

CHRIS WEST
Legislative District 42
Baltimore County

Judicial Proceedings Committee

Vice Chair, Baltimore County
Senate Delegation



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Annapolis Office
James Senate Office Building
11 Bladen Street, Room 303
Annapolis, Maryland 21401
410-841-3648 • 301-858-3648
800-492-7122 Ext. 3648
Chris.West@senate.state.md.us

District Office
1134 York Road, Suite 200
Lutherville -Timonium, MD 21093
410-823-7087

February 1, 2022

Senate Education, Health and Environmental Affairs Committee

The Honorable Paul G. Pinsky

2 West Miller Senate Building

Annapolis, Maryland 21401

RE: SB 77 - Health Occupations Boards – Investigations – Right to Counsel

Dear Chairman Pinsky and Members of the Committee,

The disciplinary process for a license or certificate holder in healthcare has the potential to limit or end someone's right to practice, disparaging their reputation along the way. Some of the investigators for health occupation boards can have a rather aggressive style of interviewing, especially if they have limited healthcare experience. Restricting the right to counsel during an investigation allows these interviewers to frame biased questions, falsely implying allegations and making the license/certificate holder inadvertently give erroneous responses.

While some may argue that there is no constitutional right to counsel during interviews, there is nonetheless property right to a professional license, and therefore it is appropriate for the license holder to have counsel to protect this interest. Senate Bill 77 provides that a license or certificate holding healthcare worker under investigation by a healthcare board (that may result in charges or sanctions) is entitled to counsel during the investigation and interviews.

The right to an attorney is an integral part of the American justice system and it should be available to medical professionals in danger of being sanctioned or losing their license.

I support Senate Bill 77 with an amendment that If a licensee or certificate holder choses to have counsel present at and participating in an interview of the licensee or certificate holder, during the interview, counsel may ask their client questions, and provide advice and relevant information to the investigation.

I appreciate the Committee's consideration of Senate Bill 77 and will be happy to answer any follow up questions the Committee may have.