SENATE BILL 899

By: Senator Kagan
Introduced and read first time: February 7, 2022
Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

AN ACT concerning

Health Occupations Boards – Authority Over Staffing and Infrastructure 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; specifying the term of the president or chair of certain health occupations boards; establishing procedures for the filling of certain vacancies on certain health occupations boards; 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 certain health occupations boards.

BY repealing and reenacting, with amendments,

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

Annotated Code of Maryland
(2021 Replacement Volume)

BY repealing
Article – Health Occupations
Section 1A–203, 2–204(e), 8–204(d), 13–204, 13–205(d), 18–204(d), 19–204(e), and 20–204(f)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
BY adding to
Article – Health Occupations
Section 1A–203, 2–204(e), 8–204(d), 13–204, and 18–204(d)
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)
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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 TOOLS AND RESOURCES FOR THE
USE AND SUPPORT OF DELIBERATIVE ACTIONS.

(II) “INFRASTRUCTURE OPERATIONS” DOES NOT INCLUDE
LICENSING, INVESTIGATION, OR DISCIPLINARY ACTIVITIES.

(2) [The] 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.

[1A–203.

From among its members, the Board shall elect officers in a manner and for terms
that the Board determines.]
(A) (1) **The Governor**, in consultation with the **Board**, shall appoint the president of the **Board**.

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

(3) The president may appoint a vice president.

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

(B) From among its members, the **Board** shall elect any officers, other than the president and vice president, 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.

(d) (1) (i) The [Board] **Secretary**, in consultation with the **Board**, may employ a staff **for the Board** in accordance with the State budget.

(ii) The **Secretary**, in consultation with the **Board**, may designate one of the staff as an executive director.

(ii) 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.

2–203.

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

(A) (1) THE GOVERNOR, IN CONSULTATION WITH THE BOARD, 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.

[(b)] (C) The Board shall determine:

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

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

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

2–204.
(d) (1) The Secretary, in consultation with the Board, may employ a staff for the Board in accordance with the State budget of the Board.

(2) The Secretary, in consultation with 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) 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.

3–203.
(a) From among its members, the Board annually shall elect a president, a vice–president, and a secretary–treasurer.

(A) (1) The Governor, in consultation with the Board, shall appoint the president of the Board.

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

(3) The president may appoint a vice president.

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

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

[(b)] (C) 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.

3–204.

(d) (1) (I) The [Board and the State Board of Massage Therapy Examiners] Secretary, in consultation with 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, in consultation with 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.

4–203.

(a) (1) THE GOVERNOR, IN CONSULTATION WITH THE BOARD, SHALL APPOINT THE PRESIDENT OF THE BOARD.

(2) THE TERM OF OFFICE OF THE PRESIDENT IS 2 YEARS.

(3) THE PRESIDENT MAY APPOINT A VICE PRESIDENT.

(4) IF A VACANCY OCCURS IN THE OFFICE OF PRESIDENT, WITHIN 30 DAYS AFTER THE DATE OF THE VACANCY, THE BOARD SHALL HOLD A SPECIAL ELECTION TO ELECT A PRESIDENT TO COMPLETE THE TERM OF THE VACATING PRESIDENT.

(B) From among its members, the Board shall elect [a president and a secretary] ANY OFFICERS, OTHER THAN THE PRESIDENT AND VICE PRESIDENT, THAT IT
CONSIDERS NECESSARY.

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.

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

(II) THE SECRETARY, in consultation with 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.

There is a State Board of Dental 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.

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

(a) (1) THE GOVERNOR, IN CONSULTATION WITH THE BOARD, 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 [annually] shall elect [a chairman, a vice chairman, and a secretary] ANY OFFICERS, OTHER THAN THE CHAIR AND VICE CHAIR, THAT IT CONSIDERS NECESSARY.

[(b)] (C) 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, IN CONSULTATION WITH THE BOARD, may employ a staff FOR THE BOARD in accordance with the STATE budget [of the Board].

(II) THE SECRETARY, IN CONSULTATION WITH 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) (1) The Governor, in consultation with the Board, 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.

[(a)] (B) From among its members, the Board [annually] shall elect [a chair, vice chair, and secretary–treasurer] ANY OFFICERS, OTHER THAN THE CHAIR AND VICE CHAIR, THAT IT CONSIDERS NECESSARY.

