

HOUSE BILL 234

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3lr0366

By: Delegates Taveras, Hill, ~~and Woods~~ Woods, Alston, Bagnall, Bhandari, Chisholm, Cullison, Guzzone, Hutchinson, S. Johnson, Kaiser, Kerr, Kipke, R. Lewis, Lopez, Martinez, M. Morgan, Pena-Melnyk, Reilly, Rosenberg, Szeliga, and White

Introduced and read first time: January 23, 2023

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 25, 2023

CHAPTER _____

1 AN ACT concerning

2 **State Board of Chiropractic Examiners – Disciplinary Actions**

3 FOR the purpose of authorizing the State Board of Chiropractic Examiners to take
4 disciplinary action against an applicant or a licensee for failing to comply with a
5 Board order; authorizing the Board to grant a stay of enforcement of a Board order
6 in accordance with the Administrative Procedure Act; prohibiting an order of the
7 Board from being stayed pending judicial review; authorizing the Board to appeal a
8 decision that reverses or modifies its order; authorizing the Board to reinstate a
9 suspended or revoked license only in accordance with the terms and conditions of the
10 order of suspension or revocation or an order of reinstatement issued by the Board;
11 and generally relating to disciplinary actions by the State Board of Chiropractic
12 Examiners.

13 BY repealing and reenacting, with amendments,
14 Article – Health Occupations
15 Section 3–313(28) and (29) and 3–316
16 Annotated Code of Maryland
17 (2021 Replacement Volume and 2022 Supplement)

18 BY adding to
19 Article – Health Occupations
20 Section 3–313(30) and 3–317

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Annotated Code of Maryland
2 (2021 Replacement Volume and 2022 Supplement)

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

5 **Article – Health Occupations**

6 3–313.

7 Subject to the hearing provisions of § 3–315 of this subtitle, the Board may deny a
8 license to any applicant, reprimand any licensee, place any licensee on probation, with or
9 without conditions, or suspend or revoke a license, or any combination thereof, if the
10 applicant or licensee:

11 (28) Violates any provision of this title; [or]

12 (29) Fails to submit to a criminal history records check in accordance with §
13 3–302.1 of this subtitle; **OR**

14 **(30) FAILS TO COMPLY WITH ANY BOARD ORDER.**

15 3–316.

16 (a) Except as provided in this section for an action under § 3–313 of this subtitle,
17 any person aggrieved by a final decision of the Board in a contested case, as defined in the
18 Administrative Procedure Act, may petition for judicial review as allowed by the
19 Administrative Procedure Act.

20 (b) Any person aggrieved by a final decision of the Board under § 3–313 of this
21 subtitle may not appeal to the Secretary but may take a direct judicial appeal as provided
22 in the Administrative Procedure Act.

23 **(C) (1) THE BOARD MAY GRANT A STAY OF ENFORCEMENT OF A BOARD**
24 **ORDER IN ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURE ACT.**

25 **(2) AN ORDER OF THE BOARD MAY NOT BE STAYED PENDING**
26 **JUDICIAL REVIEW.**

27 **(D) THE BOARD MAY APPEAL A DECISION THAT REVERSES OR MODIFIES ITS**
28 **ORDER.**

29 3–317.

30 **IF A LICENSE HAS BEEN SUSPENDED OR REVOKED UNDER § 3–313 OF THIS**
31 **SUBTITLE, THE BOARD MAY REINSTATE THE LICENSE ONLY IN ACCORDANCE WITH:**

1 **(1) THE TERMS AND CONDITIONS OF THE ORDER OF SUSPENSION OR**
2 **REVOCATION; OR**

3 **(2) AN ORDER OF REINSTATEMENT ISSUED BY THE BOARD.**

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2023.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.