



Board of Physicians

Wes Moore, Governor · Aruna Miller, Lt. Governor · Harbhajan Ajrawat, M.D., Chair

2026 SESSION POSITION PAPER

BILL NO.: House Bill 824 - Criminal Procedure - Expungement - Conviction of Distribution of Controlled Dangerous Substance
COMMITTEE: Judiciary
POSITION: Letter of Opposition

The Maryland Board of Physicians (the Board) is respectfully submitting this Letter of Opposition for House Bill (HB) 824 - Criminal Procedure - Expungement - Conviction of Distribution of Controlled Dangerous Substance. HB 824 allows the distribution and dispensing of controlled dangerous substances (CDS) to be eligible for expungement.

The Board has serious concerns over the unintended consequences of HB 824. The distribution and dispensing of CDS are significant convictions and often result in licensure with restrictions or other conditions, and, at times, in the revocation of a license. If expunged, the Board may be unaware of the necessary information to properly protect the public or meet statutory mandates and obligations.

The access that health care providers have to CDS is unique to their profession. The Board's regulatory experience reveals that health care providers have distributed or dispensed CDS for personal use, and the Board has disciplined providers for overprescribing CDS and operating "pill mills"¹. Health care providers are in a position different from that of the average citizen. Not only can they access CDS themselves, but they can also provide access to others and make dosage recommendations that are trusted to be appropriate. It is essential that the Board is aware of any convictions regarding the distribution and dispensing of CDS so that appropriate public protection measures can be taken, such as prescribing restrictions or other conditions.

The Board has consistently collected information regarding CDS convictions. It is part of the Board's licensure application for dispensing permits. This information is standard and extremely relevant to the application and the subsequent authority granted to the applicant. It is an established precedent that notifying the Board of such information is appropriate, given the Board's responsibilities and role in regulation and public protection.

In addition, this information is essential for the Board to comply with statutory mandates and obligations. For example, there are clear statutory guidelines regarding prescribing and dispensing CDS and opioids in Health Occupations § [1-223](#). Violating the guidelines may be grounds for disciplinary action under Health Occupations §§ [14-404\(a\) \(27\) & \(28\)](#). One of the Board's core

¹ <https://www.mbp.state.md.us/bpqapp/Orders/D1198509.278.PDF>

responsibilities is the effective discipline and regulation of health care providers.

Finally, as a member of the Interstate Medical Licensure Compact (IMLC), the Board is also mandated to comply with the requirements in [Health Occupations, § 14-3A-01, Annotated Code of Maryland](#). This bill creates a barrier to compliance. The Board will have significant difficulties appropriately and accurately completing the Letter of Qualification (LOQ) as required by statute, and providing other required verifications and reports, potentially putting the State's Compact status at risk.

As part of the IMLC, the State of Principal Licensure (SPL) must complete an LOQ. To be eligible for the IMLC and receive an LOQ, a physician must possess a full and unrestricted license. If convictions for distributing or dispensing CDS are expunged and the Board is not made aware of them, a licensee who would otherwise have a restricted license may not be restricted. Therefore, the licensee would be inappropriately eligible for the Compact. This increases the public health risk for Marylanders as well as residents of all other Compact states.

The concern is similar for multiple additional provisions related to CDS, convictions, and disciplinary action, in which the Board is required to verify and report to the IMLC. For example, a physician seeking to renew with the IMLC cannot have a CDS license suspended or restricted by the State or the Federal Drug Enforcement Administration. However, if the State or federal government are not made aware of a conviction related to the distribution or dispensing of CDS, a physician who should not be eligible to renew may be inappropriately eligible to do so.

The Board is appreciative of the opportunity to express these concerns and is willing to work collaboratively on this matter. Thank you for your consideration. For more information, please contact Madeline DelGreco, Manager of Policy and Legislation, at the Maryland Board of Physicians, at 410-764-5053.

Sincerely,



Harbhajan Ajrawat, M.D.
Chair, Maryland Board of Physicians

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