HOUSE BILL 1455

By: Delegate Krebs
Introduced and read first time: February 24, 2022
Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

Health Occupations Boards – Authority Over Infrastructure – Staffing and Operations

FOR the purpose of establishing that the Secretary of Health has authority over the infrastructure operations of health occupations boards and commissions; altering the method of selecting officers of certain health occupations boards; establishing procedures for the filling of certain vacancies on a certain health occupations board; requiring the Secretary of Budget and Management, in consultation with the Secretary of Health, to determine the positions for which the Secretary of Health may set compensation; prohibiting certain special funds from being used to pay for infrastructure operations; and generally relating to the organization and operation of health occupations boards.

BY repealing and reenacting, with amendments,

Article – Health Occupations
Section 1–203(b), 1A–204(d), 1A–206(d)(1), 2–204(d), 2–206(e)(1), 3–204(d), 3–206(d)(1), 4–204(e), 4–207(d)(1), 5–203, 5–204(d), 5–206(d)(1), 6–203, 6–204, 6–207(d)(1), 7–203, 7–204(d), 7–206(d)(1), 8–206(e)(1), 9–203, 9–204(d), 10–203, 10–204(d), 10–206(d)(1), 11–204(d), 11–207(d)(1), 12–204(d), 12–206(d)(1), 13–207(d)(1), 14–203, 14–207(e)(1), 16–204(d), 16–206(d)(1), 17–204(d), 17–206(d)(1), 18–207(d)(1), 19–204(d), 19–206(f)(1), 20–204(d) and (e), and 21–204(d) and (e)

Annotated Code of Maryland
(2021 Replacement Volume)

BY repealing and reenacting, without amendments,

Article – Health Occupations
Section 1A–206(a), 2–206(a), 3–206(a), 4–207(a), 5–206(a), 6–207(a), 7–206(a), 8–206(a), 10–206(a), 11–207(a), 12–206(a), 13–207(a), 14–207(a), 16–206(a), 17–206(a), 18–207(a), and 19–206(a)

Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
BY repealing Article – Health Occupations
Section 2–204(e), 8–204(d), 13–204, 13–205(d), 18–204(d), 19–204(e), and 20–204(f)
Annotated Code of Maryland
(2021 Replacement Volume)

BY adding to Article – Health Occupations
Section 2–204(e), 8–204(d), 13–204, and 18–204(d)
Annotated Code of Maryland
(2021 Replacement Volume)

Preamble

WHEREAS, The State is committed to providing the best possible customer service to its residents; and

WHEREAS, Supporting the customer service efforts of the health occupations boards and commissions is important to ensure licensees can apply for and renew licenses in a prompt and timely manner; and

WHEREAS, The Secretary of Health currently lacks the statutory authority under § 1–203 of the Health Occupations Article to participate in the appointments of the executive directors of the health occupations boards and provide certain Maryland Department of Health resources; and

WHEREAS, To further the State’s customer service promise, this Act will allow the Maryland Department of Health the authority over the infrastructure operations for health occupations boards and commissions; and

WHEREAS, With Maryland Department of Health authority over the infrastructure operations, the health occupations boards and commissions will have access to Maryland Department of Health resources; and

WHEREAS, Reducing administrative burdens on the health occupations boards will allow them to focus on their core functions: licensing, collecting fees, investigating complaints, and conducting disciplinary actions; now, therefore,

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

Article – Health Occupations

1–203.
(b) (1) (i) In this subsection, “infrastructure operations” means the administrative activities of a board or commission established under this article, including activities related to the following:

1. Human resources;
2. Information technology;
3. Procurement;
4. Budget and management resources;
5. Office space;
6. Telecommunications; and
7. Audit compliance as required by Title 2, Subtitle 6 of the State Government Article.

(ii) “Infrastructure operations” does not include licensing, investigation, scope of practice, or disciplinary activities.

(2) Except as provided in paragraph (3) of this subsection, the power of the Secretary to transfer staff or functions of units in the Department does not apply to any staff of a board or commission, established under this article, or to any functions that pertain to licensing, disciplinary, or enforcement authority, or to any other authority specifically delegated by law to a board or commission.

