

BOARD OF PODIATRIC MEDICAL EXAMINERS

OPEN SESSION MEETING VIA GOOGLE MEET

AGENDA

March 10, 2022

Location Google Meet: <https://meet.google.com/ymv-ziyk-ddz?hs=224>

[Join by phone:](#) (US) [+1 636-492-2428](#) (PIN: 129875904)

A. ORDER of BUSINESS

- 1. Call to Order- Roll Call**
- 2. COMAR 10.01.14.02.B: Except in instances when a public body expressly invites public testimony, questions, comments, or other forms of public participation, or when public participation is otherwise authorized by law, a member of the public attending an open session may not participate in the session.**
- 3. Approval of minutes from the February 10, 2022 meeting** **Tab A**

B. BOARD PRESIDENT’S REPORT

C. EXECUTIVE DIRECTOR’S REPORT

D. OLD BUSINESS:

- 1. SB 311/HB 790 -Podiatric Physician Bill Hearings: EHEA 2/10/22, HGO 2/15/22**

E. NEW BUSINESS:

- 1. HB 1455/SB 899-Health Occupations Boards– Authority Over Staffing and Infrastructure Operations** **Tab B**

F. ADJOURNMENT

**BOARD OF PODIATRIC MEDICAL EXAMINERS
OPEN SESSION MEETING VIA GOOGLE MEET
MINUTES
February 10, 2022**



Location Google Meet: <http://meet.google.com/hwh-ajtv-sif>

Join by phone: ☐(US) +1 414-909-7557☐ PIN: ☐350 725 762☐#

The Public Meeting commenced at 1:06 PM, opened by the Board President, Dr. Adam Silverman.

Roll call was initiated by the Executive Director.

Board members present: Drs. Gottlieb, Umezurike, Silverman, Fox, and Duggirala.

Consumer Members present: Ms. Frona Kroopnick. Ms. Lynne Brecker, RN was absent.

Board staff present: Eva Schwartz, Executive Director, and Elizabeth Kohlhepp, Deputy Executive Director

Office of the Attorney General: Rhonda Edwards, AAG, Board Counsel

Representing MPMA: Dr. Jay LeBow, MPMA member

Representing MDH: Lillian Reese, Legislation

Dr. Silverman cited COMAR 10.01.14.02.B: "Except in instances when a public body expressly invites public testimony, questions, comments, or other forms of public participation, or when public participation is otherwise authorized by law, a member of the public attending an open session may not participate in the session."

A. MINUTES

1. Approval of minutes from the January 13, 2022 meeting

The minutes from the January 13, 2022 meeting were approved unanimously, as submitted.

B. BOARD PRESIDENT'S REPORT

Dr. Silverman deferred his report to the next meeting.

C. EXECUTIVE DIRECTOR'S REPORT-Budget Hearings in Budget and Taxation

Ms. Schwartz discussed with the Board the Budget hearings for this legislative session. During the hearings, the presenting State budget analyst tried to suggest that the Board was not meeting their criteria regarding processing of complaints marking them at 87% compliance within the required time of processing, instead of the 95% annual processing and completion, the compliance requirement of 180 days turnaround time. However, Ms. Schwartz pointed out that it was in fact only one year within the evaluated five years that was marked at 87% compliance with the time required to complete the total complaints case load for the year, stating that the other four years met the 95% processing rate compliance requirements. For the Board of Podiatry, the one year that was marked at 87% referencing the time needed to resolve disposition of the cases, compliance was outside the Board's authority. Additionally, Ms. Schwartz expressed her concern in person to the budget analyst, that the citation was not supported statistically over the 5-year period. The Budget Analyst agreed to explain the discrepancy during the Budget hearings, and she did, however, to date, there is no correction made in the hard copy report presented at the hearings.

