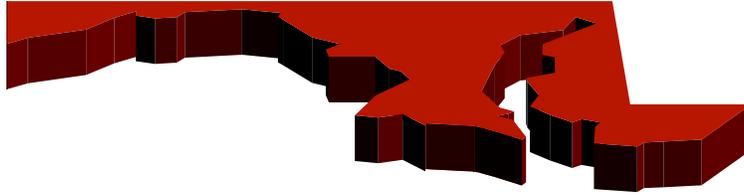


STATE OF MARYLAND



BOARD OF DIETETIC PRACTICE

OPEN SESSION AGENDA
JANUARY 20, 2022 - 10:00 A.M.
GOOGLE MEET TELECONFERENCE

Call to order – Rebecca J. Snow, CNS, LDN, Board Chair

ADJUSTMENTS AND ADDITIONS TO THE AGENDA

OLD BUSINESS

NEW BUSINESS

ITEM 1 Approval of Minutes –November 18, 2021 (See attached - Item 1)

ITEM 2 Committee Reports

- A. Budget – Ms. Snow, Ms. Davis, Ms. Duru, Ms. Paren
- B. Credentials – Ms. Snow, Dr. Castor, Ms. Nyce
- C. Regulations/Legislation – Ms. Snow, Mr. Afkhami, Ms. Davis

2022 LEGISLATION

MDH Proposed Legislation

Health Occupations Boards – Authority Over Staffing and Infrastructure Operations (See attached - Item 2C1)

HB 112- Health Occupations - Service Members, Veterans, and Military Spouses - Temporary Licensure, Certification, Registration, and Permitting (See attached - Item 2C2)

SB 77 Health Occupations Boards - Investigations - Right to Counsel (See attached - Item 2C3)

SB 111 Occupational Licenses or Certificates - Pre-application Determinations - Criminal Convictions (See attached - Item 2C4)

- D. Standards of Practice – Ms. Snow, Dr. Castor, Ms. Davis, Ms. Paren
- E. Media and Public Awareness – Ms. Snow, Ms. Duru

Open Session
January 20, 2022

F. Dietetic Rehabilitation Committee – Ms. Snow, Dr. Rubinstein

ITEM 3 Update on Board Member Email Addresses – Maryland.gov email

ITEM 4 Interstate Licensure Compact for Licensed Dietitian-Nutritionists
(Requested by the Academy of Nutrition and Dietetics)

Convene to Closed Session

**BOARD OF DIETETIC PRACTICE
OPEN SESSION MINUTES
NOVEMBER 18, 2021
VIA TELECONFERENCE**

Present

Rebecca Snow, LDN–Board Chair
Chimene Castor, LDN- Board Vice Chair
Mahssan Afkhami, Board Member
Erin Braunscheidel Duru, LDN-Board Member
Kaitlin Costello, LDN – Board Member
Linnet Nyce, LDN – Board Member
Linda Paren, LDN – Board Member
Malcolm Rubinstein, Ph.D – Board Member

Staff

Marie Savage – Administrator
Lenelle Cooper – Adm. Officer
David Wagner, AAG
Lillian Reese, Board Leg& Reg
Troy Pumphrey, Board Investigator

Absent

Laura C. Davis, LDN-Board Secretary/Treasurer

Visitors

Kimberly Link, MDH Liaison

Call To Order

Ms. Snow, LDN, Board Chair, called the teleconference meeting to Order at 10:00 a.m. on November 18, 2021.

New Business

ITEM 1

Approval of Minutes

The minutes for the September 16, 2021 meeting were approved as written.

ITEM 2

Committee Reports

Budget – Ms. Savage provided an update on the 2021 renewals. There were 991 licensees eligible for renewal. 812 licensees renewed to date. 30 licensees went on Inactive Status. There are a total of 418 licensees on Inactive Status. In addition, 172 new licenses have been issued to date.

Credentialing –

No Report.

Regulations/Legislation –

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Ms. Reese, Board Legislative and Regulatory Liaison, provided an update on telehealth regulations. The Board unanimously voted to approve the draft regulations at its last meeting held on September 16, 2021. The draft regulations were forwarded to the Secretary of Health for signoff. Telehealth legislation maybe introduced during the next legislative session.

Standards of Practice –

Ms. Savage provided an update on CDR Requirements. The Board was provided with the Commission on Dietetic Registration Eligibility Requirements Frequently Asked Questions. Beginning on January 1, 2024, the CDR degree requirement will change from a baccalaureate degree to a graduate degree. The Board will include this information as a Hot Topic on the Board’s website.

Media and Public Awareness –

No Report.

Dietetic Rehabilitation Committee -

No Report.

ITEM 3

The Board was provided with an updated list of Committee Assignments.

ITEM 4

Ms. Savage discussed Maryland.gov email addresses for Board Members. The Board decided to use a Maryland.gov email address for each Board member. Ms Savage will work with IT staff to set up Maryland.gov email address for each Board member for 2022.

ITEM 5

Approved for Licensure

Emily Coleman, RD	86086554	Lori Adams, CNS	18291
Laurie Dunham, RD	863229	Aubrey Stephenson, RD	86096174
Meredith Beck, RD	867895	Nina Mickle, RD	86109804
Carrie Ettinger, CNS	18147	Christina Pelletier, RD	86150039
Angela Hatzantonis, RD	86109369	Alison Dzyak, RD	86155447
Matthew Poland, RD	86109473	Adair Anderson, RD	1034103
Stephanie Hollingsworth, RD	725036	Elizabeth Holm, RD	506786
Romy Nathan, RD	719708	Denise Gearhart, R	708531
Caitlyn Lazorka, RD	86130699	Lea Palmer, RD	86033812
Danielle Gaffen, RD	86093953	Samantha Walters, RD	86113247
Katherine Osorio, CNS	18207	Alyssa Dougherty, CNS	18140
Princess Cofie, RD	86253909	Jenifer Kersmanc, CNS	18175
Morgan Chorak, CNS	18349	Rujin Huang, RD	86084645
Christina Bowling, RD	967339	Tina Layton, RD	932866

**Open Session
January 20, 2022**

Teresa Brennan, RD	961682	Sarah Ondrish, RD	86210175
Jessica Perelli, RD	1052221	Jacob Martin, RD	86064332
Rachel Buehler, RD	86045245	Julie Schwartz, RD	723380
Hilary Berlow, RD	1030953	Elaina Chabert, RD	805652
Alisha Jones, RD	995064	Grace Garrett, RD	86056198
Christine Cherpak-Castagna, CNS	18128	Uloaku O-Ogugua,	86253847
Barbara Nalen-Cardosa, RD	832797	Julianne Martin, RD	978258
Maxine Yeung, RD	1066158	Rachel Gabauer, RD	86068037
Jessica Waldner, RD	86044374	James Finnegan, RD	86297018
Stephanie Mcburnett, RD	86096327	Katherine Kline, RD	86038767
Caitlin Weis, RD	86074745	Elizabeth Graham,CNS	17798
Amanda Asuzu, RD	977800	Nicole Hindle, RD	86033537
Jaclyn Barth, RD	925241	Madison Hines, RD	86088571
Alejandra Ramos, RD	86264623	K'Layn Brown, RD	1067155
Ezekiel Kresie, RD	86093230	Joanna Moreno, RD	1107989
Ashley Wesely, RD	86154234	Lissette Llamas, RD	86058108
Annique Cornejo, RD	86108163	Amber Pawula-Marcin,CNS	17828

The next Board meeting is scheduled on Thursday, January 20, 2022, at 10:00 a.m. It will be a virtual meeting until further notice.

Adjournment

The open meeting adjourned at 10:14 a.m.

Pursuant to Md. Code Ann., Gen. Prov., §3-305(b)(13), the Board Members present unanimously voted to close its meeting for the purpose of complying with Md. Code Ann, Health Occ. §1-401, which prevents public disclosures of the Board's proceedings, records, and files. The Board considered applications for licensure which contained confidential information regarding criminal history.

Rebecca J. Snow, LDN – Board Chair

Laura C. Davis, LDN - Board Secretary

Marie Savage, Director

Open Session
January 20, 2022

ITEM2C1

Bill No.: _____
 Requested: _____
 Committee: _____

Drafted by: Departmental
 Typed by: Elise
 Stored – 12/02/21
 Proofread by _____
 Checked by _____

By: **Leave Blank (By Request – Departmental – Health)**

A BILL ENTITLED

AN ACT concerning

Health Occupations Boards – Authority Over Staffing and Infrastructure Operations

FOR the purpose of establishing that the Secretary of Health has authority over the infrastructure operations of health occupations boards and commissions; altering the method of selecting officers of certain health occupations boards; specifying the term of the president or chair of certain health occupations boards; establishing procedures for the filling of certain vacancies on certain health occupations boards; requiring the Secretary of Budget and Management, in consultation with the Secretary of Health, to determine the positions for which the Secretary of Health may set compensation; prohibiting certain special funds from being used to pay for infrastructure operations; and generally relating to the organization and operation of certain health occupations boards.

BY repealing and reenacting, with amendments,

Article – Health Occupations

Section 1–203(b), 1A–204(d), 1A–206(d)(1), 2–203, 2–204(d), 2–206(e)(1),
 3–203, 3–204(d), 3–206(d)(1), 4–203, 4–204(c), 4–207(d)(1), 5–203, 5–204(d),
 5–206(d)(1), 6–203, 6–204, 6–207(d)(1), 7–203, 7–204(d), 7–206(d)(1), 8–203,
 8–206(e)(1), 9–203, 9–204(d), 10–203, 10–204(d), 10–206(d)(1), 11–203,
 11–204(d), 11–207(d)(1), 12–203, 12–204(d), 12–206(d)(1), 13–203,
 13–207(d)(1), 14–203, 14–207(e)(1), 16–203, 16–204(d), 16–206(d)(1), 17–203,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

lr0051

2lr0051

17–204(d), 17–206(d)(1), 18–203, 18–207(d)(1), 19–203, 19–204(d),
19–206(f)(1), 20–203, 20–204(d) and (e), 21–203, and 21–204(d) and (e)

Annotated Code of Maryland
(2021 Replacement Volume)

BY repealing

Article – Health Occupations

Section 1A–203, 2–204(e), 8–204(d), 13–204, 13–205(d), 18–204(d), 19–204(e), and
20–204(f)

Annotated Code of Maryland
(2021 Replacement Volume)

BY adding to

Article – Health Occupations

Section 1A–203, 2–204(e), 8–204(d), 13–204, and 18–204(d)

Annotated Code of Maryland
(2021 Replacement Volume)

BY repealing and reenacting, without amendments,

Article – Health Occupations

Section 1A–206(a), 2–206(a), 3–206(a), 4–207(a), 5–206(a), 6–207(a), 7–206(a),
8–206(a), 10–206(a), 11–207(a), 12–206(a), 13–207(a), 14–207(a), 16–206(a),
17–206(a), 18–207(a), and 19–206(a)

Annotated Code of Maryland
(2021 Replacement Volume)

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

Article – Health Occupations

1–203.