(3) The Secretary has authority over the infrastructure operations of a board or commission established under this article.

(4) Infrastructure operations of a board or commission shall be paid for with Department general funds.

1A–204.

(d) (1) (i) The [Board] Secretary, with the advice and consent of the Board, may employ a staff for the Board in accordance with the State budget.

(ii) The Secretary, with the advice and consent of the Board, may designate one of the staff as an executive director.

(2) The Secretary may set the compensation of an employee
OF THE BOARD IN A POSITION THAT:

(I) IS UNIQUE TO THE BOARD;

(II) REQUIRES SPECIFIC SKILLS OR EXPERIENCE TO PERFORM THE DUTIES OF THE POSITION; AND

(III) DOES NOT REQUIRE THE EMPLOYEE TO PERFORM FUNCTIONS THAT ARE COMPARABLE TO FUNCTIONS PERFORMED IN OTHER UNITS OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT.

(3) THE SECRETARY OF BUDGET AND MANAGEMENT, IN CONSULTATION WITH THE SECRETARY, SHALL DETERMINE THE POSITIONS FOR WHICH THE SECRETARY MAY SET COMPENSATION UNDER PARAGRAPH (2) OF THIS SUBSECTION.

1A–206.

(a) There is an Acupuncture Board Fund.

(d) (1) (I) The Fund shall be used exclusively to cover the actual documented direct and indirect costs of fulfilling the statutory and regulatory duties of the Board as provided by the provisions of this title.

(II) THE FUND MAY NOT BE USED TO PAY FOR INFRASTRUCTURE OPERATIONS, AS DEFINED IN § 1–203(B) OF THIS ARTICLE.

2–204.

(d) (1) The [Board] SECRETARY, WITH THE ADVICE AND CONSENT OF THE BOARD, may employ a staff for the Board in accordance with the State budget [of the Board].

(2) THE SECRETARY, WITH THE ADVICE AND CONSENT OF THE BOARD, MAY DESIGNATE ONE OF THE STAFF AS AN EXECUTIVE DIRECTOR.

(e) The Board shall appoint an executive director who:

(1) Shall serve at the pleasure of the Board;

(2) Is the executive officer of the Board; and

(3) Has the powers and duties assigned by the Board.]

(E) (1) THE SECRETARY MAY SET THE COMPENSATION OF AN EMPLOYEE
OF THE BOARD IN A POSITION THAT:

(i) IS UNIQUE TO THE BOARD;

(ii) REQUIRES SPECIFIC SKILLS OR EXPERIENCE TO PERFORM THE DUTIES OF THE POSITION; AND

(iii) DOES NOT REQUIRE THE EMPLOYEE TO PERFORM FUNCTIONS THAT ARE COMPARABLE TO FUNCTIONS PERFORMED IN OTHER UNITS OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT.

(2) THE SECRETARY OF BUDGET AND MANAGEMENT, IN CONSULTATION WITH THE SECRETARY, SHALL DETERMINE THE POSITIONS FOR WHICH THE SECRETARY MAY SET COMPENSATION UNDER PARAGRAPH (1) OF THIS SUBSECTION.

2–206.

(a) There is a State Board of Examiners for Audiologists, Hearing Aid Dispensers, Speech–Language Pathologists, and Music Therapists Fund.

(e) (1) (I) The Fund shall be used to cover the actual documented direct and indirect costs of fulfilling the statutory and regulatory duties of the Board as provided by the provisions of this article.

(II) THE FUND MAY NOT BE USED TO PAY FOR INFRASTRUCTURE OPERATIONS, AS DEFINED IN § 1–203(B) OF THIS ARTICLE.

3–204.

(d) (1) (I) The [Board and the State Board of Massage Therapy Examiners] SECRETARY, WITH THE ADVICE AND CONSENT OF THE BOARD, may employ a staff FOR THE BOARD AND THE STATE BOARD OF MASSAGE THERAPY EXAMINERS in accordance with the [budgets of the boards] STATE BUDGET.

[(2)] (II) The [Board and the State Board of Massage Therapy Examiners jointly shall appoint a staff member] SECRETARY, WITH THE ADVICE AND CONSENT OF THE BOARD, MAY DESIGNATE ONE OF THE STAFF as [the] AN executive director[, who serves at the pleasure of both boards].