D. OLD BUSINESS:

1. SB 311/HB 790 -Podiatric Physician Bill Hearings: EHEA 2/10/22, HGO 2/15/22

The Board was made aware that the hearing for SB 0311 will be held on 2/10 at 1:00PM in EHEA (Senate Education, Health and Environmental Affairs). Additionally, the hearing for HB 790 will be held on 2/15 at 1:30PM in HGA (House Governmental Affairs).

E. NEW BUSINESS:

1. SB 899-Health Occupations Boards– Authority Over Staffing and Infrastructure Operations

The Board discussed SB 899- Health Occupations Boards- Authority Over Staffing and Infrastructure Operations. The Board, along with the other Boards, wrote a letter in opposition to express its concerns and reservations regarding the proposed Bill to include how the Bill transfers authority from the Boards to the Secretary and creates changes in the Board Officers' appointments and election process. The Board was made aware that the Senate Hearing in EHEA will be held on Tuesday on 2/22/2022.

2. HB 407- Health Occupations- Health Care Staffing Shortage Emergency- Declaration and Licensing and Practice Requirements

The Board reviewed HB 407- Health Occupations- Health Care Staffing Shortage Emergency- Declaration and Licensing and Practice Requirements. The Bill would authorize the Secretary of Health to declare a health care staffing shortage emergency in the State; require each health occupations board to establish processes for the issuance of initial licenses, temporary licenses, and temporary practice letters on an expedited basis during a health care staffing shortage emergency; etc. The Board had no position on the Bill.

3. SB 385- Health - Disclosure of Medical Records - Penalty

The Board reviewed SB 385 - Health - Disclosure of Medical Records – Penalty. The Bill alters the penalty for the knowing refusal by a health care provider to disclose a medical record within 21 working days after the date a person in interest requests the disclosure; and alter the definition of "medical record" to include certain electronic data or information. The Board took no position on the Bill.

4. SB 159- Health Occupations - Authorized Prescribers - Reporting of Financial Gratuities or Incentives

The Board reviewed SB 159 Health Occupations - Authorized Prescribers - Reporting of Financial Gratuities or Incentives. The Bill will require each authorized prescriber who receives a financial gratuity or incentive from a pharmaceutical distributor or manufacturer to file a financial disclosure form with the health occupations board that licenses the authorized prescriber within 30 days after the financial gratuity or incentive is received by the authorized prescriber; and applying the Act prospectively. The Bills Hearing in the EHEA is scheduled for 2/10 at 1:00PM. The Board took no position on the Bill.

5. SB 440/HB 625- Commission to Study the Health Care Workforce Crisis in Maryland- Establishment

The Board reviewed SB 440/HB 625- Commission to Study the Health Care Workforce Crisis in Maryland- Establishment. The Bill establishes the Commission to Study the Health Care Workforce Crisis in Maryland to examine certain areas related to health care workforce shortages in the State, including the extent of the workforce shortage, short-term solutions to the workforce shortage, future health care workforce needs, and the relationship between the Maryland Department of Health and the health occupations boards; and require the Commission to report its findings and recommendations to certain committees of the General Assembly by December 31 each year. The Board had concerns about this Bill because it also referenced proposed changes in the authority relationship between the Maryland Department of Health and the health occupations boards.

6. Review eligibility for issuance of Full Active Podiatric License:

a. Hesam Naenifard, DPM

The above identified licensure candidate was approved unanimously for the issuance of a full Maryland license.

7. Topics Quarterly Newsletter Winter 2021-Gordon Feinblatt, Rothman, Hoffberger & Hollander, LLC

The Board received a copy of Topics Quarterly Newsletter Winter 2021 from Gordon, Feinblatt, Rothman, Hoffberger & Hollander, LLC for informational purposes.

F. ADJOURNMENT

With no further business, the Public Session of the Board meeting concluded at 1:55 PM.