(b) (1) (I) **IN THIS SUBSECTION, “INFRASTRUCTURE OPERATIONS” MEANS THE
ADMINISTRATIVE ACTIVITIES OF A BOARD OR COMMISSION ESTABLISHED UNDER THIS ARTICLE,
INCLUDING TOOLS AND RESOURCES FOR THE USE AND SUPPORT OF DELIBERATIVE ACTIONS.**

(II) **“INFRASTRUCTURE OPERATIONS” DOES NOT INCLUDE LICENSING,**

INVESTIGATION, OR DISCIPLINARY ACTIVITIES.

(2) [The] **EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, THE power of the Secretary to transfer staff or functions of units in the Department does not apply to any staff of a board or commission, established under this article, or to any functions that pertain to licensing, disciplinary, or enforcement authority, or to any other authority specifically delegated by law to a board or commission.**

(3) **THE SECRETARY HAS AUTHORITY OVER THE INFRASTRUCTURE OPERATIONS OF A BOARD OR COMMISSION ESTABLISHED UNDER THIS ARTICLE.**

[1A–203.

From among its members, the Board shall elect officers in a manner and for terms that the Board determines.]

1A–203.

(A) (1) **THE GOVERNOR SHALL APPOINT THE PRESIDENT OF THE BOARD.**

(2) **THE TERM OF OFFICE OF THE PRESIDENT IS 2 YEARS.**

(3) **THE PRESIDENT MAY APPOINT A VICE PRESIDENT.**

(4) **IF A VACANCY OCCURS IN THE OFFICE OF PRESIDENT, WITHIN 30 DAYS AFTER THE DATE OF THE VACANCY, THE BOARD SHALL HOLD A SPECIAL ELECTION TO ELECT A PRESIDENT TO COMPLETE THE TERM OF THE VACATING PRESIDENT.**

(B) **FROM AMONG ITS MEMBERS, THE BOARD SHALL ELECT ANY OFFICERS, OTHER THAN THE PRESIDENT AND VICE PRESIDENT, THAT IT CONSIDERS NECESSARY.**

(C) **THE BOARD SHALL DETERMINE:**

(1) **THE MANNER OF ELECTION OF OFFICERS;**

(2) **THE TERM OF OFFICE OF EACH OFFICER; AND**

(3) **THE DUTIES OF EACH OFFICER.**

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1A-204.

(d) (1) (I) The [Board] **SECRETARY** may employ a staff **FOR THE BOARD** in accordance with the State budget.

(II) **THE SECRETARY MAY DESIGNATE ONE OF THE STAFF AS AN EXECUTIVE DIRECTOR.**

(2) **THE SECRETARY MAY SET THE COMPENSATION OF AN EMPLOYEE OF THE BOARD IN A POSITION THAT:**

(I) **IS UNIQUE TO THE BOARD;**

(II) **REQUIRES SPECIFIC SKILLS OR EXPERIENCE TO PERFORM THE DUTIES OF THE POSITION; AND**

(III) **DOES NOT REQUIRE THE EMPLOYEE TO PERFORM FUNCTIONS THAT ARE COMPARABLE TO FUNCTIONS PERFORMED IN OTHER UNITS OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT.**

(3) **THE SECRETARY OF BUDGET AND MANAGEMENT, IN CONSULTATION WITH THE SECRETARY, SHALL DETERMINE THE POSITIONS FOR WHICH THE SECRETARY MAY SET COMPENSATION UNDER PARAGRAPH (2) OF THIS SUBSECTION.**

1A-206.

(a) There is an Acupuncture Board Fund.

(d) (1) (I) The Fund shall be used exclusively to cover the actual documented direct and indirect costs of fulfilling the statutory and regulatory duties of the Board as provided by the provisions of this title.

(II) **THE FUND MAY NOT BE USED TO PAY FOR INFRASTRUCTURE OPERATIONS, AS DEFINED IN § 1-203(B) OF THIS ARTICLE.**

2-203.

[(a) From among its members, the Board annually shall elect a chairman.]

(A) (1) **THE GOVERNOR SHALL APPOINT THE CHAIR OF THE BOARD.**

(2) **THE TERM OF OFFICE OF THE CHAIR IS 2 YEARS.**

(3) **THE CHAIR MAY APPOINT A VICE CHAIR.**

(4) **IF A VACANCY OCCURS IN THE OFFICE OF CHAIR, WITHIN 30 DAYS AFTER THE DATE OF THE VACANCY, THE BOARD SHALL HOLD A SPECIAL ELECTION TO ELECT A CHAIR TO COMPLETE THE TERM OF THE VACATING CHAIR.**

(B) **FROM AMONG ITS MEMBERS, THE BOARD SHALL ELECT ANY OFFICERS, OTHER THAN THE CHAIR AND VICE CHAIR, THAT IT CONSIDERS NECESSARY.**

[(b)] (C) The Board shall determine:

(1) The manner of election of officers; [and]

(2) **THE TERM OF OFFICE OF EACH OFFICER; AND**

[(2)] (3) The duties of each officer.

2-204.

(d) (1) The [Board] **SECRETARY** may employ a staff **FOR THE BOARD** in accordance with the **STATE** budget [of the Board].

(2) **THE SECRETARY MAY DESIGNATE ONE OF THE STAFF AS AN EXECUTIVE DIRECTOR.**

[(e) The Board shall appoint an executive director who:

(1) Shall serve at the pleasure of the Board;

(2) Is the executive officer of the Board; and

(3) Has the powers and duties assigned by the Board.]

(E) (1) THE SECRETARY MAY SET THE COMPENSATION OF AN EMPLOYEE OF THE BOARD IN A POSITION THAT:

(I) IS UNIQUE TO THE BOARD;

(II) REQUIRES SPECIFIC SKILLS OR EXPERIENCE TO PERFORM THE DUTIES OF THE POSITION; AND

(III) DOES NOT REQUIRE THE EMPLOYEE TO PERFORM FUNCTIONS THAT ARE COMPARABLE TO FUNCTIONS PERFORMED IN OTHER UNITS OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT.

(2) THE SECRETARY OF BUDGET AND MANAGEMENT, IN CONSULTATION WITH THE SECRETARY, SHALL DETERMINE THE POSITIONS FOR WHICH THE SECRETARY MAY SET COMPENSATION UNDER PARAGRAPH (1) OF THIS SUBSECTION.

2-206.

(a) There is a State Board of Examiners for Audiologists, Hearing Aid Dispensers, Speech-Language Pathologists, and Music Therapists Fund.

(e) (1) (I) The Fund shall be used to cover the actual documented direct and indirect costs of fulfilling the statutory and regulatory duties of the Board as provided by the provisions of this article.

(II) THE FUND MAY NOT BE USED TO PAY FOR INFRASTRUCTURE OPERATIONS, AS DEFINED IN § 1-203(B) OF THIS ARTICLE.

3-203.

[(a) From among its members, the Board annually shall elect a president, a vice-president, and a secretary-treasurer.]

(A) (1) THE GOVERNOR SHALL APPOINT THE PRESIDENT OF THE BOARD.

(2) THE TERM OF OFFICE OF THE PRESIDENT IS 2 YEARS.

(3) THE PRESIDENT MAY APPOINT A VICE PRESIDENT.

(4) IF A VACANCY OCCURS IN THE OFFICE OF PRESIDENT, WITHIN 30 DAYS AFTER THE DATE OF THE VACANCY, THE BOARD SHALL HOLD A SPECIAL ELECTION TO ELECT A PRESIDENT TO COMPLETE THE TERM OF THE VACATING PRESIDENT.

(B) FROM AMONG ITS MEMBERS, THE BOARD SHALL ELECT ANY OFFICERS, OTHER THAN THE PRESIDENT AND VICE PRESIDENT, THAT IT CONSIDERS NECESSARY.

[(b)] (C) The Board shall determine:

(1) The manner of election of officers; [and]

(2) THE TERM OF OFFICE OF EACH OFFICER; AND

[(2)] (3) The duties of each officer.

3-204.

(d) (1) (I) The [Board and the State Board of Massage Therapy Examiners] **SECRETARY** may employ a staff **FOR THE BOARD AND THE STATE BOARD OF MASSAGE THERAPY EXAMINERS** in accordance with the [budgets of the boards] **STATE BUDGET**.

[(2)] (II) The [Board and the State Board of Massage Therapy Examiners] jointly shall appoint a staff member] **SECRETARY MAY DESIGNATE ONE OF THE STAFF** as [the] **AN** executive director[, who serves at the pleasure of both boards].

[(3)] (2) The [executive director] **SECRETARY MAY SET THE COMPENSATION OF AN EMPLOYEE OF THE BOARD IN A POSITION THAT:**

[(i)] Is the executive director of both boards; and

(ii) Has the powers and duties assigned by the boards]

(I) **IS UNIQUE TO THE BOARD;**

(II) **REQUIRES SPECIFIC SKILLS OR EXPERIENCE TO PERFORM THE DUTIES OF THE POSITION; AND**

(III) DOES NOT REQUIRE THE EMPLOYEE TO PERFORM FUNCTIONS THAT ARE COMPARABLE TO FUNCTIONS PERFORMED IN OTHER UNITS OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT.

(3) THE SECRETARY OF BUDGET AND MANAGEMENT, IN CONSULTATION WITH THE SECRETARY, SHALL DETERMINE THE POSITIONS FOR WHICH THE SECRETARY MAY SET COMPENSATION UNDER PARAGRAPH (2) OF THIS SUBSECTION.

3-206.

(a) There is a State Board of Chiropractic Examiners Fund.

(d) (1) (I) The Fund shall be used to cover the actual documented direct and indirect costs of fulfilling the statutory and regulatory duties of the Board as provided by the provisions of this article.

(II) THE FUND MAY NOT BE USED TO PAY FOR INFRASTRUCTURE OPERATIONS, AS DEFINED IN § 1-203(B) OF THIS ARTICLE.

4-203.

