

HB0566/896987/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 566
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Administrative Procedure Act –”; in the same line, after “Hygiene –” insert “Licenses Providing Services to Individuals With Developmental Disabilities -”; in line 3, strike “Exception” and substitute “Action”; in line 4, strike “to order” and substitute “, under certain circumstances, to suspend the license of”; in line 5, after “disabilities” insert “or order the licensee”; strike beginning with “instead” in line 6 down through “license” in line 7; in lines 7 and 8, strike “the Administrative Procedure Act and”; strike in their entirety lines 11 through 14, inclusive, and substitute:

“Article – Health – General
Section 7-910
Annotated Code of Maryland
(2009 Replacement Volume and 2014 Supplement)”.

AMENDMENT NO. 2

On pages 1 and 2, strike in their entirety the lines beginning with line 17 on page 1 through line 13 on page 2, inclusive, and substitute:

“Article – Health – General

7-910.

(a) The Administration shall deny a license to any applicant or suspend or revoke a license if the applicant or licensee fails to comply with the applicable laws, rules, or regulations of this State.

(Over)

(b) Any applicant or licensee who knowingly and willfully makes a false statement in connection with an application under this subtitle shall be guilty of a misdemeanor and upon conviction shall be subject to a fine not to exceed \$1,000, or imprisonment not exceeding 1 year, or both.

(c) The Administration may impose a penalty not exceeding \$500 per day per violation for each day a violation occurs on a licensee that fails to comply with the reporting requirements established under § 7-306.1 (l) of this title.

(d) Except as otherwise provided in § 10-226 of the State Government Article AND SUBSECTION (E) OF THIS SECTION, before the Administration takes any action under this section, the Administration shall give the applicant or licensee notice and an opportunity for a hearing.

(E) (1) IF THE DEPARTMENT FINDS THAT THE PUBLIC HEALTH, SAFETY, OR WELFARE OF INDIVIDUALS WITH DISABILITIES RECEIVING SERVICES FROM A LICENSEE IMPERATIVELY REQUIRES EMERGENCY ACTION, THE DEPARTMENT MAY SUSPEND THE LICENSE OR ORDER A LICENSEE TO REMEDY IMMEDIATELY THE SITUATION REQUIRING THE EMERGENCY ACTION.

(2) THE ORDER TO REMEDY IMMEDIATELY THE SITUATION SHALL BE EFFECTIVE IMMEDIATELY AND SHALL REMAIN IN EFFECT UNTIL:

(I) THE DEPARTMENT RESCINDS THE ORDER; OR

(II) THERE IS A RESOLUTION THROUGH THE ADMINISTRATIVE HEARING PROCESS.

(3) IF THE DEPARTMENT ISSUES AN ORDER UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE DEPARTMENT PROMPTLY SHALL GIVE THE LICENSEE:

(I) WRITTEN NOTICE OF THE ORDER, THE FINDING, AND THE REASONS THAT SUPPORT THE FINDING; AND

(II) AN OPPORTUNITY TO BE HEARD.”