Respectfully submitted by Eva Schwartz, Executive Director, Signature and date_____

and Elizabeth Kohlhepp, Deputy Executive Director, Signature and date_____

Signature by Frona Kroopnick, Board Secretary/Treasurer: _____



HOUSE BILL 1455

J2

2lr3250

By: **Delegate Krebs**

Introduced and read first time: February 24, 2022

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Health Occupations Boards – Authority Over Infrastructure – Staffing and**
3 **Operations**

4 FOR the purpose of establishing that the Secretary of Health has authority over the
5 infrastructure operations of health occupations boards and commissions; altering the
6 method of selecting officers of certain health occupations boards; establishing
7 procedures for the filling of certain vacancies on a certain health occupations board;
8 requiring the Secretary of Budget and Management, in consultation with the
9 Secretary of Health, to determine the positions for which the Secretary of Health
10 may set compensation; prohibiting certain special funds from being used to pay for
11 infrastructure operations; and generally relating to the organization and operation
12 of health occupations boards.

13 BY repealing and reenacting, with amendments,

14 Article – Health Occupations

15 Section 1–203(b), 1A–204(d), 1A–206(d)(1), 2–204(d), 2–206(e)(1), 3–204(d),
16 3–206(d)(1), 4–204(c), 4–207(d)(1), 5–203, 5–204(d), 5–206(d)(1), 6–203, 6–204,
17 6–207(d)(1), 7–203, 7–204(d), 7–206(d)(1), 8–206(e)(1), 9–203, 9–204(d),
18 10–203, 10–204(d), 10–206(d)(1), 11–204(d), 11–207(d)(1), 12–204(d),
19 12–206(d)(1), 13–207(d)(1), 14–203, 14–207(e)(1), 16–204(d), 16–206(d)(1),
20 17–204(d), 17–206(d)(1), 18–207(d)(1), 19–204(d), 19–206(f)(1), 20–204(d) and
21 (e), and 21–204(d) and (e)

22 Annotated Code of Maryland

23 (2021 Replacement Volume)

24 BY repealing and reenacting, without amendments,

25 Article – Health Occupations

26 Section 1A–206(a), 2–206(a), 3–206(a), 4–207(a), 5–206(a), 6–207(a), 7–206(a),
27 8–206(a), 10–206(a), 11–207(a), 12–206(a), 13–207(a), 14–207(a), 16–206(a),
28 17–206(a), 18–207(a), and 19–206(a)

29 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2021 Replacement Volume)

BY repealing

Article – Health Occupations

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

Annotated Code of Maryland

(2021 Replacement Volume)

Preamble

WHEREAS, The State is committed to providing the best possible customer service to its residents; and

WHEREAS, Supporting the customer service efforts of the health occupations boards and commissions is important to ensure licensees can apply for and renew licenses in a prompt and timely manner; and

WHEREAS, The Secretary of Health currently lacks the statutory authority under § 1–203 of the Health Occupations Article to participate in the appointments of the executive directors of the health occupations boards and provide certain Maryland Department of Health resources; and

WHEREAS, To further the State’s customer service promise, this Act will allow the Maryland Department of Health the authority over the infrastructure operations for health occupations boards and commissions; and

WHEREAS, With Maryland Department of Health authority over the infrastructure operations, the health occupations boards and commissions will have access to Maryland Department of Health resources; and

WHEREAS, Reducing administrative burdens on the health occupations boards will allow them to focus on their core functions: licensing, collecting fees, investigating complaints, and conducting disciplinary actions; now, therefore,

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 ACTIVITIES RELATED TO THE FOLLOWING:

1. HUMAN RESOURCES;
2. INFORMATION TECHNOLOGY;
3. PROCUREMENT;
4. BUDGET AND MANAGEMENT RESOURCES;
5. OFFICE SPACE;
6. TELECOMMUNICATIONS; AND
7. AUDIT COMPLIANCE AS REQUIRED BY TITLE 2, SUBTITLE 6 OF THE STATE GOVERNMENT ARTICLE.