(a) (1) **THE GOVERNOR SHALL APPOINT THE PRESIDENT OF THE BOARD.**

(2) **THE TERM OF OFFICE OF THE PRESIDENT IS 2 YEARS.**

(3) **THE PRESIDENT MAY APPOINT A VICE PRESIDENT.**

(4) **IF A VACANCY OCCURS IN THE OFFICE OF PRESIDENT, WITHIN 30 DAYS AFTER THE DATE OF THE VACANCY, THE BOARD SHALL HOLD A SPECIAL ELECTION TO ELECT A PRESIDENT TO COMPLETE THE TERM OF THE VACATING PRESIDENT.**

(B) From among its members, the Board shall elect [a president and a secretary] **ANY OFFICERS, OTHER THAN THE PRESIDENT AND VICE PRESIDENT, THAT IT CONSIDERS NECESSARY.**

[(b)] (C) The Board shall determine:

2lr0051

- (1) The manner of election of officers;
- (2) The term of office of each officer; and
- (3) The duties of each officer.

4–204.

(c) (1) (I) The [Board] **SECRETARY** may employ a staff **FOR THE BOARD** in accordance with the **STATE** budget [of the Board].

(II) **THE SECRETARY MAY DESIGNATE ONE OF THE STAFF AS AN EXECUTIVE DIRECTOR.**

(2) **THE SECRETARY MAY SET THE COMPENSATION OF AN EMPLOYEE OF THE BOARD IN A POSITION THAT:**

(I) **IS UNIQUE TO THE BOARD;**

(II) **REQUIRES SPECIFIC SKILLS OR EXPERIENCE TO PERFORM THE DUTIES OF THE POSITION; AND**

(III) **DOES NOT REQUIRE THE EMPLOYEE TO PERFORM FUNCTIONS THAT ARE COMPARABLE TO FUNCTIONS PERFORMED IN OTHER UNITS OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT.**

(3) **THE SECRETARY OF BUDGET AND MANAGEMENT, IN CONSULTATION WITH THE SECRETARY, SHALL DETERMINE THE POSITIONS FOR WHICH THE SECRETARY MAY SET COMPENSATION UNDER PARAGRAPH (2) OF THIS SUBSECTION.**

4–207.

(a) There is a State Board of Dental Examiners Fund.

(d) (1) (I) The Fund shall be used to cover the actual documented direct and indirect costs of fulfilling the statutory and regulatory duties of the Board as provided by the provisions of this article.

(II) THE FUND MAY NOT BE USED TO PAY FOR INFRASTRUCTURE OPERATIONS, AS DEFINED IN § 1-203(B) OF THIS ARTICLE.

5-203.

(a) (1) THE GOVERNOR SHALL APPOINT THE CHAIR OF THE BOARD.

(2) THE TERM OF OFFICE OF THE CHAIR IS 2 YEARS.

(3) THE CHAIR MAY APPOINT A VICE CHAIR.

(4) IF A VACANCY OCCURS IN THE OFFICE OF CHAIR, WITHIN 30 DAYS AFTER THE DATE OF THE VACANCY, THE BOARD SHALL HOLD A SPECIAL ELECTION TO ELECT A CHAIR TO COMPLETE THE TERM OF THE VACATING CHAIR.

(B) From among its members, the Board [annually] shall elect [a chairman, a vice chairman, and a secretary] ANY OFFICERS, OTHER THAN THE CHAIR AND VICE CHAIR, THAT IT CONSIDERS NECESSARY.

[(b)] (c) The Board shall determine:

(1) The manner of election of officers; [and]

(2) THE TERM OF OFFICE OF EACH OFFICER; AND

[(2)] (3) The duties of each officer.

5-204.

(d) (1) (I) The [Board] SECRETARY may employ a staff FOR THE BOARD in accordance with the STATE budget [of the Board].

(II) THE SECRETARY MAY DESIGNATE ONE OF THE STAFF AS AN EXECUTIVE DIRECTOR.

(2) THE SECRETARY MAY SET THE COMPENSATION OF AN EMPLOYEE OF THE BOARD IN A POSITION THAT:

(I) IS UNIQUE TO THE BOARD;

(II) REQUIRES SPECIFIC SKILLS OR EXPERIENCE TO PERFORM THE DUTIES OF THE POSITION; AND

(III) DOES NOT REQUIRE THE EMPLOYEE TO PERFORM FUNCTIONS THAT ARE COMPARABLE TO FUNCTIONS PERFORMED IN OTHER UNITS OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT.

(3) THE SECRETARY OF BUDGET AND MANAGEMENT, IN CONSULTATION WITH THE SECRETARY, SHALL DETERMINE THE POSITIONS FOR WHICH THE SECRETARY MAY SET COMPENSATION UNDER PARAGRAPH (2) OF THIS SUBSECTION.

5-206.

(a) There is a State Board of Dietetic Practice Fund.

(d) (1) (I) The Fund shall be used to cover the actual documented direct and indirect costs of fulfilling the statutory and regulatory duties of the Board as provided by the provisions of this article.

(II) THE FUND MAY NOT BE USED TO PAY FOR INFRASTRUCTURE OPERATIONS, AS DEFINED IN § 1-203(B) OF THIS ARTICLE.

6-203.

(A) (1) THE GOVERNOR SHALL APPOINT THE CHAIR OF THE BOARD.

(2) THE TERM OF OFFICE OF THE CHAIR IS 2 YEARS.

(3) THE CHAIR MAY APPOINT A VICE CHAIR.

(4) IF A VACANCY OCCURS IN THE OFFICE OF CHAIR, WITHIN 30 DAYS AFTER THE DATE OF THE VACANCY, THE BOARD SHALL HOLD A SPECIAL ELECTION TO ELECT A CHAIR TO COMPLETE THE TERM OF THE VACATING CHAIR.

[(a)] (B) From among its members, the Board [annually] shall elect [a chair, vice chair, and secretary-treasurer] ANY OFFICERS, OTHER THAN THE CHAIR AND VICE CHAIR, THAT IT

CONSIDERS NECESSARY.

~~[(b)]~~ (c) The Board shall determine:

- (1) The manner of election of the officers; ~~[and]~~
- (2) **THE TERM OF OFFICE OF EACH OFFICER; AND**

~~[(2)]~~ (3) The duties of each officer.

6-204.

(a) The **SECRETARY MAY EMPLOY A STAFF FOR THE** Board and the State Board of Chiropractic Examiners ~~[may employ a staff]~~ in accordance with the ~~[budgets of the boards]~~ **STATE BUDGET.**

(b) The ~~[Board and the State Board of Chiropractic Examiners jointly shall appoint]~~ **SECRETARY MAY DESIGNATE ONE OF THE STAFF AS** an executive director~~], who serves at the pleasure of both boards].~~

~~[(c)]~~ The executive director:

- (1) Is the executive officer of both boards; and
- (2) Has the powers and duties assigned by the boards.]

(c) (1) **THE SECRETARY MAY SET THE COMPENSATION OF AN EMPLOYEE OF THE BOARD IN A POSITION THAT:**

- (i) **IS UNIQUE TO THE BOARD;**
- (ii) **REQUIRES SPECIFIC SKILLS OR EXPERIENCE TO PERFORM THE DUTIES OF THE POSITION; AND**
- (iii) **DOES NOT REQUIRE THE EMPLOYEE TO PERFORM FUNCTIONS THAT ARE COMPARABLE TO FUNCTIONS PERFORMED IN OTHER UNITS OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT.**

(2) THE SECRETARY OF BUDGET AND MANAGEMENT, IN CONSULTATION WITH THE SECRETARY, SHALL DETERMINE THE POSITIONS FOR WHICH THE SECRETARY MAY SET COMPENSATION UNDER PARAGRAPH (1) OF THIS SUBSECTION.

6-207.

(a) There is a State Board of Massage Therapy Examiners Fund.

(d) (1) (i) The Fund shall be used to cover the actual documented direct and indirect costs of fulfilling the statutory and regulatory duties of the Board as provided in this title.

(ii) THE FUND MAY NOT BE USED TO PAY FOR INFRASTRUCTURE OPERATIONS, AS DEFINED IN § 1-203(B) OF THIS ARTICLE.

7-203.

(A) (1) THE GOVERNOR SHALL APPOINT THE PRESIDENT OF THE BOARD.

(2) THE TERM OF OFFICE OF THE PRESIDENT IS 2 YEARS.

(3) THE PRESIDENT MAY APPOINT A VICE PRESIDENT.

(4) IF A VACANCY OCCURS IN THE OFFICE OF PRESIDENT, WITHIN 30 DAYS AFTER THE DATE OF THE VACANCY, THE BOARD SHALL HOLD A SPECIAL ELECTION TO ELECT A PRESIDENT TO COMPLETE THE TERM OF THE VACATING PRESIDENT.

[(a)] (B) From among its members, the Board shall elect [a president, a first vice president, and a second vice president] ANY OFFICERS, OTHER THAN THE PRESIDENT AND VICE PRESIDENT, THAT IT CONSIDERS NECESSARY.

[(b)] (C) The Board shall determine:

(1) The manner of election of officers;

(2) The term of office of each officer; and

(3) The duties of each officer.

7-204.

(d) (1) (i) The [Board may appoint a Board secretary, who may be a member of the Board.

(2) The Board] **SECRETARY** may employ [inspectors and other] staff **FOR THE BOARD** in accordance with the **STATE** budget [of the Board].

(ii) **THE SECRETARY MAY DESIGNATE ONE OF THE STAFF AS BOARD SECRETARY.**

(2) **THE SECRETARY MAY SET THE COMPENSATION OF AN EMPLOYEE OF THE BOARD IN A POSITION THAT:**

(i) **IS UNIQUE TO THE BOARD;**

(ii) **REQUIRES SPECIFIC SKILLS OR EXPERIENCE TO PERFORM THE DUTIES OF THE POSITION; AND**

(iii) **DOES NOT REQUIRE THE EMPLOYEE TO PERFORM FUNCTIONS THAT ARE COMPARABLE TO FUNCTIONS PERFORMED IN OTHER UNITS OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT.**

(3) **THE SECRETARY OF BUDGET AND MANAGEMENT, IN CONSULTATION WITH THE SECRETARY, SHALL DETERMINE THE POSITIONS FOR WHICH THE SECRETARY MAY SET COMPENSATION UNDER PARAGRAPH (2) OF THIS SUBSECTION.**

7-206.

(a) There is a State Board of Morticians and Funeral Directors Fund.

(d) (1) (i) The Fund shall be used to cover the actual documented direct and indirect costs of fulfilling the statutory and regulatory duties of the Board as provided by the provisions of this article.

(ii) **THE FUND MAY NOT BE USED TO PAY FOR INFRASTRUCTURE OPERATIONS, AS DEFINED IN § 1-203(B) OF THIS ARTICLE.**

8–203.