[(3)] (2) The [executive director] SECRETARY MAY SET THE COMPENSATION OF AN EMPLOYEE OF THE BOARD IN A POSITION THAT:

[(i) Is the executive director of both boards; and]
(ii) Has the powers and duties assigned by the boards.

(I) IS UNIQUE TO THE BOARD;

(II) REQUIRES SPECIFIC SKILLS OR EXPERIENCE TO PERFORM THE DUTIES OF THE POSITION; AND

(III) DOES NOT REQUIRE THE EMPLOYEE TO PERFORM FUNCTIONS THAT ARE COMPARABLE TO FUNCTIONS PERFORMED IN OTHER UNITS OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT.

(3) THE SECRETARY OF BUDGET AND MANAGEMENT, IN CONSULTATION WITH THE SECRETARY, SHALL DETERMINE THE POSITIONS FOR WHICH THE SECRETARY MAY SET COMPENSATION UNDER PARAGRAPH (2) OF THIS SUBSECTION.

3–206.

(a) There is a State Board of Chiropractic Examiners Fund.

(d) (1) (I) The Fund shall be used to cover the actual documented direct and indirect costs of fulfilling the statutory and regulatory duties of the Board as provided by the provisions of this article.

(II) THE FUND MAY NOT BE USED TO PAY FOR INFRASTRUCTURE OPERATIONS, AS DEFINED IN § 1–203(B) OF THIS ARTICLE.

4–204.

(c) (1) (I) The [Board] SECRETARY, WITH THE ADVICE AND CONSENT OF THE BOARD, may employ a staff FOR THE BOARD in accordance with the STATE budget [of the Board].

(II) THE SECRETARY, WITH THE ADVICE AND CONSENT OF THE BOARD, MAY DESIGNATE ONE OF THE STAFF AS AN EXECUTIVE DIRECTOR.

(2) THE SECRETARY MAY SET THE COMPENSATION OF AN EMPLOYEE OF THE BOARD IN A POSITION THAT:

(I) IS UNIQUE TO THE BOARD;

(II) REQUIRES SPECIFIC SKILLS OR EXPERIENCE TO PERFORM THE DUTIES OF THE POSITION; AND
(III) **Does not require the employee to perform functions that are comparable to functions performed in other units of the Executive Branch of State government.**

(3) **The Secretary of Budget and Management, in consultation with the Secretary, shall determine the positions for which the Secretary may set compensation under paragraph (2) of this subsection.**

4–207.

(a) There is a State Board of Dental Examiners Fund.

(d) (1) (I) The Fund shall be used to cover the actual documented direct and indirect costs of fulfilling the statutory and regulatory duties of the Board as provided by the provisions of this article.

(II) **The Fund may not be used to pay for infrastructure operations, as defined in § 1–203(b) of this article.**

5–203.

(a) From among its members, the Board [annually] shall elect a chairman, a vice chairman, and a secretary.

(b) The Board shall determine:

(1) The manner of election of officers; [and]

(2) **The term of office of each officer; and**

([2]) (3) The duties of each officer.

5–204.

(d) (1) (I) The [Board] **Secretary, with the advice and consent of the Board, may employ a staff for the Board** in accordance with the **State budget [of the Board].**

(II) **The Secretary, with the advice and consent of the Board, may designate one of the staff as an executive director.**

(2) **The Secretary may set the compensation of an employee of the Board in a position that:**
(I) **IS UNIQUE TO THE BOARD;**

(II) **REQUIRES SPECIFIC SKILLS OR EXPERIENCE TO PERFORM**
THE DUTIES OF THE POSITION; AND

(III) **DOES NOT REQUIRE THE EMPLOYEE TO PERFORM**
FUNCTIONS THAT ARE COMPARABLE TO FUNCTIONS PERFORMED IN OTHER UNITS
OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT.

(3) **THE SECRETARY OF BUDGET AND MANAGEMENT, IN**
CONSULTATION WITH THE SECRETARY, SHALL DETERMINE THE POSITIONS FOR
WHICH THE SECRETARY MAY SET COMPENSATION UNDER PARAGRAPH (2) OF THIS
SUBSECTION.