(II) “INFRASTRUCTURE OPERATIONS” DOES NOT INCLUDE LICENSING, INVESTIGATION, SCOPE OF PRACTICE, 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.

(4) INFRASTRUCTURE OPERATIONS OF A BOARD OR COMMISSION SHALL BE PAID FOR WITH DEPARTMENT GENERAL FUNDS.

1A-204.

(d) (1) (I) The [Board] SECRETARY, WITH THE ADVICE AND CONSENT OF THE BOARD, may employ a staff FOR THE BOARD in accordance with the State budget.

(II) THE SECRETARY, WITH THE ADVICE AND CONSENT OF THE BOARD, MAY DESIGNATE ONE OF THE STAFF AS AN EXECUTIVE DIRECTOR.

(2) THE SECRETARY MAY SET THE COMPENSATION OF AN EMPLOYEE

1 OF THE BOARD IN A POSITION THAT:

2 (I) IS UNIQUE TO THE BOARD;

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

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

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

12 1A-206.

13 (a) There is an Acupuncture Board Fund.

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

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

19 2-204.

20 (d) (1) The [Board] SECRETARY, WITH THE ADVICE AND CONSENT OF THE
21 BOARD, may employ a staff FOR THE BOARD in accordance with the STATE budget [of
22 the Board].

23 (2) THE SECRETARY, WITH THE ADVICE AND CONSENT OF THE
24 BOARD, MAY DESIGNATE ONE OF THE STAFF AS AN EXECUTIVE DIRECTOR.

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

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

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

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

29 (E) (1) THE SECRETARY MAY SET THE COMPENSATION OF AN EMPLOYEE

1 **OF THE BOARD IN A POSITION THAT:**

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

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

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

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

12 2–206.

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

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

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

20 3–204.

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

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

29 [(3)] (2) The [executive director] **SECRETARY MAY SET THE**
30 **COMPENSATION OF AN EMPLOYEE OF THE BOARD IN A POSITION THAT:**

31 [(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.**

4-204.

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

**(II) THE SECRETARY, WITH THE ADVICE AND CONSENT OF THE
BOARD, 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) From among its members, the Board [annually] shall elect a chairman, a vice chairman, and a secretary.

(b) 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, WITH THE ADVICE AND CONSENT OF THE BOARD, may employ a staff FOR THE BOARD in accordance with the STATE budget [of the Board].

(II) THE SECRETARY, WITH THE ADVICE AND CONSENT OF THE BOARD, 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) From among its members, the Board [annually] shall elect a chair, vice chair,
and secretary-treasurer.

(b) 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, WITH THE ADVICE AND CONSENT OF THE BOARD, 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

1 appoint] **SECRETARY, WITH THE ADVICE AND CONSENT OF THE BOARD, MAY**
2 **DESIGNATE ONE OF THE STAFF AS** an executive director[, who serves at the pleasure of
3 both boards].

4 [(c) The executive director:

5 (1) Is the executive officer of both boards; and

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

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

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

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

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

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

19 6–207.

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

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

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

26 7–203.

27 (a) From among its members, the [Board] **SECRETARY, WITH THE ADVICE AND**
28 **CONSENT OF THE BOARD,** shall elect a president[, a first vice president, and a second vice
29 president].

1 **(B) FROM AMONG ITS MEMBERS, THE BOARD SHALL ELECT A FIRST VICE**
2 **PRESIDENT AND A SECOND VICE PRESIDENT.**

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

4 (1) The manner of election of officers;

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

6 (3) The duties of each officer.

7 7-204.

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

10 (2) The [Board] **SECRETARY, WITH THE ADVICE AND CONSENT OF THE**
11 **BOARD,** may employ [inspectors and other] staff **FOR THE BOARD** in accordance with the
12 **STATE** budget [of the Board].

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

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

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

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

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

25 7-206.

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

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

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

3 8-204.

