

SENATE BILL 981

J2

3lr3278
CF HB 1296

By: **Senator Montgomery**

Introduced and read first time: February 18, 2013

Assigned to: Rules

Re-referred to: Education, Health, and Environmental Affairs, February 21, 2013

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 18, 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.

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 (a) Over the signature of an officer, the executive director, or the deputy
2 director of the Board, the Board may issue subpoenas and administer oaths in
3 connection with any investigation under this title and any hearings or proceedings
4 before it.

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

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

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

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

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

19 (iii) Public premises.

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

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

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

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

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

28 (I) ~~MAY BE~~ **FOR WHICH THE BOARD DETERMINES THERE IS**
29 **A PREPONDERANCE OF EVIDENCE OF GROUNDS FOR DISCIPLINE UNDER §**
30 **14-404 OF THIS TITLE; AND**

31 (II) ~~POSES~~ **THAT POSES** **A SERIOUS RISK TO THE HEALTH,**
32 **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.

President of the Senate.

Speaker of the House of Delegates.