5–206.

(a) There is a State Board of Dietetic Practice Fund.

(d) (1) **(I)** The Fund shall be used to cover the actual documented direct
and indirect costs of fulfilling the statutory and regulatory duties of the Board as provided
by the provisions of this article.

(II) **THE FUND MAY NOT BE USED TO PAY FOR**
INFRASTRUCTURE OPERATIONS, AS DEFINED IN § 1–203(B) OF THIS
ARTICLE.

6–203.

(a) From among its members, the Board **[annually]** shall elect a chair, vice chair,
and secretary–treasurer.

(b) The Board shall determine:

(1) The manner of election of the officers; **[and]**

(2) **THE TERM OF OFFICE OF EACH OFFICER; AND**

[(2)] (3) The duties of each officer.

6–204.

(a) The **SECRETARY, WITH THE ADVICE AND CONSENT OF THE BOARD, MAY**
EMPLOY A STAFF FOR THE Board and the State Board of Chiropractic Examiners **[may**
employ a staff] in accordance with the **[budgets of the boards]** STATE BUDGET.

(b) The **[Board and the State Board of Chiropractic Examiners jointly shall**
appoint) SECRETARY, WITH THE ADVICE AND CONSENT OF THE BOARD, MAY
DESIGNATE ONE OF THE STAFF AS an executive director[, who serves at the pleasure of
both boards].

[(c) The executive director:

(1) Is the executive officer of both boards; and

(2) Has the powers and duties assigned by the boards.]

(C) (1) THE SECRETARY MAY SET THE COMPENSATION OF AN EMPLOYEE
OF THE BOARD IN A POSITION THAT:

(I) IS UNIQUE TO THE BOARD;

(II) REQUIRES SPECIFIC SKILLS OR EXPERIENCE TO PERFORM
THE DUTIES OF THE POSITION; AND

(III) DOES NOT REQUIRE THE EMPLOYEE TO PERFORM
FUNCTIONS THAT ARE COMPARABLE TO FUNCTIONS PERFORMED IN OTHER UNITS
OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT.

(2) THE SECRETARY OF BUDGET AND MANAGEMENT, IN
CONSULTATION WITH THE SECRETARY, SHALL DETERMINE THE POSITIONS FOR
WHICH THE SECRETARY MAY SET COMPENSATION UNDER PARAGRAPH (1) OF THIS
SUBSECTION.

6–207.

(a) There is a State Board of Massage Therapy Examiners Fund.

(d) (1) (I) The Fund shall be used to cover the actual documented direct
and indirect costs of fulfilling the statutory and regulatory duties of the Board as provided
in this title.

II) THE FUND MAY NOT BE USED TO PAY FOR
INFRASTRUCTURE OPERATIONS, AS DEFINED IN § 1–203(B) OF THIS ARTICLE.

7–203.

(a) From among its members, the [Board] SECRETARY, WITH THE ADVICE AND
CONSENT OF THE BOARD, shall elect a president[, a first vice president, and a second vice
president].
(B) FROM AMONG ITS MEMBERS, THE BOARD SHALL ELECT A FIRST VICE PRESIDENT AND A SECOND VICE PRESIDENT.

The Board shall determine:

1. The manner of election of officers;
2. The term of office of each officer; and
3. The duties of each officer.

(d) (1) The Board may appoint a Board secretary, who may be a member of the Board.

(2) The [Board] SECRETARY, WITH THE ADVICE AND CONSENT OF THE BOARD, may employ [inspectors and other] staff FOR THE BOARD in accordance with the STATE budget [of the Board].

(3) THE SECRETARY MAY SET THE COMPENSATION OF AN EMPLOYEE OF THE BOARD IN A POSITION THAT:

   (I) IS UNIQUE TO THE BOARD;

   (II) REQUIRES SPECIFIC SKILLS OR EXPERIENCE TO PERFORM THE DUTIES OF THE POSITION; AND

   (III) DOES NOT REQUIRE THE EMPLOYEE TO PERFORM FUNCTIONS THAT ARE COMPARABLE TO FUNCTIONS PERFORMED IN OTHER UNITS OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT.