4 **[(d) The Board may:**

5 (1) Employ a staff in accordance with the State budget;

6 (2) Define the duties of its staff; and

7 (3) Employ:

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

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

13 **(D) (1) (I) THE SECRETARY, WITH THE ADVICE AND CONSENT OF THE**
14 **BOARD, MAY EMPLOY A STAFF FOR THE BOARD IN ACCORDANCE WITH THE STATE**
15 **BUDGET.**

16 **(II) THE SECRETARY, WITH THE ADVICE AND CONSENT OF THE**
17 **BOARD, MAY DESIGNATE ONE OF THE STAFF AS AN EXECUTIVE DIRECTOR.**

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

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

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

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

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

30 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) From among the Board members, the Governor shall appoint a [chairman and vice chairman] **CHAIR AND VICE CHAIR** of the Board.

[(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, WITH THE ADVICE AND CONSENT OF THE BOARD**, may employ a staff **FOR THE BOARD** in accordance with the State budget.

(II) THE SECRETARY, WITH THE ADVICE AND CONSENT OF THE

1 **BOARD, MAY DESIGNATE ONE OF THE STAFF AS AN EXECUTIVE DIRECTOR.**

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

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

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

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

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

14 10-203.

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

17 (b) The Board shall determine:

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

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

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

21 10-204.

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

24 (2)] In accordance with the **STATE** budget [of the Board], the [Board]
25 **SECRETARY, WITH THE ADVICE AND CONSENT OF THE BOARD,** may employ:

26 (i) A staff; and

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

1 **(2) THE SECRETARY, WITH THE ADVICE AND CONSENT OF THE**
2 **BOARD, MAY DESIGNATE ONE OF THE STAFF AS AN EXECUTIVE DIRECTOR.**

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

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

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

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

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

15 10–206.

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

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

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

22 11–204.

23 (d) (1) **(I)** The [Board] **SECRETARY, WITH THE ADVICE AND CONSENT**
24 **OF THE BOARD,** may employ a staff **FOR THE BOARD** in accordance with the **STATE**
25 budget [of the Board].

26 **(II) THE SECRETARY, WITH THE ADVICE AND CONSENT OF THE**
27 **BOARD, MAY DESIGNATE ONE OF THE STAFF AS AN EXECUTIVE DIRECTOR.**

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

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

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

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

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

10 11-207.

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

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

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

17 12-204.

18 (d) (1) **(I)** The [Board] **SECRETARY, WITH THE ADVICE AND CONSENT**
19 **OF THE BOARD,** may employ a staff **FOR THE BOARD** in accordance with the **STATE**
20 budget [of the Board].

21 **[(2)] (II)** The [Board] **SECRETARY, WITH THE ADVICE AND CONSENT**
22 **OF THE BOARD,** may designate [1 of its] **ONE OF THE** staff as an executive director.

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

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

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

28 **(III) DOES NOT REQUIRE THE EMPLOYEE TO PERFORM**
29 **FUNCTIONS THAT ARE COMPARABLE TO FUNCTIONS PERFORMED IN OTHER UNITS**
30 **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.

[13-204.

(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.]

13-204.

(A) (1) IN ACCORDANCE WITH THE STATE BUDGET, THE SECRETARY, WITH THE ADVICE AND CONSENT OF THE BOARD, 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, WITH THE ADVICE AND CONSENT OF THE BOARD, 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;

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

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

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

9 13-205.

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

11 (1) A staff; and

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

14 13-207.

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

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

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

21 14-203.

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

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

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

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

28 (b) From among its members, the Board shall elect any officers, other than the

1 chair AND VICE CHAIR, that it considers necessary.

2 (c) The Board shall determine:

3 (1) The manner of election of officers;

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

5 (3) The duties of each officer.

6 14–207.

7 (a) There is a Board of Physicians Fund.

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

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

13 16–204.