[(b)] (C) 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.
(a) The Secretary, in consultation with the Board, may employ a staff for the Board and the State Board of Chiropractic Examiners in accordance with the State budget.

(b) The Board and the State Board of Chiropractic Examiners jointly shall appoint the Secretary, in consultation with 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.

(c1) 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.

(c2) 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.

(a) There is a State Board of Massage Therapy Examiners 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 in this title.

(II) The Fund may not be used to pay for infrastructure operations, as defined in § 1–203(b) of this article.
(A) (1) THE GOVERNOR, IN CONSULTATION WITH THE BOARD, SHALL APPOINT THE PRESIDENT OF THE BOARD.

(2) THE TERM OF OFFICE OF THE PRESIDENT IS 2 YEARS.

(3) THE PRESIDENT MAY APPOINT A VICE PRESIDENT.

(4) IF A VACANCY OCCURS IN THE OFFICE OF PRESIDENT, WITHIN 30 DAYS AFTER THE DATE OF THE VACANCY, THE BOARD SHALL HOLD A SPECIAL ELECTION TO ELECT A PRESIDENT TO COMPLETE THE TERM OF THE VACATING PRESIDENT.

[(a) (B)] From among its members, the Board shall elect [a president, a first vice president, and a second vice president] ANY OFFICERS, OTHER THAN THE PRESIDENT AND VICE PRESIDENT, THAT IT CONSIDERS NECESSARY.

[(b)] (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.

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

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

(II) THE SECRETARY, IN CONSULTATION WITH THE BOARD, MAY DESIGNATE ONE OF THE STAFF AS BOARD SECRETARY.

(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
(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.

7–206.

(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.

8–203.

(a) (1) Subject to paragraph (2) of this subsection, from among its members, the Board shall elect a president and a secretary once every 2 years in June or as required by subsection (c) of this section.

(2) The president of the Board shall be a registered nurse.

(3) The president shall serve a 2–year term unless:

(i) The term of the member serving as the president expires before the end of the member’s term as president; or

(ii) The president resigns.]

(A) (1) The Governor, in consultation with the Board, shall appoint the president of the Board.

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

(3) The president may appoint a vice president.

(4) If a vacancy occurs in the office of president, within 30
DAYS AFTER THE DATE OF THE VACANCY, THE BOARD SHALL HOLD A SPECIAL ELECTION TO ELECT A PRESIDENT TO COMPLETE THE TERM OF THE VACATING PRESIDENT.

(B) FROM AMONG ITS MEMBERS, THE BOARD SHALL ELECT ANY OFFICERS, OTHER THAN THE PRESIDENT AND VICE PRESIDENT, THAT IT CONSIDERS NECESSARY.

[(b)] (C) The Board shall determine:

1. The manner of election of officers; [and]
2. THE TERM OF OFFICE OF EACH OFFICER; AND
3. The duties of each officer.

[(c) If a vacancy occurs under subsection (a)(3)(ii) of this section, the Board shall hold a special election to elect a president to complete the term of the vacating president within 30 days of the date of the vacancy.]

8–204.

[(d) The Board may:

1. Employ a staff in accordance with the State budget;
2. Define the duties of its staff.
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, IN CONSULTATION WITH THE BOARD, MAY EMPLOY A STAFF FOR THE BOARD IN ACCORDANCE WITH THE STATE BUDGET.

(II) THE SECRETARY, IN CONSULTATION WITH 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) (1) [From among the Board members, the] the Governor, in consultation with the Board, shall appoint a chairman and vice chairman 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) (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.
The Board executive director is the executive officer of the Board.

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

The Board shall determine the duties of each officer.

The Board shall elect any officers, other than the chair and vice chair, that it considers necessary.

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.

The Secretary, in consultation with the Board, may employ a staff for the Board in accordance with the State budget.

The Secretary, in consultation with 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:

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.

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.
From among its members, the Board shall annually elect one or more chairpersons.]

(A) (1) The Governor, in consultation with the Board, 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.

[(b) (C) The Board shall determine:

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

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

(3) The duties of each officer.]

The Board shall appoint an Executive Director of the Board that serves at the pleasure of the Board as its executive officer.

