



Maryland Chiropractic Association

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January 28, 2022

Senator Chris West
303 James Senate Office Building
11 Bladen Street
Annapolis, MD 21401
Via Email: chris.west@senate.state.md.us

Re: SB0077 Health Occupations Boards – Investigations – Right to Counsel.

Dear Senator West:

The Maryland Chiropractic Association has reviewed SB 77 which is intended to assure professional health care licensees the right to the advice and counsel with respect to all healthcare board investigations and disciplinary matters. We strongly support this bill because it will ensure that our members will have the due process right to counsel during any inquiry, investigation, or discipline procedure which might impact their professional license.

In previous sessions, the MCA and our counsel, Marc Cohen, has worked with you and several legislative committees to secure legislation providing for a fair disciplinary process for healthcare licensees. The legislative enactments coming out of this work were believed to provide basic due process rights. However, subsequently there has been growing uncertainty and reluctance by some boards on unpredictable occasions to limit due process including the right to counsel. Sometimes boards will allow the presence of counsel for certain inquiries or onsite investigations and other times they will not. On occasion a board will interview a licensee without counsel and will not even provide a transcript of the interview.

We believe that the right to advice of counsel is not only an element of basic democratic fairness but lack of access actually frustrates the role that counsel can play in guiding licensee compliance or ameliorating possible improprieties.

There is no justification for depriving healthcare practitioners of providing guidance and counsel during every step of a Board investigation or compliance hearing. Improper healthcare should be the subject of discipline, but discipline should be the result of a fair process.

The Maryland Chiropractic Association strongly urges passage of SB220. Please free to let us know if we or our counsel can provide the legislature with any additional insight with regard to the need for this legislation.

Sincerely,

Robert W. Frieman, DC
President, Maryland Chiropractic Association

Mark K. Cohen
Counsel, Maryland Chiropractic Association