(4) THE SECRETARY OF BUDGET AND MANAGEMENT, IN CONSULTATION WITH THE SECRETARY, SHALL DETERMINE THE POSITIONS FOR WHICH THE SECRETARY MAY SET COMPENSATION UNDER PARAGRAPH (3) OF THIS SUBSECTION.

(a) There is a State Board of Morticians and Funeral Directors Fund.

(d) (1) (I) The Fund shall be used to cover the actual documented direct and indirect costs of fulfilling the statutory and regulatory duties of the Board as provided by the provisions of this article.
(II) THE FUND MAY NOT BE USED TO PAY FOR INFRASTRUCTURE OPERATIONS, AS DEFINED IN § 1–203(B) OF THIS ARTICLE.

8–204.

[(d) The Board may:

(1) Employ a staff in accordance with the State budget;

(2) Define the duties of its staff; and

(3) Employ:

(i) An executive director who shall be a registered nurse with a minimum of a master’s degree in nursing or the equivalent, in the judgment of the Board, in professional education and administrative experience; and

(ii) A deputy director who shall assume the duties and authority of the executive director in the absence of the executive director.]

(D) (1) (I) THE SECRETARY, WITH THE ADVICE AND CONSENT OF THE BOARD, MAY EMPLOY A STAFF FOR THE BOARD IN ACCORDANCE WITH THE STATE BUDGET.

(II) THE SECRETARY, WITH THE ADVICE AND CONSENT OF THE BOARD, MAY DESIGNATE ONE OF THE STAFF AS AN EXECUTIVE DIRECTOR.

(2) THE SECRETARY MAY SET THE COMPENSATION OF AN EMPLOYEE OF THE BOARD IN A POSITION THAT:

(I) IS UNIQUE TO THE BOARD;

(II) REQUIRES SPECIFIC SKILLS OR EXPERIENCE TO PERFORM THE DUTIES OF THE POSITION; AND

(III) DOES NOT REQUIRE THE EMPLOYEE TO PERFORM FUNCTIONS THAT ARE COMPARABLE TO FUNCTIONS PERFORMED IN OTHER UNITS OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT.

(3) THE SECRETARY OF BUDGET AND MANAGEMENT, IN CONSULTATION WITH THE SECRETARY, SHALL DETERMINE THE POSITIONS FOR WHICH THE SECRETARY MAY SET COMPENSATION UNDER PARAGRAPH (2) OF THIS SUBSECTION.

8–206.
(a) There is a Board of Nursing Fund.

(e) (1) (I) The Board of Nursing Fund shall be used exclusively to cover the actual documented direct and indirect costs of fulfilling the statutory and regulatory duties of the Board as provided by the provisions of this title.

(II) The Board of Nursing Fund may not be used to pay for infrastructure operations, as defined in § 1–203(B) of this article.

9–203.

(a) From among the Board members, the Governor shall appoint a [chairman and vice chairman] CHAIR AND VICE CHAIR of the Board.

(b) (1) The Board shall appoint and the Secretary shall confirm the Board executive director.

(2) The Board executive director may not be a member of the Board and serves at the pleasure of the Board.

(3) The Board executive director is the executive officer of the Board.

(4) The Board executive director shall have, at a minimum, a bachelor’s degree.

(c) The Board shall determine the duties of each officer.

(B) From among its members, the Board shall elect any officers, other than the chair and vice chair, that it considers necessary.

(c) The Board shall determine:

(1) The manner of election of officers;

(2) The term of office of each officer; and

(3) The duties of each officer.

9–204.

(d) (1) (I) The [Board] Secretary, with the advice and consent of the Board, may employ a staff for the Board in accordance with the State budget.

(II) The Secretary, with the advice and consent of the
BOARD, may designate one of the staff as an executive director.

(2) The Secretary may set the compensation of an employee of the Board in a position that:

(I) is unique to the Board;

(II) requires specific skills or experience to perform the duties of the position; and

(III) does not require the employee to perform functions that are comparable to functions performed in other units of the Executive Branch of State government.