[(a) (1) Subject to paragraph (2) of this subsection, from among its members, the Board shall elect a president and a secretary once every 2 years in June or as required by subsection (c) of this section.

(2) The president of the Board shall be a registered nurse.

(3) The president shall serve a 2–year term unless:

(i) The term of the member serving as the president expires before the end of the member’s term as president; or

(ii) The president resigns.]

(A) (1) THE GOVERNOR SHALL APPOINT THE PRESIDENT OF THE BOARD.

(2) THE TERM OF OFFICE OF THE PRESIDENT IS 2 YEARS.

(3) THE PRESIDENT MAY APPOINT A VICE PRESIDENT.

(4) IF A VACANCY OCCURS IN THE OFFICE OF PRESIDENT, WITHIN 30 DAYS AFTER THE DATE OF THE VACANCY, THE BOARD SHALL HOLD A SPECIAL ELECTION TO ELECT A PRESIDENT TO COMPLETE THE TERM OF THE VACATING PRESIDENT.

(B) FROM AMONG ITS MEMBERS, THE BOARD SHALL ELECT ANY OFFICERS, OTHER THAN THE PRESIDENT AND VICE PRESIDENT, THAT IT CONSIDERS NECESSARY.

[(b)] (c) The Board shall determine:

(1) The manner of election of officers; [and]

(2) THE TERM OF OFFICE OF EACH OFFICER; AND

[(2)] (3) The duties of each officer.

[(c) If a vacancy occurs under subsection (a)(3)(ii) of this section, the Board shall

hold a special election to elect a president to complete the term of the vacating president within 30 days of the date of the vacancy.]

8-204.

[(d) The Board may:

- (1) Employ a staff in accordance with the State budget;
- (2) Define the duties of its staff.
- (3) Employ:

(i) An executive director who shall be a registered nurse with a minimum of a master's degree in nursing or the equivalent, in the judgment of the Board, in professional education and administrative experience; and

(ii) A deputy director who shall assume the duties and authority of the executive director in the absence of the executive director.]

(D) (1) (I) THE SECRETARY MAY EMPLOY A STAFF FOR THE BOARD IN ACCORDANCE WITH THE STATE BUDGET.

(II) THE SECRETARY MAY DESIGNATE ONE OF THE STAFF AS AN EXECUTIVE DIRECTOR.

(2) THE SECRETARY MAY SET THE COMPENSATION OF AN EMPLOYEE OF THE BOARD IN A POSITION THAT:

(I) IS UNIQUE TO THE BOARD;

(II) REQUIRES SPECIFIC SKILLS OR EXPERIENCE TO PERFORM THE DUTIES OF THE POSITION; AND

(III) DOES NOT REQUIRE THE EMPLOYEE TO PERFORM FUNCTIONS THAT ARE COMPARABLE TO FUNCTIONS PERFORMED IN OTHER UNITS OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT.

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(3) THE SECRETARY OF BUDGET AND MANAGEMENT, IN CONSULTATION WITH THE SECRETARY, SHALL DETERMINE THE POSITIONS FOR WHICH THE SECRETARY MAY SET COMPENSATION UNDER PARAGRAPH (2) OF THIS SUBSECTION.

8-206.

(a) There is a Board of Nursing Fund.

(e) (1) (i) The Board of Nursing Fund shall be used exclusively to cover the actual documented direct and indirect costs of fulfilling the statutory and regulatory duties of the Board as provided by the provisions of this title.

(ii) THE BOARD OF NURSING FUND MAY NOT BE USED TO PAY FOR INFRASTRUCTURE OPERATIONS, AS DEFINED IN § 1-203(B) OF THIS ARTICLE.

9-203.

(a) (1) [From among the Board members, the] **THE** Governor shall appoint a [chairman and vice chairman] **CHAIR** of the Board.

(2) THE TERM OF OFFICE OF THE CHAIR IS 2 YEARS.

(3) THE CHAIR MAY APPOINT A VICE CHAIR.

(4) IF A VACANCY OCCURS IN THE OFFICE OF CHAIR, WITHIN 30 DAYS AFTER THE DATE OF THE VACANCY, THE BOARD SHALL HOLD A SPECIAL ELECTION TO ELECT A CHAIR TO COMPLETE THE TERM OF THE VACATING CHAIR.

[(b) (1) The Board shall appoint and the Secretary shall confirm the Board executive director.

(2) The Board executive director may not be a member of the Board and serves at the pleasure of the Board.

(3) The Board executive director is the executive officer of the Board.

(4) The Board executive director shall have, at a minimum, a bachelor's degree.

(c) The Board shall determine the duties of each officer.]

(B) FROM AMONG ITS MEMBERS, THE BOARD SHALL ELECT ANY OFFICERS, OTHER THAN THE CHAIR AND VICE CHAIR, THAT IT CONSIDERS NECESSARY.

(C) THE BOARD SHALL DETERMINE:

(1) THE MANNER OF ELECTION OF OFFICERS;

(2) THE TERM OF OFFICE OF EACH OFFICER; AND

(3) THE DUTIES OF EACH OFFICER.

9-204.

(d) (1) (I) The [Board] **SECRETARY** may employ a staff **FOR THE BOARD** in accordance with the State budget.

(II) THE SECRETARY MAY DESIGNATE ONE OF THE STAFF AS AN EXECUTIVE DIRECTOR.

(2) THE SECRETARY MAY SET THE COMPENSATION OF AN EMPLOYEE OF THE BOARD IN A POSITION THAT:

(I) IS UNIQUE TO THE BOARD;

(II) REQUIRES SPECIFIC SKILLS OR EXPERIENCE TO PERFORM THE DUTIES OF THE POSITION; AND

(III) DOES NOT REQUIRE THE EMPLOYEE TO PERFORM FUNCTIONS THAT ARE COMPARABLE TO FUNCTIONS PERFORMED IN OTHER UNITS OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT.

(3) THE SECRETARY OF BUDGET AND MANAGEMENT, IN CONSULTATION WITH THE SECRETARY, SHALL DETERMINE THE POSITIONS FOR WHICH THE SECRETARY MAY SET COMPENSATION UNDER PARAGRAPH (2) OF THIS SUBSECTION.

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10-203.

[(a) From among its members, the Board shall annually elect one or more chairpersons.]

(A) (1) **THE GOVERNOR SHALL APPOINT THE CHAIR OF THE BOARD.**

(2) **THE TERM OF OFFICE OF THE CHAIR IS 2 YEARS.**

(3) **THE CHAIR MAY APPOINT A VICE CHAIR.**

(4) **IF A VACANCY OCCURS IN THE OFFICE OF CHAIR, WITHIN 30 DAYS AFTER THE DATE OF THE VACANCY, THE BOARD SHALL HOLD A SPECIAL ELECTION TO ELECT A CHAIR TO COMPLETE THE TERM OF THE VACATING CHAIR.**

(B) **FROM AMONG ITS MEMBERS, THE BOARD SHALL ELECT ANY OFFICERS, OTHER THAN THE CHAIR AND VICE CHAIR, THAT IT CONSIDERS NECESSARY.**

[(b)] (C) The Board shall determine:

(1) The manner of election of [the chairpersons] **OFFICERS**;

(2) The term of office of [the chairpersons] **EACH OFFICER**; and

(3) The duties of [the chairpersons] **EACH OFFICER**.

10-204.

(d) (1) [The Board shall appoint an Executive Director of the Board that serves at the pleasure of the Board as its executive officer.

(2)] In accordance with the **STATE** budget [of the Board], the [Board] **SECRETARY** may employ:

(i) A staff; and

(ii) Any experts and consultants necessary to obtain information and advice that relate to occupational therapy.

(2) THE SECRETARY MAY DESIGNATE ONE OF THE STAFF AS AN EXECUTIVE DIRECTOR.

(3) THE SECRETARY MAY SET THE COMPENSATION OF AN EMPLOYEE OF THE BOARD IN A POSITION THAT:

(I) IS UNIQUE TO THE BOARD;

(II) REQUIRES SPECIFIC SKILLS OR EXPERIENCE TO PERFORM THE DUTIES OF THE POSITION; AND

(III) DOES NOT REQUIRE THE EMPLOYEE TO PERFORM FUNCTIONS THAT ARE COMPARABLE TO FUNCTIONS PERFORMED IN OTHER UNITS OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT.

(4) THE SECRETARY OF BUDGET AND MANAGEMENT, IN CONSULTATION WITH THE SECRETARY, SHALL DETERMINE THE POSITIONS FOR WHICH THE SECRETARY MAY SET COMPENSATION UNDER PARAGRAPH (3) OF THIS SUBSECTION.

10-206.

(a) There is a State Board of Occupational Therapy Practice Fund.

(d) (1) (I) The Fund shall be used to cover the actual documented direct and indirect costs of fulfilling the statutory and regulatory duties of the Board as provided by the provisions of this article.

(II) THE FUND MAY NOT BE USED TO PAY FOR INFRASTRUCTURE OPERATIONS, AS DEFINED IN § 1-203(B) OF THIS ARTICLE.

11-203.

[(a) From among its members, the Board every 2 years shall elect a president, a secretary, and a treasurer.]

(A) (1) THE GOVERNOR SHALL APPOINT THE PRESIDENT OF THE BOARD.

(2) THE TERM OF OFFICE OF THE PRESIDENT IS 2 YEARS.

(3) THE PRESIDENT MAY APPOINT A VICE PRESIDENT.

(4) IF A VACANCY OCCURS IN THE OFFICE OF PRESIDENT, WITHIN 30 DAYS AFTER THE DATE OF THE VACANCY, THE BOARD SHALL HOLD A SPECIAL ELECTION TO ELECT A PRESIDENT TO COMPLETE THE TERM OF THE VACATING PRESIDENT.

(B) FROM AMONG ITS MEMBERS, THE BOARD SHALL ELECT ANY OFFICERS, OTHER THAN THE PRESIDENT AND VICE PRESIDENT, THAT IT CONSIDERS NECESSARY.

[(b)] (C) The Board shall determine:

(1) The manner of election of officers; [and]

(2) THE TERM OF OFFICE OF EACH OFFICER; AND

[(2)] (3) The duties of each officer.

11-204.

(d) (1) (I) The [Board] SECRETARY may employ a staff FOR THE BOARD in accordance with the STATE budget [of the Board].

(II) THE SECRETARY MAY DESIGNATE ONE OF THE STAFF AS AN EXECUTIVE DIRECTOR.

