) discuss alternative methods to carry out the governmental activity,
27 including methods used successfully in other states;

28 (21) discuss suggestions for statutory changes; and

29 (22) include any other information that the plan for evaluation requires
30 or the Department of Legislative Services considers appropriate.

1 (c) A report on a governmental activity or unit designated for evaluation
2 under § 8–404 of this subtitle, to the extent appropriate to the evaluation of that
3 governmental activity or unit and consistent with the plan for evaluation, shall:

4 (1) discuss the public purpose for which the governmental activity or
5 unit was established and whether that purpose is still a public need;

6 (2) discuss whether the purpose of the governmental activity or unit
7 has changed and, if so, the consistency of changes with legislative intent and public
8 need;

9 (3) discuss whether the governmental activity or unit substantially
10 duplicates other State, federal, or local governmental activities or programs or services
11 in the private sector;

12 (4) discuss whether laws or policies, including budgetary or personnel
13 policies, impede the effectiveness of the governmental activity or unit;

14 (5) discuss whether the unit under evaluation or responsible for the
15 governmental activity under evaluation operates:

16 (i) efficiently and effectively;

17 (ii) in an open and accountable manner, with public access to
18 records and meetings, safeguards against conflicts of interest, and opportunity for
19 public participation;

20 (iii) in a fair and nondiscriminatory manner that complies fully
21 with law and State policy; and

22 (iv) in a manner that imposes on the citizens and economy of the
23 State the least burden necessary to carry out the purpose for which the governmental
24 activity or unit was established;

25 (6) discuss whether changes in operation or law are desirable to
26 improve efficiency and effectiveness; and

27 (7) include any other information that the plan for evaluation requires
28 or the Department of Legislative Services considers appropriate.]

29 **[8–409.] 8–406.**

30 On or before [December 14 of] **THE 10TH DAY OF THE REGULAR SESSION OF**
31 **THE GENERAL ASSEMBLY IN** the year [before] **AFTER** the **FULL** evaluation [date] of
32 a governmental activity or unit **HAS BEEN COMPLETED**, the [evaluation committee]

1 **COMMITTEES OF JURISDICTION FOR THE GOVERNMENTAL ACTIVITY OR UNIT**
2 shall hold a public hearing to receive[,] **TESTIMONY ON THE EVALUATION REPORT**
3 from **THE DEPARTMENT**, the unit under evaluation or responsible for the
4 governmental activity under evaluation, and the public[, testimony as to the
5 evaluation report].

6 **[8-410.] 8-407.**

7 (a) Subject to § 2-1246 of this article, on or before the 20th day of the regular
8 session of the General Assembly in the year [of the] **AFTER A FULL** evaluation [date]
9 of a governmental activity or unit **HAS BEEN COMPLETED**, the [evaluation
10 committee] **COMMITTEES OF JURISDICTION** for the governmental activity or unit
11 shall submit a report to the General Assembly.

12 (b) (1) The report shall recommend[:

13 (i) as to a governmental activity or unit designated for
14 evaluation under § 8-403 of this subtitle,] whether [the] A governmental activity or
15 unit **THAT HAS UNDERGONE A FULL EVALUATION** should be reestablished, with or
16 without changes, or allowed to terminate[; or

17 (ii) as to a governmental activity or unit designated for
18 evaluation under § 8-404 of this subtitle, whether the statute for the governmental
19 activity or unit should be repealed or changed].

20 (2) The report shall be accompanied by each bill that is needed to
21 accomplish the recommendations in the report.

22 **8-408.**

23 **(A) DURING AN EVALUATION REQUIRED UNDER THIS SUBTITLE, THE**
24 **UNIT UNDER EVALUATION OR RESPONSIBLE FOR THE GOVERNMENTAL**
25 **ACTIVITY UNDER EVALUATION SHALL:**

26 **(1) PROMPTLY PROVIDE ANY INFORMATION THAT THE**
27 **DEPARTMENT OR A COMMITTEE OF THE GENERAL ASSEMBLY REQUESTS; AND**

28 **(2) OTHERWISE COOPERATE WITH THE DEPARTMENT TO CARRY**
29 **OUT THE REQUIREMENTS OF THIS SUBTITLE.**

30 **(B) INFORMATION REQUESTED UNDER SUBSECTION (A)(1) OF THIS**
31 **SECTION MAY BE PROVIDED IN A FORMAT THAT PROTECTS THE**
32 **CONFIDENTIALITY OF INDIVIDUALS AS NECESSARY.**

1 **(C) THE DEPARTMENT SHALL FOLLOW PROCEDURES TO MAINTAIN THE**
2 **CONFIDENTIALITY OF ANY INFORMATION, DOCUMENTS, OR PROCEEDINGS**
3 **OBTAINED OR OBSERVED IN THE COURSE OF CARRYING OUT THE**
4 **REQUIREMENTS OF THIS SUBTITLE.**

5 **[8-411.] 8-409.**

6 (a) (1) The reestablishment of a governmental activity or unit designated
7 for evaluation under § 8-403 of this subtitle is for a 10-year period unless the law that
8 provides for reestablishment sets another period.

9 (2) After the period of reestablishment expires, the governmental
10 activity or unit terminates as provided by law unless the governmental activity or unit
11 is reestablished again.

12 (b) The term of office of a member of a unit under evaluation or responsible
13 for a governmental activity under evaluation is not affected by reason of
14 reestablishment of the governmental activity or unit unless the law that reestablishes
15 the governmental activity or unit provides otherwise.

16 **[8-412.] 8-410.**

17 (a) The termination of a governmental activity or unit or repeal of its statute
18 in accordance with this subtitle is not a reason for dismissal of any claim or right of:

19 (1) the unit that is terminated or is responsible for the governmental
20 activity that is terminated; or

21 (2) any person against that unit.

22 (b) The State shall assume these claims and rights.

23 **[8-413.] 8-411.**

24 This subtitle may be cited as the “Maryland Program Evaluation Act”.

25 **SECTION 2. AND BE IT FURTHER ENACTED,** That this Act shall take effect
26 July 1, 2013.