In accordance with the State budget of the Board, the Secretary, in consultation with the Board, may employ:

(i) A staff; and

(ii) Any experts and consultants necessary to obtain information and advice that relate to occupational therapy.

The Secretary, in consultation with 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.

(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.

10–206.

(a) There is a State Board of Occupational Therapy 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.

11–203.

[(a) From among its members, the Board every 2 years shall elect a president, a secretary, and a treasurer.]

(A) (1) The Governor, in consultation with the Board, shall appoint the president of the Board.

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

(3) The president may appoint a vice president.

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

(B) From among its members, the Board shall elect any officers,
OTHER THAN THE PRESIDENT AND VICE PRESIDENT, THAT IT CONSIDERS NECESSARY.

The Board shall determine:

1. The manner of election of officers; and
2. THE TERM OF OFFICE OF EACH OFFICER; AND
3. The duties of each officer.

11–204.

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

(II) THE SECRETARY, IN CONSULTATION WITH 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.

11–207.

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.

12–203.

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

(A) (1) The Governor, in consultation with the Board, shall appoint the president of the Board.

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

(3) The president may appoint a vice president.

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

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

[(b)] (C) 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.

12–204.

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

[(2)] (II) The [Board] Secretary, in consultation with 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) (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.

13–203.

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

(A) (1) THE GOVERNOR, IN CONSULTATION WITH THE BOARD, 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.
The Board shall determine:

1. The manner of election of the chairman and vice chairman; and
2. The term of office of each officer; and
3. The duties of each officer.

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

The Board executive director:

1. Is the executive officer of the Board; and
2. Has the powers and duties assigned by the Board.

In accordance with the State budget, the Secretary, in consultation with the Board, may employ:

1. A staff for the Board; and
2. Experts and consultants to obtain information and advice that relate to physical therapy.

The Secretary, in consultation with 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:

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.

(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.

16–203.

[(a) From among its members, the Board shall elect a president and a secretary–treasurer.]

(A) (1) The Governor, in consultation with the Board, shall appoint the president of the Board.

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

(3) The president may appoint a vice president.

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

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

[(b)] (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.

16–204.
(d) (1) The [Board] SECRETARY, in consultation with the BOARD, may employ a staff FOR THE BOARD in accordance with the STATE budget [of the Board].

(II) THE SECRETARY, in consultation with 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.

17–203.

(a) (1) THE GOVERNOR, in consultation with the BOARD, 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 annually shall elect:

(1)  A chairperson;

(2)  A vice chairperson; and

(3)  A secretary] any officers, other than the chair and vice chair, that it considers necessary.

[(b)] (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.

17–204.

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

(II)  The Secretary, in consultation with 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:

(1)  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.

There is a State Board of Professional Counselors and Therapists 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.

From among its members, the Board annually shall elect a chairman and a vice chairman.

The Governor, in consultation with the Board, shall appoint the chair of the Board.

The term of office of the chair is 2 years.

The chair may appoint a vice chair.

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.

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

The Board shall determine:

The manner of election of officers; and

The term of office of each officer; and

The duties of each officer.

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) The Secretary, in consultation with the Board, may employ a staff for the Board in accordance with the State budget.

   (II) The Secretary, in consultation with 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.

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

19–203.

(a) [From among its members, the Board shall elect a chair, vice chair, and secretary–treasurer every 2 years.]
(1) The Governor, in consultation with the Board, 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.

[(2)] (b) The Board may elect any officers, other than the chair and vice chair, that it considers necessary to fulfill the duties and responsibilities of the Board.

[(b)] (c) The Board shall determine:

(1) The manner of election of the chair, vice chair, secretary–treasurer, and other officers; and

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

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

19–204.

(d) (1) (I) The Secretary, in consultation with the Board, may employ a staff for the Board in accordance with the State budget of the Board.

(II) The Secretary, in consultation with 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.

(f) (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.

20–203.

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

(1) The Governor, in consultation with the Board, 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.
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.

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

The Secretary, in consultation with 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:

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.

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.
[a] From among its members, the Board shall elect a chairman, a vice chairman, and a secretary once every 2 years.]

(A) (1) THE GOVERNOR, IN CONSULTATION WITH THE BOARD, 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.

[b] (C) 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.

21–204.

(d) (1) (I) The [Board] SECRETARY, IN CONSULTATION WITH 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.