(3) The Secretary of Budget and Management, in consultation with the Secretary, shall determine the positions for which the Secretary may set compensation under paragraph (2) of this subsection.

10–203.

(a) From among its members, the Board shall annually elect one or more chairpersons.

(b) The Board shall determine:

(1) The manner of election of [the chairpersons] OFFICERS;

(2) The term of office of [the chairpersons] EACH OFFICER; and

(3) The duties of [the chairpersons] EACH OFFICER.

10–204.

(d) (1) [The Board shall appoint an Executive Director of the Board that serves at the pleasure of the Board as its executive officer.

(2) In accordance with the STATE budget [of the Board], the [Board] SECRETARY, WITH THE ADVICE AND CONSENT OF THE BOARD, may employ:

(i) A staff; and

(ii) Any experts and consultants necessary to obtain information and advice that relate to occupational therapy.
(2) The Secretary, with the advice and consent of the Board, may designate one of the staff as an executive director.

(3) The Secretary may set the compensation of an employee of the Board in a position that:

   (I) Is unique to the Board;

   (II) Requires specific skills or experience to perform the duties of the position; and

   (III) Does not require the employee to perform functions that are comparable to functions performed in other units of the Executive Branch of State government.

(4) The Secretary of Budget and Management, in consultation with the Secretary, shall determine the positions for which the Secretary may set compensation under paragraph (3) of this subsection.
(II) Requires specific skills or experience to perform the duties of the position; and

(III) Does not require the employee to perform functions that are comparable to functions performed in other units of the Executive Branch of State government.

(3) The Secretary of Budget and Management, in consultation with the Secretary, shall determine the positions for which the Secretary may set compensation under paragraph (2) of this subsection.

11–207.

(a) There is a State Board of Examiners in Optometry Fund.

(d) (1) (I) The Fund shall be used to cover the actual documented direct and indirect costs of fulfilling the statutory and regulatory duties of the Board as provided by the provisions of this article.

(II) The Fund may not be used to pay for infrastructure operations, as defined in § 1–203(b) of this article.

12–204.

(d) (1) (I) The [Board] Secretary, with the advice and consent of the Board, may employ a staff for the Board in accordance with the State budget [of the Board].

[(2)] (II) The [Board] Secretary, with the advice and consent of the Board, may designate [1 of its] one of the staff as an executive director.

(2) The Secretary may set the compensation of an employee of the Board in a position that:

(I) is unique to the Board;

(II) requires specific skills or experience to perform the duties of the position; and

(III) does not require the employee to perform functions that are comparable to functions performed in other units of the Executive Branch of State government.
(3) The Secretary of Budget and Management, in consultation with the Secretary, shall determine the positions for which the Secretary may set compensation under paragraph (2) of this subsection.

12–206.

(a) There is a State Board of Pharmacy Fund.

(d) (1) The Fund shall be used to cover the actual documented direct and indirect costs of fulfilling the statutory and regulatory duties of the Board as provided by the provisions of this article.

(ii) The Fund may not be used to pay for infrastructure operations, as defined in § 1–203(b) of this article.

[13–204.

(a) The Board shall appoint a Board executive director, who serves at the pleasure of the Board.

(b) The Board executive director:

(1) Is the executive officer of the Board; and

(2) Has the powers and duties assigned by the Board.]

13–204.

(A) (1) In accordance with the State budget, the Secretary, with the advice and consent of the Board, may employ:

(I) A staff for the Board; and

(II) Experts and consultants to obtain information and advice that relate to physical therapy.

(2) The Secretary, with the advice and consent of the Board, may designate one of the staff as an executive director.

(B) The Secretary may set the compensation of an employee of the Board in a position that:

(1) Is unique to the Board;
(2) Requires specific skills or experience to perform the duties of the position; and

(3) Does not require the employee to perform functions that are comparable to functions performed in other units of the Executive Branch of State government.

(c) The Secretary of Budget and Management, in consultation with the Secretary, shall determine the positions for which the Secretary may set compensation under subsection (b) of this section.

13–205.

[(d) In accordance with the budget of the Board, the Board may employ:

(1) A staff; and

(2) Experts and consultants to obtain information and advice that relate to physical therapy.]

13–207.

