



Board of Chiropractic Examiners

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2023 SESSION POSITION PAPER

BILL NO: SB 200
COMMITTEE: Finance
POSITION: Support

TITLE: Health Occupations – State Board of Chiropractic Examiners – Disciplinary Actions and Procedures

BILL ANALYSIS: The proposed Bill would authorize the State Board of Chiropractic Examiners (the Board) to take additional disciplinary action against a licensee who willfully fails to follow an order of the Board; prohibits the stay of a Board order pending a judicial review; authorizes the Board to appeal a decision that reverses or modifies its order; and clarifies a pathway to reinstate a suspended or revoked license of a rehabilitated chiropractor upon successful completion of the terms and condition of the Board’s order

POSITION AND RATIONALE: The Maryland Board of Chiropractic Examiners supports SB 200.

Additional Disciplinary Grounds 3-315

From time to time, it is necessary for the Board to take disciplinary actions against a licensee who is found to have violated the Chiropractic Practice Act. Many disciplinary cases necessitate the imposition of a probation subject to terms and conditions in order to ensure that the Board can adequately monitor the licensee’s practice. These terms and conditions commonly require that the licensee: receive additional training in the form of coursework, obtain a Board-approved clinical mentor, or pay a fine. Currently, the Board has no specific disciplinary provision to address the circumstance when a practitioner decides not to comply with those terms and conditions.

Thus, the proposed statute would enable the Board to, if necessary, take additional disciplinary actions when an individual willfully fails to comply with a board order.

Judicial Appeal of Board Decision

The Board recognizes that its mission is to protect the health and wellbeing of the citizens of Maryland. In all instances where a license is suspended or revoked after a hearing, the individual has the right to request a judicial review of the Board’s decision. Currently, the aggrieved licensee is also able to file a motion with the Circuit Court to stay the Board’s Final Order during the judicial appeal process.

To grant a stay of the Board's Order, and allow the individual whose license is suspended or revoked to continue the practice of chiropractic, is counter to the mission of protecting the citizens of Maryland. Suspension and revocation orders are issued in cases of proven egregious acts and behavior on the part of the licensee. The proposed bill removes the ability to stay the Board's decision to keep an egregious offender or violator from continuing to practice following suspension/revocation pending the outcome of the appeal. The proposed provision is consistent with provisions that at least eight (8) other health occupations have set forth in their respective practice acts.

Reinstatement

Currently, the process for reinstating the license of a previously suspended or revoked individual is ambiguous. This amendment to the statute would provide a clear and unambiguous pathway for reinstating the license of an individual who is demonstrably rehabilitated and has successfully completed the terms and conditions of a suspension or revocation order.

The Board thanks you for your consideration and respectfully requests the Committee votes favorably on SB 200.

For more information, please contact Sharon J. Oliver, Executive Director at 410-764-5985 or Sharon.oliver@maryland.gov, or Lillian Reese, the legislative liaison for the boards at 443-794-4757 or at lillian.reese@maryland.gov.

The opinion of the Board expressed in this document does not necessarily reflect that of the Department of Health or the Administration.