



TESTIMONY BEFORE THE
SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE
February 1, 2022
Senate Bill 77: Health Occupations Boards – Investigations – Right to Counsel
Written Testimony Only

POSITION: Favorable

On behalf of the members of the Health Facilities Association of Maryland (HFAM), we appreciate the opportunity to express our support for Senate Bill 77. HFAM represents over 170 skilled nursing centers and assisted living communities in Maryland, as well as nearly 80 associate businesses that offer products and services to healthcare providers. Our members provide services and employ individuals in nearly every jurisdiction in the state.

Senate Bill 77 authorizes licensees or certificate holders to be represented by counsel during an investigation by a health occupations board that may result in charges or sanctions. This proposed legislation would allow the licensee or certificate holder to be represented by counsel during the investigation and to have counsel present at any interview conducted by or on behalf of the health occupations board during the investigation.

With limited exceptions, individuals who are licensed or certified by a health occupations board have a right to counsel at a sanctioning hearing. A similar right to counsel is not specified in statute or regulations for a licensee or certificate holder during the investigation of a complaint.

From doctors and physician’s assistants, to nurses and nursing assistants, to therapists and beyond, there is a wide range of healthcare professionals who are licensed or certified by a health occupations board in Maryland. These health occupations boards are responsible for investigating complaints and determining whether the board should bring charges against the licensee or certificate holder.

While it is important to investigate potentially problematic situations, it is also important to ensure a fair investigation by allowing licensed and certified professionals to be represented by counsel who is versed in the often complex areas of employment and healthcare laws and regulations.

For these reasons, we request a favorable report from the Committee on Senate Bill 77.

Submitted by:

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