SENATE BILL 77

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(Pre-filed)

By: Senator West
Requested: September 30, 2021
Introduced and read first time: January 12, 2022
Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments
Senate action: Adopted with floor amendments
Read second time: February 24, 2022

CHAPTER _____

1 AN ACT concerning

2 Health Occupations Boards – Investigations – Right to Counsel

3 FOR the purpose of authorizing a licensee, certificate holder, or registration holder to be
represented by counsel during an investigation by a health occupations board that
may result in charges or sanctions except under certain circumstances; and generally
relating to investigations by health occupations boards and the right to counsel.

7 BY adding to
8 Article – Health Occupations
9 Section 1–610
10 Annotated Code of Maryland
11 (2021 Replacement Volume)

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

14 Article – Health Occupations

15 1–610.

16 (A) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, IF A
17 HEALTH OCCUPATIONS BOARD INVESTIGATES A LICENSEE OR CERTIFICATE
18 HOLDER, OR REGISTRATION HOLDER AND THE INVESTIGATION MAY RESULT IN
19 CHARGES OR SANCTIONS AGAINST THE LICENSEE OR CERTIFICATE HOLDER, OR

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
Underlining indicates amendments to bill.
Strikeout indicates matter stricken from the bill by amendment or deleted from the law by
amendment.
REGISTRATION HOLDER, THE LICENSEE OR CERTIFICATE HOLDER, OR REGISTRATION HOLDER MAY:

(1) BE REPRESENTED BY COUNSEL DURING THE INVESTIGATION; AND

(2) HAVE COUNSEL PRESENT AT AND PARTICIPATE IN ANY INTERVIEW OF THE LICENSEE OR CERTIFICATE HOLDER, OR REGISTRATION HOLDER CONDUCTED BY OR ON BEHALF OF THE HEALTH OCCUPATIONS BOARD DURING THE INVESTIGATION.

(B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, IF A LICENSEE, CERTIFICATE HOLDER, OR REGISTRATION HOLDER CHOOSES TO HAVE COUNSEL PRESENT AT AND PARTICIPATING IN AN INTERVIEW OF THE LICENSEE, CERTIFICATE HOLDER, OR REGISTRATION HOLDER, DURING THE INTERVIEW, COUNSEL MAY:

(1) ASK THE LICENSEE, CERTIFICATE HOLDER, OR REGISTRATION HOLDER QUESTIONS;

(2) ASK THAT A QUESTION BE CLARIFIED;

(3) PROVIDE ADVICE TO THE LICENSEE, CERTIFICATE HOLDER, OR REGISTRATION HOLDER; AND

(4) PROVIDE INFORMATION RELEVANT TO THE INVESTIGATION ON BEHALF OF THE LICENSEE, CERTIFICATE HOLDER, OR REGISTRATION HOLDER.

(C) THE BOARD OR AN AGENT OF THE BOARD MAY EXCLUDE COUNSEL FOR A LICENSEE, CERTIFICATE HOLDER, OR REGISTRATION HOLDER FROM AN INVESTIGATION OR INTERVIEW UNDER THIS SECTION IF THE BOARD OR AGENT HAS EVIDENCE THAT COUNSEL IS SUBSTANTIALLY:

(1) SUBSTANTIALLY INTERFERING WITH THE INVESTIGATION OR INTERVIEW; AND

(2) (I) VIOLATING THE RULES OF PROFESSIONAL CONDUCT; OR

(II) ACTING IN A MANNER THAT IS PREJUDICIAL TO THE ADMINISTRATION OF JUSTICE.

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