14 (d) (1) (I) The [Board] SECRETARY, WITH THE ADVICE AND CONSENT
15 OF THE BOARD, may employ a staff FOR THE BOARD in accordance with the STATE
16 budget [of the Board].

17 (II) THE SECRETARY, WITH THE ADVICE AND CONSENT OF THE
18 BOARD, MAY DESIGNATE ONE OF THE STAFF AS AN EXECUTIVE DIRECTOR.

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

21 (I) IS UNIQUE TO THE BOARD;

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

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

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

1 SUBSECTION.

2 16–206.

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

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

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

9 17–204.

10 (d) (1) (I) The [Board] SECRETARY, WITH THE ADVICE AND CONSENT
11 OF THE BOARD, may employ a staff FOR THE BOARD in accordance with the STATE
12 budget [of the Board].

13 (II) THE SECRETARY, WITH THE ADVICE AND CONSENT OF THE
14 BOARD, MAY DESIGNATE ONE OF THE STAFF AS AN EXECUTIVE DIRECTOR.

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

17 (I) IS UNIQUE TO THE BOARD;

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

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

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

27 17–206.

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

29 (d) (1) (I) The Fund shall be used to cover the actual documented direct
30 and indirect costs of fulfilling the statutory and regulatory duties of the Board as provided

1 by the provisions of this article.

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

4 18–204.

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

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

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

10 **(D) (1) (I) THE SECRETARY, WITH THE ADVICE AND CONSENT OF THE**
11 **BOARD, MAY EMPLOY A STAFF FOR THE BOARD IN ACCORDANCE WITH THE STATE**
12 **BUDGET.**

13 **(II) THE SECRETARY, WITH THE ADVICE AND CONSENT OF THE**
14 **BOARD, MAY DESIGNATE ONE OF THE STAFF AS AN EXECUTIVE DIRECTOR.**

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

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

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

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

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

27 18–207.

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

29 **(d) (1) (I) The Fund shall be used to cover the actual documented direct**
30 **and indirect costs of fulfilling the statutory and regulatory duties of the Board as provided**

1 by the provisions of this article.

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

4 19-204.

5 (d) **(1) (I)** The [Board] **SECRETARY, WITH THE ADVICE AND CONSENT**
6 **OF THE BOARD,** may employ a staff **FOR THE BOARD** in accordance with the **STATE**
7 budget [of the Board].

8 **(II) THE SECRETARY, WITH THE ADVICE AND CONSENT OF THE**
9 **BOARD, MAY DESIGNATE ONE OF THE STAFF AS AN EXECUTIVE DIRECTOR.**

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

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

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

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

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

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

23 **(2) The executive director:**

24 **(i) Serves at the pleasure of the Board;**

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

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

27 19-206.

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

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

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

6 20-204.

7 (d) (1) **(I)** The [Board] **SECRETARY, WITH THE ADVICE AND CONSENT**
8 **OF THE BOARD**, may employ A staff **FOR THE BOARD** in accordance with the **STATE**
9 budget [of the Board].

10 [(e)] **(II)** The [Board may appoint] **SECRETARY, WITH THE ADVICE AND**
11 **CONSENT OF THE BOARD**, **MAY DESIGNATE ONE OF THE STAFF AS** an executive
12 director.

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

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

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

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

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

25 [(f)] The executive director:

26 (1) Serves at the pleasure of the Board;

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

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

29 21-204.

30 (d) (1) **(I)** The [Board] **SECRETARY, WITH THE ADVICE AND CONSENT**

1 **OF THE BOARD**, may employ a staff **FOR THE BOARD** in accordance with the **STATE**
2 budget [of the Board].

3 [(e) (1)] **(II) The [Board shall appoint] SECRETARY, WITH THE ADVICE**
4 **AND CONSENT OF THE BOARD, MAY DESIGNATE ONE OF THE STAFF AS** an executive
5 director.

6 [(2) The executive director shall:

7 (i) Serve at the pleasure of the Board;

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

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

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

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

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

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

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

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