(a) There is a State Board of Physical Therapy Examiners Fund.

(d) (1) (I) The Fund shall be used to cover the actual documented direct and indirect costs of fulfilling the statutory and regulatory duties of the Board as provided by the provisions of this article.

(II) The Fund may not be used to pay for infrastructure operations, as defined in § 1–203(b) of this article.

14–203.

(a) (1) The Governor shall appoint the chair of the Board.

(2) The term of office of the chair is 2 years.

(3) The chair may appoint a vice chair.

(4) If a vacancy occurs in the office of chair, within 30 days after the date of the vacancy, the Board shall hold a special election to elect a chair to complete the term of the vacating chair.

(b) From among its members, the Board shall elect any officers, other than the
chair AND VICE CHAIR, that it considers necessary.

(c) The Board shall determine:

(1) The manner of election of officers;

(2) The term of office of each officer; and

(3) The duties of each officer.

14–207.

(a) There is a Board of Physicians Fund.

(e) (1) The Fund shall be used exclusively to cover the actual documented direct and indirect costs of fulfilling the statutory and regulatory duties of the Board as provided by the provisions of this title.

(II) THE FUND MAY NOT BE USED TO PAY FOR INFRASTRUCTURE OPERATIONS, AS DEFINED IN § 1–203(B) OF THIS ARTICLE.

16–204.

(d) (1) (I) The [Board] SECRETARY, WITH THE ADVICE AND CONSENT OF THE BOARD, may employ a staff FOR THE BOARD in accordance with the STATE budget [of the Board].

(II) THE SECRETARY, WITH THE ADVICE AND CONSENT OF THE BOARD, MAY DESIGNATE ONE OF THE STAFF AS AN EXECUTIVE DIRECTOR.

(2) THE SECRETARY MAY SET THE COMPENSATION OF AN EMPLOYEE OF THE BOARD IN A POSITION THAT:

(I) IS UNIQUE TO THE BOARD;

(II) REQUIRES SPECIFIC SKILLS OR EXPERIENCE TO PERFORM THE DUTIES OF THE POSITION; AND

(III) DOES NOT REQUIRE THE EMPLOYEE TO PERFORM FUNCTIONS THAT ARE COMPARABLE TO FUNCTIONS PERFORMED IN OTHER UNITS OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT.

(3) THE SECRETARY OF BUDGET AND MANAGEMENT, IN CONSULTATION WITH THE SECRETARY, SHALL DETERMINE THE POSITIONS FOR WHICH THE SECRETARY MAY SET COMPENSATION UNDER PARAGRAPH (2) OF THIS
SUBSECTION.

16–206.

(a) There is a State Board of Podiatric Medical Examiners Fund.

(d) (1) (I) The Fund shall be used to cover the actual documented direct and indirect costs of fulfilling the statutory and regulatory duties of the Board as provided by the provisions of this article.

(II) The Fund may not be used to pay for infrastructure operations, as defined in § 1–203(b) of this article.

17–204.

(d) (1) (I) The [Board] Secretary, with the advice and consent of the Board, may employ a staff for the Board in accordance with the State budget [of the Board].

(II) The Secretary, with the advice and consent of the Board, may designate one of the staff as an executive director.

(2) The Secretary may set the compensation of an employee of the Board in a position that:

(I) Is unique to the Board;

(II) Requires specific skills or experience to perform the duties of the position; and

(III) Does not require the employee to perform functions that are comparable to functions performed in other units of the Executive Branch of State government.

(3) The Secretary of Budget and Management, in consultation with the Secretary, shall determine the positions for which the Secretary may set compensation under paragraph (2) of this subsection.

17–206.

(a) There is a State Board of Professional Counselors and Therapists Fund.

(d) (1) (I) The Fund shall be used to cover the actual documented direct and indirect costs of fulfilling the statutory and regulatory duties of the Board as provided
by the provisions of this article.

(II) The Fund may not be used to pay for infrastructure operations, as defined in § 1–203(b) of this article.

18–204.

[(d) (1) The Board may designate one of its staff as Board administrator.

(2) The Board administrator may be compensated in accordance with the budget of the Board.

(3) The Board may employ other staff in accordance with the budget of the Board.]

