

HB0628/256284/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 628
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after “Hygiene” insert “and the Office of Administrative Hearings”; in line 7, strike “of Administrative Hearings”; in line 8, after the first “certain” insert “decisions or”; strike beginning with “requiring” in line 12 down through “review” in line 15 and substitute “requiring the Office to establish a certain process; prohibiting certain boards and commissions from implementing certain decisions or actions until after the Office has conducted a certain review”; in line 16, after “certain” insert “decisions or”; in line 18, after “circumstances;” insert “providing that certain boards and commissions are responsible for certain costs; providing for the construction of a certain provision of this Act;”; in line 27, after “Hygiene” insert “and the Office”; and in the same line, after “manner;” insert “requiring the Department and the Office to submit certain regulations to the Joint Committee on Administrative, Executive, and Legislative Review on or before a certain date;”.

AMENDMENT NO. 2

On page 2, in line 29, after “**ARTICLE**” insert “**AND EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION**”; and in the same line, after “**SECRETARY**” insert “**AND THE OFFICE OF ADMINISTRATIVE HEARINGS**”.

On page 3, in lines 6 and 11, in each instance, strike “**AN**” and substitute “**A DECISION OR**”; strike beginning with “**BY**” in line 7 down through “**DESIGNEE**” in line 8; in line 8, after “**THE**” insert “**DECISION OR**”; in line 10, strike “**AND**”; in line 13, after “**MARKET**” insert “**; AND**”.

(III) IN CONJUNCTION WITH THE OFFICE OF THE ATTORNEY GENERAL, SHALL ESTABLISH A PROCESS:

(Over)

1. BY WHICH THE OFFICE OF ADMINISTRATIVE HEARINGS REVIEWS DECISIONS OR ACTIONS OF A BOARD OR COMMISSION;

2. THAT IS INDEPENDENT OF THE PROCESS BY WHICH THE OFFICE OF ADMINISTRATIVE HEARINGS HEARS ADJUDICATED, CONTESTED CASES; AND

3. THAT INCLUDES:

A”;

strike beginning with “(3)” in line 14 down through “(I)” in line 16; in line 16, after the first “OF” insert “DECISIONS OR”; in line 17, strike “THE SECRETARY”; in the same line, strike “REFER” and substitute “BE REFERRED”; after line 18, insert:

“B. QUALIFICATIONS AND SPECIALIZED TRAINING REQUIREMENTS FOR ADMINISTRATIVE LAW JUDGES CONDUCTING REVIEWS AS REQUIRED UNDER THIS SUBSECTION;

C. CHECKS FOR IDENTIFICATION AND MANAGEMENT OF POTENTIAL CONFLICTS WHEN THE OFFICE OF ADMINISTRATIVE HEARINGS CONDUCTS A CONTESTED CASE HEARING IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE; AND

D. APPROPRIATE STANDARDS AND GUIDELINES FOR CONDUCTING REVIEWS AS REQUIRED UNDER THIS SUBSECTION.”;

strike beginning with “(II)” in line 19 down through “A” in line 21 and substitute:

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“(3) A”;

in line 22, strike “CONSTITUTE” and substitute “**IMPLEMENT A DECISION OR**”; in line 25, strike “**(3)(II)**” and substitute “**(2)(III)**”; and in lines 27 and 29, in each instance, strike “PROPOSED” and substitute “**DECISION OR**”.

AMENDMENT NO. 3

On page 4, in lines 2 and 3, in each instance, strike “PROPOSED” and substitute “**DECISION OR**”; in line 4, strike “FINAL” and substitute “**DECISION OR**”; in the same line, strike “OF” and substitute “**IMPLEMENTED BY**”; in line 7, after the first “THE” insert “**DECISION OR**”; and after line 9, insert:

“(7) EACH BOARD OR COMMISSION SHALL BE RESPONSIBLE FOR THE COSTS ASSOCIATED WITH THE REVIEW BY THE OFFICE OF ADMINISTRATIVE HEARINGS OF DECISIONS OR ACTIONS OF THE RESPECTIVE BOARD OR COMMISSION.

(D) SUBSECTION (C) OF THIS SECTION DOES NOT APPLY TO:

(1) A DECISION OR DETERMINATION OF A BOARD OR COMMISSION CONCERNING MINISTERIAL ACTS;

(2) THE INTERNAL OPERATIONS OF A BOARD OR COMMISSION;

(3) INVESTIGATIONS;

(4) CHARGES; AND

(5) AS IT RELATES TO AN INDIVIDUAL REGULATED BY A BOARD OR COMMISSION;

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(I) CONSENT ORDERS; AND

(II) LETTERS OF SURRENDER.”.

AMENDMENT NO. 4

On page 6, in line 16, after “Hygiene” insert “and the Office of Administrative Hearings”; in line 21, after “Department” insert “and the Office”; in line 26, after “Hygiene;” insert “and”; strike beginning with the semicolon in line 27 down through “Hearings” in line 29; and after line 29, insert:

“(c) On or before June 1, 2018, the Department and the Office shall submit proposed regulations to the Joint Committee on Administrative, Executive, and Legislative Review.”.