

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
Enrolled - Revised

Senate Bill 200

(Senator Lam)(By Request - State Board of Chiropractic
Examiners)

Finance

Health and Government Operations

State Board of Chiropractic Examiners - Disciplinary Actions

This bill authorizes the State Board of Chiropractic Examiners to deny a license to an applicant or take specified actions against a licensee – including but not limited to suspending or revoking a license – if the applicant or licensee fails to comply with any board order. An order of the board may not be stayed pending judicial review; however, the board may grant a stay of enforcement of an order in accordance with the Administrative Procedure Act (APA). The bill also specifies that the board may appeal a decision that reverses or modifies its orders. If a license is suspended or revoked, the board may reinstate the license only in accordance with (1) the terms and conditions of the order of suspension or revocation or (2) an order of reinstatement issued by the board.

Fiscal Summary

State Effect: The bill's requirements can be handled with existing budgeted resources. Revenues are not affected.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: The State Board of Chiropractic Examiners is responsible for ensuring that chiropractors and chiropractic assistants are properly educated, trained, and licensed and comply with laws and regulations pertaining to their respective scope of practice. The board also conducts investigations and disciplinary hearings relating to any violations of

applicable laws and regulations. The board comprises seven volunteer members: five licensed chiropractors and two consumer members.

The board, under certain circumstances, is authorized to deny a license to an applicant, reprimand a licensee, place a licensee on probation, or suspend or revoke a license. Those circumstances include the fraudulent or deceptive use of a license; impersonating another practitioner; violating any rule or regulation adopted by the board; failing to submit to a criminal history records check; or defying any other disciplinary ground under § 3-313 of the Health Occupations Article.

Any applicant or licensee who is aggrieved by the board's final decision to deny a license, suspend or revoke a license, or take another specified action may not appeal the decision to the Secretary of Health. However, an applicant or licensee may take a direct judicial appeal as provided in the APA.

Additional Information

Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: HB 234 (Delegate Taveras, *et al.*) - Health and Government Operations.

Information Source(s): Maryland Department of Health; Department of Legislative Services

Fiscal Note History: First Reader - January 27, 2023
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