

SENATE BILL 77

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2lr0611

(PRE-FILED)

By: **Senator West**

Requested: September 30, 2021

Introduced and read first time: January 12, 2022

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: February 24, 2022

CHAPTER _____

1 AN ACT concerning

2 **Health Occupations Boards – Investigations – Right to Counsel**

3 FOR the purpose of authorizing a licensee ~~or~~, certificate holder, or registration holder to be
4 represented by counsel during an investigation by a health occupations board that
5 may result in charges or sanctions except under certain circumstances; and generally
6 relating to investigations by health occupations boards and the right to counsel.

7 BY adding to

8 Article – Health Occupations

9 Section 1–610

10 Annotated Code of Maryland

11 (2021 Replacement Volume)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
13 That the Laws of Maryland read as follows:

14 **Article – Health Occupations**

15 **1–610.**

16 **(A) ~~IF EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, IF A~~**
17 **HEALTH OCCUPATIONS BOARD INVESTIGATES A LICENSEE ~~OR~~, CERTIFICATE**
18 **HOLDER, OR REGISTRATION HOLDER AND THE INVESTIGATION MAY RESULT IN**
19 **CHARGES OR SANCTIONS AGAINST THE LICENSEE ~~OR~~, CERTIFICATE HOLDER, OR**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 REGISTRATION HOLDER, THE LICENSEE ~~OR~~, CERTIFICATE HOLDER, OR
2 REGISTRATION HOLDER MAY:

3 (1) BE REPRESENTED BY COUNSEL DURING THE INVESTIGATION;
4 AND

5 (2) HAVE COUNSEL PRESENT AT AND PARTICIPATE IN ANY
6 INTERVIEW OF THE LICENSEE ~~OR~~, CERTIFICATE HOLDER, OR REGISTRATION
7 HOLDER CONDUCTED BY OR ON BEHALF OF THE HEALTH OCCUPATIONS BOARD
8 DURING THE INVESTIGATION.

9 (B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, IF A
10 LICENSEE, CERTIFICATE HOLDER, OR REGISTRATION HOLDER CHOOSES TO HAVE
11 COUNSEL PRESENT AT AND PARTICIPATING IN AN INTERVIEW OF THE LICENSEE,
12 CERTIFICATE HOLDER, OR REGISTRATION HOLDER, DURING THE INTERVIEW,
13 COUNSEL MAY:

14 (1) ASK THE LICENSEE, CERTIFICATE HOLDER, OR REGISTRATION
15 HOLDER QUESTIONS;

16 (2) ASK THAT A QUESTION BE CLARIFIED;

17 (3) PROVIDE ADVICE TO THE LICENSEE, CERTIFICATE HOLDER, OR
18 REGISTRATION HOLDER; AND

19 (4) PROVIDE INFORMATION RELEVANT TO THE INVESTIGATION ON
20 BEHALF OF THE LICENSEE, CERTIFICATE HOLDER, OR REGISTRATION HOLDER.

21 (C) THE BOARD OR AN AGENT OF THE BOARD MAY EXCLUDE COUNSEL FOR
22 A LICENSEE, CERTIFICATE HOLDER, OR REGISTRATION HOLDER FROM AN
23 INVESTIGATION OR INTERVIEW UNDER THIS SECTION IF THE BOARD OR AGENT HAS
24 EVIDENCE THAT COUNSEL IS ~~SUBSTANTIALLY~~:

25 (1) SUBSTANTIALLY INTERFERING WITH THE INVESTIGATION OR
26 INTERVIEW; AND

27 (2) (I) VIOLATING THE RULES OF PROFESSIONAL CONDUCT; OR

28 (II) ACTING IN A MANNER THAT IS PREJUDICIAL TO THE
29 ADMINISTRATION OF JUSTICE.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 2022.