(2) THE SECRETARY MAY SET THE COMPENSATION OF AN EMPLOYEE OF THE BOARD IN A POSITION THAT:

(I) IS UNIQUE TO THE BOARD;

(II) REQUIRES SPECIFIC SKILLS OR EXPERIENCE TO PERFORM THE DUTIES OF THE POSITION; AND

(III) DOES NOT REQUIRE THE EMPLOYEE TO PERFORM FUNCTIONS THAT ARE COMPARABLE TO FUNCTIONS PERFORMED IN OTHER UNITS OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT.

(3) THE SECRETARY OF BUDGET AND MANAGEMENT, IN CONSULTATION WITH THE SECRETARY, SHALL DETERMINE THE POSITIONS FOR WHICH THE SECRETARY MAY SET COMPENSATION UNDER PARAGRAPH (2) OF THIS SUBSECTION.

11-207.

(a) There is a State Board of Examiners in Optometry Fund.

(d) (1) (i) The Fund shall be used to cover the actual documented direct and indirect costs of fulfilling the statutory and regulatory duties of the Board as provided by the provisions of this article.

(ii) THE FUND MAY NOT BE USED TO PAY FOR INFRASTRUCTURE OPERATIONS, AS DEFINED IN § 1-203(B) OF THIS ARTICLE.

12-203.

[(a) From among its members, the Board annually shall elect a president, a secretary, and a treasurer.]

(A) (1) THE GOVERNOR SHALL APPOINT THE PRESIDENT OF THE BOARD.

(2) THE TERM OF OFFICE OF THE PRESIDENT IS 2 YEARS.

(3) THE PRESIDENT MAY APPOINT A VICE PRESIDENT.

(4) IF A VACANCY OCCURS IN THE OFFICE OF PRESIDENT, WITHIN 30 DAYS AFTER THE DATE OF THE VACANCY, THE BOARD SHALL HOLD A SPECIAL ELECTION TO ELECT A PRESIDENT TO COMPLETE THE TERM OF THE VACATING PRESIDENT.

(B) FROM AMONG ITS MEMBERS, THE BOARD SHALL ELECT ANY OFFICERS, OTHER THAN THE PRESIDENT AND VICE PRESIDENT, THAT IT CONSIDERS NECESSARY.

[(b)] (c) The Board shall determine:

(1) The manner of election of officers; [and]

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(2) THE TERM OF OFFICE OF EACH OFFICER; AND

~~[(2)]~~ **(3)** The duties of each officer.

12-204.

(d) (1) (I) The [Board] **SECRETARY** may employ a staff **FOR THE BOARD** in accordance with the **STATE** budget [of the Board].

~~[(2)]~~ (II) The [Board] **SECRETARY** may designate [1 of its] **ONE OF THE** staff as an executive director.

(2) THE SECRETARY MAY SET THE COMPENSATION OF AN EMPLOYEE OF THE BOARD IN A POSITION THAT:

(I) **IS UNIQUE TO THE BOARD;**

(II) **REQUIRES SPECIFIC SKILLS OR EXPERIENCE TO PERFORM THE DUTIES OF THE POSITION; AND**

(III) **DOES NOT REQUIRE THE EMPLOYEE TO PERFORM FUNCTIONS THAT ARE COMPARABLE TO FUNCTIONS PERFORMED IN OTHER UNITS OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT.**

(3) THE SECRETARY OF BUDGET AND MANAGEMENT, IN CONSULTATION WITH THE SECRETARY, SHALL DETERMINE THE POSITIONS FOR WHICH THE SECRETARY MAY SET COMPENSATION UNDER PARAGRAPH (2) OF THIS SUBSECTION.

12-206.

(a) There is a State Board of Pharmacy Fund.

(d) (1) (I) The Fund shall be used to cover the actual documented direct and indirect costs of fulfilling the statutory and regulatory duties of the Board as provided by the provisions of this article.

(II) **THE FUND MAY NOT BE USED TO PAY FOR INFRASTRUCTURE OPERATIONS, AS DEFINED IN § 1-203(B) OF THIS ARTICLE.**

13–203.

[(a) From among its members, the Board annually shall elect a chairman and vice chairman.]

(A) (1) **THE GOVERNOR SHALL APPOINT THE CHAIR OF THE BOARD.**

(2) **THE TERM OF OFFICE OF THE CHAIR IS 2 YEARS.**

(3) **THE PRESIDENT MAY APPOINT A VICE CHAIR.**

(4) **IF A VACANCY OCCURS IN THE OFFICE OF CHAIR, WITHIN 30 DAYS AFTER THE DATE OF THE VACANCY, THE BOARD SHALL HOLD A SPECIAL ELECTION TO ELECT A CHAIR TO COMPLETE THE TERM OF THE VACATING CHAIR.**

(B) **FROM AMONG ITS MEMBERS, THE BOARD SHALL ELECT ANY OFFICERS, OTHER THAN THE CHAIR AND VICE CHAIR, THAT IT CONSIDERS NECESSARY.**

[(b)] (C) The Board shall determine:

(1) The manner of election of [the chairman and vice chairman; and] **OFFICERS;**

(2) **THE TERM OF OFFICE OF EACH OFFICER; AND**

[(2)] (3) The duties of [the chairman and vice chairman] **EACH OFFICER.**

[13–204.

(a) The Board shall appoint a Board executive director, who serves at the pleasure of the Board.

(b) The Board executive director:

(1) Is the executive officer of the Board; and

(2) Has the powers and duties assigned by the Board.]

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13-204.

(A) (1) IN ACCORDANCE WITH THE STATE BUDGET, THE SECRETARY MAY EMPLOY:

(I) A STAFF FOR THE BOARD; AND

(II) EXPERTS AND CONSULTANTS TO OBTAIN INFORMATION AND ADVICE THAT RELATE TO PHYSICAL THERAPY.

(2) THE SECRETARY MAY DESIGNATE ONE OF THE STAFF AS AN EXECUTIVE DIRECTOR.

(B) THE SECRETARY MAY SET THE COMPENSATION OF AN EMPLOYEE OF THE BOARD IN A POSITION THAT:

(1) IS UNIQUE TO THE BOARD;

(2) REQUIRES SPECIFIC SKILLS OR EXPERIENCE TO PERFORM THE DUTIES OF THE POSITION; AND

(3) DOES NOT REQUIRE THE EMPLOYEE TO PERFORM FUNCTIONS THAT ARE COMPARABLE TO FUNCTIONS PERFORMED IN OTHER UNITS OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT.

(C) THE SECRETARY OF BUDGET AND MANAGEMENT, IN CONSULTATION WITH THE SECRETARY, SHALL DETERMINE THE POSITIONS FOR WHICH THE SECRETARY MAY SET COMPENSATION UNDER SUBSECTION (B) OF THIS SECTION.

13-205.

[(d) In accordance with the budget of the Board, the Board may employ:

(1) A staff; and

(2) Experts and consultants to obtain information and advice that relate to physical therapy.]

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13–207.

(a) There is a State Board of Physical Therapy Examiners Fund.

(d) (1) (i) The Fund shall be used to cover the actual documented direct and indirect costs of fulfilling the statutory and regulatory duties of the Board as provided by the provisions of this article.

(ii) THE FUND MAY NOT BE USED TO PAY FOR INFRASTRUCTURE OPERATIONS, AS DEFINED IN § 1–203(B) OF THIS ARTICLE.

14–203.

(a) (1) The Governor shall appoint the chair of the Board.

(2) The term of office of the chair is 2 years.

(3) THE CHAIR MAY APPOINT A VICE CHAIR.

(4) IF A VACANCY OCCURS IN THE OFFICE OF CHAIR, WITHIN 30 DAYS AFTER THE DATE OF THE VACANCY, THE BOARD SHALL HOLD A SPECIAL ELECTION TO ELECT A CHAIR TO COMPLETE THE TERM OF THE VACATING CHAIR.

(b) From among its members, the Board shall elect any officers, other than the chair **AND VICE CHAIR**, that it considers necessary.

(c) The Board shall determine:

(1) The manner of election of officers;

(2) The term of office of each officer; and

(3) The duties of each officer.

14–207.

(a) There is a Board of Physicians Fund.

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(e) (1) (I) The Fund shall be used exclusively to cover the actual documented direct and indirect costs of fulfilling the statutory and regulatory duties of the Board as provided by the provisions of this title.

(II) **THE FUND MAY NOT BE USED TO PAY FOR INFRASTRUCTURE OPERATIONS, AS DEFINED IN § 1-203(B) OF THIS ARTICLE.**

16-203.

[(a) From among its members, the Board shall elect a president and a secretary-treasurer.]

(A) (1) **THE GOVERNOR SHALL APPOINT THE PRESIDENT OF THE BOARD.**

(2) **THE TERM OF OFFICE OF THE PRESIDENT IS 2 YEARS.**

(3) **THE PRESIDENT MAY APPOINT A VICE PRESIDENT.**

(4) **IF A VACANCY OCCURS IN THE OFFICE OF PRESIDENT, WITHIN 30 DAYS AFTER THE DATE OF THE VACANCY, THE BOARD SHALL HOLD A SPECIAL ELECTION TO ELECT A PRESIDENT TO COMPLETE THE TERM OF THE VACATING PRESIDENT.**

(B) **FROM AMONG ITS MEMBERS, THE BOARD SHALL ELECT ANY OFFICERS, OTHER THAN THE PRESIDENT AND VICE PRESIDENT, THAT IT CONSIDERS NECESSARY.**

[(b)] (c) The Board shall determine:

(1) The manner of election of officers;

(2) The term of office of each officer; and

(3) The duties of each officer.

16-204.

(d) (1) (I) The [Board] **SECRETARY** may employ a staff **FOR THE BOARD** in accordance with the **STATE** budget [of the Board].

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(II) THE SECRETARY MAY DESIGNATE ONE OF THE STAFF AS AN EXECUTIVE DIRECTOR.

(2) THE SECRETARY MAY SET THE COMPENSATION OF AN EMPLOYEE OF THE BOARD IN A POSITION THAT:

(I) IS UNIQUE TO THE BOARD;

(II) REQUIRES SPECIFIC SKILLS OR EXPERIENCE TO PERFORM THE DUTIES OF THE POSITION; AND

(III) DOES NOT REQUIRE THE EMPLOYEE TO PERFORM FUNCTIONS THAT ARE COMPARABLE TO FUNCTIONS PERFORMED IN OTHER UNITS OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT.

(3) THE SECRETARY OF BUDGET AND MANAGEMENT, IN CONSULTATION WITH THE SECRETARY, SHALL DETERMINE THE POSITIONS FOR WHICH THE SECRETARY MAY SET COMPENSATION UNDER PARAGRAPH (2) OF THIS SUBSECTION.