(D) (1) (I) The Secretary, with the advice and consent of the Board, may employ a staff for the Board in accordance with the State budget.

(II) The Secretary, with the advice and consent of the Board, may designate one of the staff as an executive director.

(2) The Secretary may set the compensation of an employee of the Board in a position that:

(I) Is unique to the Board;

(II) Requires specific skills or experience to perform the duties of the position; and

(III) Does not require the employee to perform functions that are comparable to functions performed in other units of the Executive Branch of State government.

(3) The Secretary of Budget and Management, in consultation with the Secretary, shall determine the positions for which the Secretary may set compensation under paragraph (2) of this subsection.

18–207.

(a) There is a State Board of Examiners for Psychologists Fund.

(d) (1) (I) The Fund shall be used to cover the actual documented direct and indirect costs of fulfilling the statutory and regulatory duties of the Board as provided
by the provisions of this article.

(The Fund may not be used to pay for infrastructure operations, as defined in § 1–203(b) of this article.

19–204.

(d) (1) (I) The Secretary, with the advice and consent of the Board, may employ a staff for the Board in accordance with the state budget of the Board.

(II) The Secretary, with the advice and consent of the Board, may designate one of the staff as an executive director.

(2) The Secretary may set the compensation of an employee of the Board in a position that:

(I) Is unique to the Board;

(II) Requires specific skills or experience to perform the duties of the position; and

(III) Does not require the employee to perform functions that are comparable to functions performed in other units of the Executive Branch of State government.

(3) The Secretary of Budget and Management, in consultation with the Secretary, shall determine the positions for which the Secretary may set compensation under paragraph (2) of this subsection.

[e] (1) The Board shall appoint an executive director.

(2) The executive director:

(i) Serves at the pleasure of the Board;

(ii) Is the executive officer of the Board; and

(iii) Has the powers and duties assigned by the Board.]

19–206.

(a) There is a State Board of Social Work Examiners Fund.
The Fund shall be used to cover the actual documented direct
and indirect costs of fulfilling the statutory and regulatory duties of the Board as provided
by the provisions of this article.

The Fund may not be used to pay for
infrastructure operations, as defined in § 1–203(B) of this article.

The Secretary, with the advice and consent
of the Board, may employ a staff for the Board in accordance with the State
budget of the Board.

The Secretary, with the advice and consent of the Board, may designate one of the staff as an executive
director.

The Secretary may set the compensation of an employee
of the Board in a position that:

(I) Is unique to the Board;

(II) Requires specific skills or experience to perform
the duties of the position; and

(III) Does not require the employee to perform
functions that are comparable to functions performed in other units
of the Executive Branch of state government.

The Secretary of Budget and Management, in
consultation with the Secretary, shall determine the positions for
which the Secretary may set compensation under paragraph (2) of this
subsection.

The executive director:

(1) Serves at the pleasure of the Board;

(2) Serves as the executive officer of the Board; and

(3) Has the powers and duties assigned by the Board.]
OF THE BOARD, may employ a staff FOR THE BOARD in accordance with the STATE budget [of the Board].


[(2)  The executive director shall:

(i) Serve at the pleasure of the Board;

(ii) Act as the executive officer of the Board; and

(iii) Carry out the powers and duties assigned by the Board.]

(2)  THE SECRETARY MAY SET THE COMPENSATION OF AN EMPLOYEE OF THE BOARD IN A POSITION THAT:

(I) IS UNIQUE TO THE BOARD;

(II) REQUIRES SPECIFIC SKILLS OR EXPERIENCE TO PERFORM THE DUTIES OF THE POSITION; AND

(III) DOES NOT REQUIRE THE EMPLOYEE TO PERFORM FUNCTIONS THAT ARE COMPARABLE TO FUNCTIONS PERFORMED IN OTHER UNITS OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT.

(3)  THE SECRETARY OF BUDGET AND MANAGEMENT, IN CONSULTATION WITH THE SECRETARY, SHALL DETERMINE THE POSITIONS FOR WHICH THE SECRETARY MAY SET COMPENSATION UNDER PARAGRAPH (2) OF THIS SUBSECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2022.