



## House Health & Government Operations Committee

March 29, 2022

### Support of Senate Bill 77

#### Health Occupations Boards - Investigations - Right to Counsel

The Maryland Association for the Treatment of Opioid Dependence (MATOD) urges a favorable opinion on SB 77.

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[www.matod.org](http://www.matod.org)

MATOD represents over 65 healthcare organizations across Maryland and its members include thousands of highly trained and dedicated addiction counselors, social workers, physicians, nurse practitioners, physician assistants, nurses, psychologists, peer recovery specialists and office personnel who dedicate every day to saving lives. MATOD programs serve over 35,000 Marylanders enrolled in opioid treatment programs (OTPs) receiving methadone and buprenorphine, in conjunction with counseling and other medical services.

MATOD members employ professionals in their facilities who are licensed or certified from several Health Occupation Boards. The Boards have an important role to play ensuring the public safety of the individuals we serve. Our employees also have a right to defend themselves against the accusations that a board may be investigating.

Several of the Boards already provide, through regulations, the right of a member who is under investigation to be represented by counsel – once they have been officially charged and a hearing is scheduled. There are no assurances that an individual is allowed legal counsel during the course of the investigation that can lead to charges.

I am an owner of an organization that experienced this firsthand. The Board initially refused our request to allow counsel for the member being investigated on their initial interview. How are programs to ensure that their staff are being fairly treated without counsel being allowed in the room?

The Board informed us that while an individual has right to counsel at a hearing, they do not have the right to counsel during the investigation. In our circumstance no formal charges were brought because the complaint was fraudulent. This was exposed by our counsel during the investigation period at the protest of the Board.

MATOD urges a favorable report on SB 77 to ensure that health care professionals are afforded the right to counsel throughout an investigation.

*MATOD members include community and hospital based Opioid Treatment Programs, local Health Departments, local Addiction and Behavioral Health Authorities and Maryland organizations that support evidence-based Medication Assisted Treatment. MATOD members include thousands of highly trained and dedicated addiction counselors, clinical social workers, physicians, nurse practitioners, physician assistants, nurses, peer recovery specialists and dedicated staff who work every day to save and transform lives.*