16-206.

(a) There is a State Board of Podiatric Medical Examiners Fund.

(d) (1) (I) The Fund shall be used to cover the actual documented direct and indirect costs of fulfilling the statutory and regulatory duties of the Board as provided by the provisions of this article.

(II) THE FUND MAY NOT BE USED TO PAY FOR INFRASTRUCTURE OPERATIONS, AS DEFINED IN § 1-203(B) OF THIS ARTICLE.

17-203.

(a) (1) THE GOVERNOR SHALL APPOINT THE CHAIR OF THE BOARD.

(2) THE TERM OF OFFICE OF THE CHAIR IS 2 YEARS.

(3) THE CHAIR MAY APPOINT A VICE CHAIR.

(4) IF A VACANCY OCCURS IN THE OFFICE OF CHAIR, WITHIN 30 DAYS AFTER THE DATE OF THE VACANCY, THE BOARD SHALL HOLD A SPECIAL ELECTION TO ELECT A CHAIR TO COMPLETE THE TERM OF THE VACATING CHAIR.

(B) From among its members, the Board [annually] shall elect[:

(1) A chairperson;

(2) A vice chairperson; and

(3) A secretary] ANY OFFICERS, OTHER THAN THE CHAIR AND VICE CHAIR, THAT IT CONSIDERS NECESSARY.

[(b)] (C) The Board shall determine:

(1) The manner of election of officers;

(2) The term of office of each officer; and

(3) The duties of each officer.

17-204.

(d) (1) (I) The [Board] SECRETARY may employ a staff FOR THE BOARD in accordance with the STATE budget [of the Board].

(II) THE SECRETARY MAY DESIGNATE ONE OF THE STAFF AS AN EXECUTIVE DIRECTOR.

(2) THE SECRETARY MAY SET THE COMPENSATION OF AN EMPLOYEE OF THE BOARD IN A POSITION THAT:

(I) IS UNIQUE TO THE BOARD;

(II) REQUIRES SPECIFIC SKILLS OR EXPERIENCE TO PERFORM THE DUTIES OF THE POSITION; AND

(III) DOES NOT REQUIRE THE EMPLOYEE TO PERFORM FUNCTIONS THAT

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ARE COMPARABLE TO FUNCTIONS PERFORMED IN OTHER UNITS OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT.

(3) THE SECRETARY OF BUDGET AND MANAGEMENT, IN CONSULTATION WITH THE SECRETARY, SHALL DETERMINE THE POSITIONS FOR WHICH THE SECRETARY MAY SET COMPENSATION UNDER PARAGRAPH (2) OF THIS SUBSECTION.

17-206.

(a) There is a State Board of Professional Counselors and Therapists Fund.

(d) (1) (I) The Fund shall be used to cover the actual documented direct and indirect costs of fulfilling the statutory and regulatory duties of the Board as provided by the provisions of this article.

(II) THE FUND MAY NOT BE USED TO PAY FOR INFRASTRUCTURE OPERATIONS, AS DEFINED IN § 1-203(B) OF THIS ARTICLE.

18-203.

[(a) From among its members, the Board annually shall elect a chairman and a vice chairman.]

(A) (1) THE GOVERNOR SHALL APPOINT THE CHAIR OF THE BOARD.

(2) THE TERM OF OFFICE OF THE CHAIR IS 2 YEARS.

(3) THE CHAIR MAY APPOINT A VICE CHAIR.

(4) IF A VACANCY OCCURS IN THE OFFICE OF CHAIR, WITHIN 30 DAYS AFTER THE DATE OF THE VACANCY, THE BOARD SHALL HOLD A SPECIAL ELECTION TO ELECT A CHAIR TO COMPLETE THE TERM OF THE VACATING CHAIR.

(B) FROM AMONG ITS MEMBERS, THE BOARD SHALL ELECT ANY OFFICERS, OTHER THAN THE CHAIR AND VICE CHAIR, THAT IT CONSIDERS NECESSARY.

[(b)] (c) The Board shall determine:

- (1) The manner of election of officers; [and]
- (2) **THE TERM OF OFFICE OF EACH OFFICER; AND**
- [(2)] (3) The duties of each officer.

18–204.

[(d) (1) The Board may designate one of its staff as Board administrator.

(2) The Board administrator may be compensated in accordance with the budget of the Board.

(3) The Board may employ other staff in accordance with the budget of the Board.]

(D) (1) (I) THE SECRETARY MAY EMPLOY A STAFF FOR THE BOARD IN ACCORDANCE WITH THE STATE BUDGET.

(II) THE SECRETARY MAY DESIGNATE ONE OF THE STAFF AS AN EXECUTIVE DIRECTOR.

(2) THE SECRETARY MAY SET THE COMPENSATION OF AN EMPLOYEE OF THE BOARD IN A POSITION THAT:

(I) IS UNIQUE TO THE BOARD;

(II) REQUIRES SPECIFIC SKILLS OR EXPERIENCE TO PERFORM THE DUTIES OF THE POSITION; AND

(III) DOES NOT REQUIRE THE EMPLOYEE TO PERFORM FUNCTIONS THAT ARE COMPARABLE TO FUNCTIONS PERFORMED IN OTHER UNITS OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT.

(3) THE SECRETARY OF BUDGET AND MANAGEMENT, IN CONSULTATION WITH THE SECRETARY, SHALL DETERMINE THE POSITIONS FOR WHICH THE SECRETARY MAY SET COMPENSATION UNDER PARAGRAPH (2) OF THIS SUBSECTION.

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18–207.

(a) There is a State Board of Examiners for Psychologists Fund.

(d) (1) (I) The Fund shall be used to cover the actual documented direct and indirect costs of fulfilling the statutory and regulatory duties of the Board as provided by the provisions of this article.

(II) THE FUND MAY NOT BE USED TO PAY FOR INFRASTRUCTURE OPERATIONS, AS DEFINED IN § 1–203(B) OF THIS ARTICLE.

19–203.

(a) (1) [From among its members, the Board shall elect a chair, vice chair, and secretary–treasurer every 2 years.

(2)] THE GOVERNOR SHALL APPOINT THE CHAIR OF THE BOARD.

(2) THE TERM OF OFFICE OF THE CHAIR IS 2 YEARS.

(3) THE CHAIR MAY APPOINT A VICE CHAIR.

(4) IF A VACANCY OCCURS IN THE OFFICE OF CHAIR, WITHIN 30 DAYS AFTER THE DATE OF THE VACANCY, THE BOARD SHALL HOLD A SPECIAL ELECTION TO ELECT A CHAIR TO COMPLETE THE TERM OF THE VACATING CHAIR.

(B) [The] FROM AMONG ITS MEMBERS, THE Board [may] SHALL elect [other] ANY officers [as], OTHER THAN THE CHAIR AND VICE CHAIR, THAT IT CONSIDERS necessary [to fulfill the duties and responsibilities of the Board].

[(b)] (C) The Board shall determine:

(1) The manner of election of [the chair, vice chair, secretary–treasurer, and other officers; and] OFFICERS;

(2) THE TERM OF OFFICE OF EACH OFFICER; AND

[(2)] (3) The duties of each officer.

19-204.

(d) (1) (I) The [Board] **SECRETARY** may employ a staff **FOR THE BOARD** in accordance with the **STATE** budget [of the Board].

(II) **THE SECRETARY MAY DESIGNATE ONE OF THE STAFF AS AN EXECUTIVE DIRECTOR.**

(2) **THE SECRETARY MAY SET THE COMPENSATION OF AN EMPLOYEE OF THE BOARD IN A POSITION THAT:**

(I) **IS UNIQUE TO THE BOARD;**

(II) **REQUIRES SPECIFIC SKILLS OR EXPERIENCE TO PERFORM THE DUTIES OF THE POSITION; AND**

(III) **DOES NOT REQUIRE THE EMPLOYEE TO PERFORM FUNCTIONS THAT ARE COMPARABLE TO FUNCTIONS PERFORMED IN OTHER UNITS OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT.**

(3) **THE SECRETARY OF BUDGET AND MANAGEMENT, IN CONSULTATION WITH THE SECRETARY, SHALL DETERMINE THE POSITIONS FOR WHICH THE SECRETARY MAY SET COMPENSATION UNDER PARAGRAPH (2) OF THIS SUBSECTION.**

[(e) (1) The Board shall appoint an executive director.

(2) The executive director:

(i) Serves at the pleasure of the Board;

(ii) Is the executive officer of the Board; and

(iii) Has the powers and duties assigned by the Board.]

19-206.

(a) There is a State Board of Social Work Examiners Fund.

(f) (1) (I) The Fund shall be used to cover the actual documented direct and indirect costs of fulfilling the statutory and regulatory duties of the Board as provided by the provisions of this article.

(II) THE FUND MAY NOT BE USED TO PAY FOR INFRASTRUCTURE OPERATIONS, AS DEFINED IN § 1-203(B) OF THIS ARTICLE.

20-203.

(a) [From among its members, the Board annually shall elect a chairman, vice chairman, and executive secretary.]

(1) THE GOVERNOR SHALL APPOINT THE CHAIR OF THE BOARD.

(2) THE TERM OF OFFICE OF THE CHAIR IS 2 YEARS.

(3) THE CHAIR MAY APPOINT A VICE CHAIR.

(4) IF A VACANCY OCCURS IN THE OFFICE OF CHAIR, WITHIN 30 DAYS AFTER THE DATE OF THE VACANCY, THE BOARD SHALL HOLD A SPECIAL ELECTION TO ELECT A CHAIR TO COMPLETE THE TERM OF THE VACATING CHAIR.

(B) FROM AMONG ITS MEMBERS, THE BOARD SHALL ELECT ANY OFFICERS, OTHER THAN THE CHAIR AND VICE CHAIR, THAT IT CONSIDERS NECESSARY.

[(b)] (c) The Board shall determine:

(1) The manner of election of officers;

(2) The term of office of each officer; and

(3) The duties of each officer.

20-204.

(d) (1) (I) The [Board] SECRETARY may employ A staff FOR THE BOARD in accordance with the STATE budget [of the Board].

