



MARYLAND PODIATRIC MEDICAL ASSOCIATION

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Senator Paul Pinsky
Chair, Education, Health, and Environmental Affairs Committee
11 Bladen Street
Annapolis, MD 21401

SB 77: Health Occupations Boards -Investigations – Right to Counsel
Position: Support with Amendment

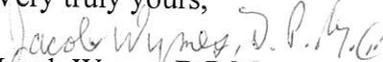
Dear Senator Pinsky and Members of the Committee,

The Maryland Podiatric Medical Association represents the podiatry profession in Maryland. MPMA asks the committee to vote in favor of SB 77 and amend the bill to permit the attorney representing the podiatrist to participate in the interview process. The proposed Amendment to SB 77: insert the words “AND PARTICIPATE IN” after the word “AT” in line 22 on page 1.

The Attorney General and the Board have stated that the licensee has no “right to counsel” during the investigation stage. That position ignores the reality of the importance of the interview for the licensee. The interview is the only opportunity for the podiatrist to explain, dispute, and defend against the allegations in a complaint before charges are considered by the Board. Moreover, the interview of the licensee is usually conducted without the opportunity to see the complaint.

The result is that a licensee is required to answer questions posed solely in the discretion of the investigator and without any knowledge of the nature of the complaint. The disciplinary process has the potential for limiting or ending the right to practice, and disparaging the reputation of the licensee, who has spent years in education and training to obtain their license. Restricting the right to counsel in the investigative process allows the Board investigator to frame questions in a manner that can be biased or imply facts and/or allegations that make the licensee make errors in response without realizing it, especially in view of the anxiety created just by being interviewed and the subject of a complaint. The presence and participation of an attorney can alleviate some of this. MPMA therefore urges you to support SB77 with the amendments proposed to include the right of the attorney to “participate in” the interview process. Thank you.

Very truly yours,


Jacob Wynes, D.P.M.
President