[(e)] (II) The [Board may appoint] **SECRETARY MAY DESIGNATE ONE OF THE STAFF AS an executive director.**

(2) **THE SECRETARY MAY SET THE COMPENSATION OF AN EMPLOYEE OF THE BOARD IN A POSITION THAT:**

(I) **IS UNIQUE TO THE BOARD;**

(II) **REQUIRES SPECIFIC SKILLS OR EXPERIENCE TO PERFORM THE DUTIES OF THE POSITION; AND**

(III) **DOES NOT REQUIRE THE EMPLOYEE TO PERFORM FUNCTIONS THAT ARE COMPARABLE TO FUNCTIONS PERFORMED IN OTHER UNITS OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT.**

(3) **THE SECRETARY OF BUDGET AND MANAGEMENT, IN CONSULTATION WITH THE SECRETARY, SHALL DETERMINE THE POSITIONS FOR WHICH THE SECRETARY MAY SET COMPENSATION UNDER PARAGRAPH (2) OF THIS SUBSECTION.**

[(f)] The executive director:

(1) Serves at the pleasure of the Board;

(2) Serves as the executive officer of the Board; and

(3) Has the powers and duties assigned by the Board.]

21–203.

[(a)] From among its members, the Board shall elect a chairman, a vice chairman, and a secretary once every 2 years.]

(A) (1) **THE GOVERNOR SHALL APPOINT THE CHAIR OF THE BOARD.**

(2) **THE TERM OF OFFICE OF THE CHAIR IS 2 YEARS.**

(3) **THE CHAIR MAY APPOINT A VICE CHAIR.**

(4) IF A VACANCY OCCURS IN THE OFFICE OF CHAIR, WITHIN 30 DAYS AFTER THE DATE OF THE VACANCY, THE BOARD SHALL HOLD A SPECIAL ELECTION TO ELECT A CHAIR TO COMPLETE THE TERM OF THE VACATING CHAIR.

(B) FROM AMONG ITS MEMBERS, THE BOARD SHALL ELECT ANY OFFICERS, OTHER THAN THE CHAIR AND VICE CHAIR, THAT IT CONSIDERS NECESSARY.

[(b)] (C) The Board shall determine:

(1) The manner of election of officers; [and]

(2) THE TERM OF OFFICE OF EACH OFFICER; AND

[(2)] (3) The duties of each officer.

21–204.

(d) (1) (I) The [Board] SECRETARY may employ a staff FOR THE BOARD in accordance with the STATE budget [of the Board].

[(e) (1)] (II) The [Board shall appoint] SECRETARY MAY DESIGNATE ONE OF THE STAFF AS an executive director.

[(2)] The executive director shall:

(i) Serve at the pleasure of the Board;

(ii) Act as the executive officer of the Board; and

(iii) Carry out the powers and duties assigned by the Board.]

(2) THE SECRETARY MAY SET THE COMPENSATION OF AN EMPLOYEE OF THE BOARD IN A POSITION THAT:

(I) IS UNIQUE TO THE BOARD;

(II) REQUIRES SPECIFIC SKILLS OR EXPERIENCE TO PERFORM THE DUTIES OF THE POSITION; AND

(III) DOES NOT REQUIRE THE EMPLOYEE TO PERFORM FUNCTIONS THAT ARE COMPARABLE TO FUNCTIONS PERFORMED IN OTHER UNITS OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT.

(3) THE SECRETARY OF BUDGET AND MANAGEMENT, IN CONSULTATION WITH THE SECRETARY, SHALL DETERMINE THE POSITIONS FOR WHICH THE SECRETARY MAY SET COMPENSATION UNDER PARAGRAPH (2) OF THIS SUBSECTION.

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

Open Session
January 20, 2022

ITEM2C2

HOUSE BILL 112

J2

(PRE-FILED)

2lr0456
CF 2lr1601

By: **Delegate Crosby**

Requested: September 10, 2021

Introduced and read first time: January 12, 2022

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Health Occupations – Service Members, Veterans, and Military Spouses –**
3 **Temporary Licensure, Certification, Registration, and Permitting**

4 FOR the purpose of requiring health occupations boards to issue a temporary license,
5 certificate, registration, or permit to a service member, veteran, or military spouse
6 who meets certain requirements; prohibiting a health occupations board from issuing
7 a certain temporary license, certificate, registration, or permit if the issuance would
8 pose a risk to public health, welfare, or safety; and generally relating to temporary
9 health occupational licensure, certification, registration, and permitting
10 requirements for service members, veterans, and military spouses.

11 BY repealing and reenacting, with amendments,
12 Article – Health Occupations
13 Section 1–701
14 Annotated Code of Maryland
15 (2021 Replacement Volume)

16 BY adding to
17 Article – Health Occupations
18 Section 1–702.1 and 1–702.2
19 Annotated Code of Maryland
20 (2021 Replacement Volume)

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

23 **Article – Health Occupations**

24 1–701.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) In this subtitle the following words have the meanings indicated.

2 (b) “Health occupations board” means a board authorized to issue a license,
3 certificate, or registration under this article.

4 (c) (1) “Military spouse” means the spouse of a service member or veteran.

5 (2) “Military spouse” includes a surviving spouse of:

6 (i) A veteran; or

7 (ii) A service member who died within 1 year before the date on
8 which:

9 **1. FOR THE PURPOSES OF §§ 1-702 AND 1-703**
10 **THROUGH 1-705 OF THIS SUBTITLE, the application for a FULL license, certificate, or**
11 **registration is submitted; OR**

12 **2. FOR THE PURPOSES OF §§ 1-702.1 AND 1-702.2 OF**
13 **THIS SUBTITLE, THE APPLICATION FOR A TEMPORARY LICENSE, CERTIFICATE,**
14 **REGISTRATION, OR PERMIT IS SUBMITTED.**

15 (d) “Service member” means an individual who is an active duty member of:

16 (1) The armed forces of the United States;

17 (2) A reserve component of the armed forces of the United States; or

18 (3) The National Guard of any state.

19 (e) (1) “Veteran” means a former service member who was discharged from
20 active duty under circumstances other than dishonorable within 1 year before the date on
21 which:

22 **(I) FOR THE PURPOSES OF §§ 1-702 AND 1-703 THROUGH**
23 **1-705 OF THIS SUBTITLE, the application for a FULL license, certificate, or registration**
24 **is submitted; OR**

25 **(II) FOR THE PURPOSES OF §§ 1-702.1 AND 1-702.2 OF THIS**
26 **SUBTITLE, THE APPLICATION FOR A TEMPORARY LICENSE, CERTIFICATE,**
27 **REGISTRATION, OR PERMIT IS SUBMITTED.**

28 (2) “Veteran” does not include an individual who has completed active duty
29 and has been discharged for more than 1 year before:

1 **(I) FOR THE PURPOSES OF §§ 1-702 AND 1-703 THROUGH**
2 **1-705 OF THIS SUBTITLE, the application for a FULL license, certificate, or registration**
3 **is submitted; OR**

4 **(II) FOR THE PURPOSES OF §§ 1-702.1 AND 1-702.2 OF THIS**
5 **SUBTITLE, THE APPLICATION FOR A TEMPORARY LICENSE, CERTIFICATE,**
6 **REGISTRATION, OR PERMIT IS SUBMITTED.**

7 **1-702.1.**

8 **(A) (1) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, EACH**
9 **HEALTH OCCUPATIONS BOARD SHALL ISSUE AN EXPEDITED TEMPORARY LICENSE,**
10 **CERTIFICATE, REGISTRATION, OR PERMIT TO A SERVICE MEMBER, VETERAN, OR**
11 **MILITARY SPOUSE WHO MEETS THE REQUIREMENTS OF THIS SUBSECTION.**

12 **(2) A TEMPORARY LICENSE, CERTIFICATE, REGISTRATION, OR**
13 **PERMIT ISSUED UNDER THIS SUBSECTION IS VALID UNTIL THE EARLIER OF:**

14 **(I) 6 MONTHS AFTER THE DATE OF ISSUANCE; OR**

15 **(II) THE DATE ON WHICH A LICENSE, CERTIFICATE,**
16 **REGISTRATION, OR PERMIT IS GRANTED OR A NOTICE TO DENY A LICENSE,**
17 **CERTIFICATE, REGISTRATION, OR PERMIT IS ISSUED BY THE HEALTH OCCUPATIONS**
18 **BOARD.**

19 **(3) AN APPLICATION FOR A TEMPORARY LICENSE, CERTIFICATE,**
20 **REGISTRATION, OR PERMIT TO PRACTICE A HEALTH OCCUPATION UNDER THIS**
21 **SUBSECTION SHALL INCLUDE THE FOLLOWING, IN THE FORM AND MANNER**
22 **REQUIRED BY THE HEALTH OCCUPATIONS BOARD:**

23 **(I) PROOF THAT THE APPLICANT IS A SERVICE MEMBER,**
24 **VETERAN, OR MILITARY SPOUSE, INCLUDING:**

25 1. **FOR A SERVICE MEMBER OR VETERAN, A DD FORM**
26 **214, PERMANENT CHANGE OF STATION ORDERS, OR A COMMON ACCESS CARD**
27 **ISSUED BY THE U.S. DEPARTMENT OF DEFENSE; OR**

28 2. **FOR A MILITARY SPOUSE, A MARRIAGE CERTIFICATE**
29 **AND ONE OF THE FORMS OF IDENTIFICATION LISTED IN ITEM 1 OF THIS ITEM;**

30 **(II) PROOF THAT:**

31 1. **THE APPLICANT HAS HELD A VALID LICENSE,**

1 CERTIFICATE, REGISTRATION, OR PERMIT IN GOOD STANDING ISSUED IN ANOTHER
2 STATE FOR AT LEAST 1 YEAR; AND

3 2. EACH VALID LICENSE, CERTIFICATE, REGISTRATION,
4 OR PERMIT HELD BY THE APPLICANT ISSUED IN ANOTHER STATE IS IN GOOD
5 STANDING;

6 (III) IF THE APPLICANT IS A SERVICE MEMBER OR VETERAN,
7 PROOF THAT THE APPLICANT IS ASSIGNED TO A DUTY STATION IN THE STATE OR
8 HAS ESTABLISHED LEGAL RESIDENCE IN THE STATE;

9 (IV) IF THE APPLICANT IS A MILITARY SPOUSE, PROOF THAT:

10 1. THE APPLICANT'S SPOUSE IS ASSIGNED TO A DUTY
11 STATION IN THE STATE OR HAS ESTABLISHED LEGAL RESIDENCE IN THE STATE; OR

12 2. IF THE APPLICANT IS A SURVIVING SPOUSE
13 DESCRIBED UNDER § 1-701(C)(2) OF THIS SUBTITLE, THE APPLICANT HAS
14 ESTABLISHED LEGAL RESIDENCE IN THE STATE;

15 (V) 1. PROOF OF APPLICATION FOR A NATIONAL CRIMINAL
16 HISTORY RECORDS CHECK; OR

17 2. THE RESULTS OF A NATIONAL CRIMINAL HISTORY
18 RECORDS CHECK COMPLETED WITHIN 1 YEAR BEFORE THE DATE OF APPLICATION;

19 (VI) PROOF THAT THE APPLICANT HAS SUBMITTED AN
20 APPLICATION FOR FULL LICENSURE, CERTIFICATION, REGISTRATION, OR
21 PERMITTING; AND

22 (VII) PAYMENT OF ANY APPLICATION FEE REQUIRED BY THE
23 HEALTH OCCUPATIONS BOARD.

24 (B) (1) A HEALTH OCCUPATIONS BOARD MAY APPLY TO THE SECRETARY
25 FOR APPROVAL OF AN ALTERNATIVE PROCESS FOR LICENSURE, CERTIFICATION,
26 REGISTRATION, OR PERMITTING THAT DOES NOT MEET THE REQUIREMENTS OF
27 SUBSECTION (A) OF THIS SECTION BUT THAT ALLOWS SERVICE MEMBERS,
28 VETERANS, AND MILITARY SPOUSES TO OBTAIN A LICENSE, CERTIFICATE,
29 REGISTRATION, OR PERMIT UNDER THIS ARTICLE IN AN EXPEDITED MANNER THAT
30 MEETS THE GOALS OF SUBSECTION (A) OF THIS SECTION.

31 (2) IF THE SECRETARY APPROVES AN ALTERNATIVE PROCESS FOR
32 LICENSURE, CERTIFICATION, REGISTRATION, OR PERMITTING UNDER PARAGRAPH

1 **(1) OF THIS SUBSECTION, THE HEALTH OCCUPATIONS BOARD SHALL BE**
2 **CONSIDERED TO HAVE FULFILLED THE REQUIREMENTS OF SUBSECTION (A) OF THIS**
3 **SECTION.**

4 **1-702.2.**

5 **(A) SUBJECT TO SUBSECTIONS (B) AND (C) OF THIS SECTION, A HEALTH**
6 **OCCUPATIONS BOARD MAY ISSUE A TEMPORARY LICENSE, CERTIFICATE,**
7 **REGISTRATION, OR PERMIT TO A SERVICE MEMBER, VETERAN, OR MILITARY SPOUSE**
8 **WHO HAS HELD A VALID LICENSE, CERTIFICATE, REGISTRATION, OR PERMIT IN**
9 **GOOD STANDING ISSUED IN ANOTHER STATE FOR LESS THAN 1 YEAR IF EACH VALID**
10 **LICENSE, CERTIFICATE, REGISTRATION, OR PERMIT HELD BY THE SERVICE**
11 **MEMBER, VETERAN, OR MILITARY SPOUSE IS IN GOOD STANDING.**

12 **(B) A TEMPORARY LICENSE, CERTIFICATE, REGISTRATION, OR PERMIT**
13 **ISSUED UNDER THIS SECTION AUTHORIZES THE SERVICE MEMBER, VETERAN, OR**
14 **MILITARY SPOUSE, FOR A LIMITED PERIOD OF TIME AS DETERMINED BY THE**
15 **HEALTH OCCUPATIONS BOARD, TO PERFORM SERVICES REGULATED BY THE**
16 **HEALTH OCCUPATIONS BOARD WHILE THE SERVICE MEMBER, VETERAN, OR**
17 **MILITARY SPOUSE COMPLETES THE REQUIREMENTS FOR LICENSURE,**
18 **CERTIFICATION, REGISTRATION, OR PERMITTING IN THE STATE.**

19 **(C) A HEALTH OCCUPATIONS BOARD MAY NOT ISSUE A LICENSE,**
20 **CERTIFICATE, REGISTRATION, OR PERMIT UNDER THIS SECTION IF ISSUANCE OF**
21 **THE LICENSE, CERTIFICATE, REGISTRATION, OR PERMIT WOULD POSE A RISK TO**
22 **PUBLIC HEALTH, WELFARE, OR SAFETY.**

23 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
24 **October 1, 2022.**

Open Session
January 20, 2022

ITEM2C3

SENATE BILL 77

J2

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

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of authorizing a licensee or certificate holder to be represented by counsel
4 during an investigation by a health occupations board that may result in charges or
5 sanctions; and generally relating to investigations by health occupations boards and
6 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 **IF A HEALTH OCCUPATIONS BOARD INVESTIGATES A LICENSEE OR**
17 **CERTIFICATE HOLDER AND THE INVESTIGATION MAY RESULT IN CHARGES OR**
18 **SANCTIONS AGAINST THE LICENSEE OR CERTIFICATE HOLDER, THE LICENSEE OR**
19 **CERTIFICATE HOLDER MAY:**

20 **(1) BE REPRESENTED BY COUNSEL DURING THE INVESTIGATION;**
21 **AND**

22 **(2) HAVE COUNSEL PRESENT AT ANY INTERVIEW OF THE LICENSEE**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 OR CERTIFICATE HOLDER CONDUCTED BY OR ON BEHALF OF THE HEALTH
2 OCCUPATIONS BOARD DURING THE INVESTIGATION.

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

Open Session
January 20, 2022

ITEM2C4

SENATE BILL 111

C3, J2, E2

2lr0919

(PRE-FILED)

By: **Senator McCray**

Requested: October 24, 2021

Introduced and read first time: January 12, 2022

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Occupational Licenses or Certificates – Pre-application Determinations –**
3 **Criminal Convictions**

4 FOR the purpose of establishing a process for potential applicants for an occupational
5 license or certificate to obtain a determination from a department as to whether
6 certain criminal convictions would be the basis for the denial of an application for a
7 certain occupational license or certificate; and generally relating to pre-application
8 determinations for criminal convictions and occupational licenses or certificates.

9 BY repealing and reenacting, with amendments,
10 Article – Criminal Procedure
11 Section 1–209
12 Annotated Code of Maryland
13 (2018 Replacement Volume and 2021 Supplement)

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

16 **Article – Criminal Procedure**

17 1–209.

- 18 (a) (1) In this section, “department” means:
- 19 (i) the Department of Agriculture;
- 20 (ii) the Department of the Environment;
- 21 (iii) the Maryland Department of Health;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (iv) the Department of Human Services;

2 (v) the Maryland Department of Labor; or

3 (vi) the Department of Public Safety and Correctional Services.

4 (2) "Department" includes any unit of a department specified in paragraph
5 (1) of this subsection.

6 (b) This section does not apply to a person who was previously convicted of a crime
7 of violence, as defined in § 14-101 of the Criminal Law Article.

8 (c) It is the policy of the State to encourage the employment of nonviolent
9 ex-offenders and remove barriers to their ability to demonstrate fitness for occupational
10 licenses or certifications required by the State.

11 (d) Except as provided in subsection (f) of this section, a department may not deny
12 an occupational license or certificate to an applicant solely on the basis that the applicant
13 has previously been convicted of a crime, unless the department determines that:

14 (1) there is a direct relationship between the applicant's previous
15 conviction and the specific occupational license or certificate sought; or

16 (2) the issuance of the license or certificate would involve an unreasonable
17 risk to property or to the safety or welfare of specific individuals or the general public.

18 (e) In making the determination under subsection (d) of this section, the
19 department shall consider:

20 (1) the policy of the State expressed in subsection (c) of this section;

21 (2) the specific duties and responsibilities required of a licensee or
22 certificate holder;

23 (3) whether the applicant's previous conviction has any impact on the
24 applicant's fitness or ability to perform the duties and responsibilities authorized by the
25 license or certificate;

26 (4) the age of the applicant at the time of the conviction and the amount of
27 time that has elapsed since the conviction;

28 (5) the seriousness of the offense for which the applicant was convicted;

29 (6) other information provided by the applicant or on the applicant's behalf
30 with regard to the applicant's rehabilitation and good conduct; and

1 (7) the legitimate interest of the department in protecting property and the
2 safety and welfare of specific individuals or the general public.

3 (f) (1) This subsection does not apply to a conviction of a crime for which
4 registration on the sex offender registry is required under Title 11, Subtitle 7 of this article.

5 (2) If a period of 7 years or more has passed since an applicant completed
6 serving the sentence for a crime, including all imprisonment, mandatory supervision,
7 probation, and parole, and the applicant has not been charged with another crime other
8 than a minor traffic violation, as defined in § 10–101 of this article, during that time, a
9 department may not deny an occupational license or certificate to the applicant solely on
10 the basis that the applicant was previously convicted of the crime.

11 **(G) (1) (I) BEFORE SUBMITTING AN APPLICATION FOR AN
12 OCCUPATIONAL LICENSE OR CERTIFICATE, A POTENTIAL APPLICANT MAY REQUEST
13 FROM A DEPARTMENT A DETERMINATION AS TO WHETHER A SPECIFIED CRIMINAL
14 CONVICTION WOULD BE THE BASIS FOR DENIAL OF THE OCCUPATIONAL LICENSE OR
15 CERTIFICATE TO THE APPLICANT.**

16 **(II) A DEPARTMENT SHALL PROVIDE THE DETERMINATION IN
17 WRITING TO THE POTENTIAL APPLICANT.**

18 **(2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
19 PARAGRAPH, A DETERMINATION UNDER PARAGRAPH (1) OF THIS SUBSECTION IS
20 BINDING ON THE DEPARTMENT AND THE APPLICANT ON SUBMISSION OF AN
21 APPLICATION FOR AN OCCUPATIONAL LICENSE OR CERTIFICATE TO THE
22 DEPARTMENT.**

23 **(II) A DETERMINATION UNDER SUBPARAGRAPH (I) OF THIS
24 PARAGRAPH IS NOT BINDING ON THE DEPARTMENT IF, ON THE APPLICANT'S
25 SUBMISSION OF AN APPLICATION FOR AN OCCUPATIONAL LICENSE OR CERTIFICATE
26 TO THE DEPARTMENT, THE APPLICANT:**

- 27 **1. HAS SUBSEQUENTLY BEEN CONVICTED OF A CRIME;**
28 **2. HAS PENDING CRIMINAL CHARGES; OR**
29 **3. HAD PREVIOUSLY UNDISCLOSED CRIMINAL
30 CONVICTIONS.**

31 **(3) (I) A DEPARTMENT MAY SET A REASONABLE FEE TO COVER
32 THE COSTS OF PROVIDING SERVICES UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

1 **(II) THE FEE CHARGED SHALL BE SET SO AS TO PRODUCE**
2 **FUNDS TO APPROXIMATE THE COSTS OF PERFORMING THE SERVICE.**

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