

HOUSE BILL 1474

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By: **Delegate Krebs**

Introduced and read first time: February 10, 2017

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Office of Health Occupations**

3 FOR the purpose of establishing the Office of Health Occupations in the Department of
4 Health and Mental Hygiene; transferring the State Commission on Kidney Disease
5 and the Natalie M. LaPrade Medical Cannabis Commission to the Office; renaming
6 the State Commission on Kidney Disease to be the State Board on Kidney Disease;
7 renaming the Natalie M. LaPrade Medical Cannabis Commission to be the Natalie
8 M. LaPrade State Board on Medical Cannabis; providing that certain health
9 occupations boards and certain commissions are units within the Office; transferring
10 the Secretary of Health and Mental Hygiene's administrative oversight, duties, and
11 responsibilities relating to the health occupations boards and certain commissions to
12 the Director of Health Occupations of the Office; repealing certain prohibitions on
13 the authority of the Secretary relating to the health occupations boards; providing
14 for the appointment, responsibilities, duties, and salary of the Director; prohibiting
15 the Director from engaging in the practice of certain health professions while
16 employed as the Director; establishing the State Health Occupations Management
17 Board in the Office; providing for the appointment, terms, removal, and
18 compensation of the members of the Management Board; requiring the Office to
19 provide staffing for the Management Board; requiring the Director to appoint the
20 chair of the Management Board; providing for the duties of the Management Board;
21 authorizing the Director to adopt certain regulations; requiring the Director to
22 confirm the appointment of each administrator or executive director of certain health
23 occupations boards; providing that the administrator or executive director of a health
24 occupations board serves at the pleasure of the Director and the health occupations
25 board that makes the appointment; repealing a requirement for the Secretary to
26 submit a certain report; altering the member appointment process for certain health
27 occupations boards; altering certain appeal procedures regarding a final decision of
28 a health occupations board; expanding the authorized use of certain funds for certain
29 health occupations boards' funds; requiring the State Board on Kidney Disease to
30 certify a dialysis or transplant center that meet certain standards; requiring the
31 Office to pay certain indirect costs of the State Board on Kidney Disease; repealing

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



a provision of law requiring that expenditures from the Natalie M. LaPrade State Board on Medical Cannabis Fund be spent in a certain manner; requiring the Natalie M. LaPrade State Board on Medical Cannabis Fund to be used to cover certain costs; repealing certain provisions of law that authorize the Secretary to set the compensation of certain employees of the State Board of Physicians under certain circumstances; requiring the State Board of Physicians to hire a certain number of investigators and hearing officers; requiring the State Board of Physicians, after a certain review of the standards of certain accrediting organizations and certain consultations with certain organizations, to adopt certain regulations; repealing a requirement that the State Board of Podiatric Medical Examiners include certain information on a certain license; altering the provisions for removal of members of the State Board for Certification of Residential Child Care Program Professionals; requiring the State Board for Certification of Residential Child Care Program Professionals to submit an annual report to the Director and the Governor's Office for Children; defining certain terms; altering certain definitions; making stylistic and conforming changes; providing for the transfer of certain responsibilities, appropriations, grants, functions, property, and employees from the Department of Health and Mental Hygiene to the Office of Health Occupations; providing for the continuity of certain laws, regulations, standards and guidelines, policies, orders, directives, forms, plans, memberships, contracts, property, investigations, responsibilities, and rights; requiring the publisher of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, to correct any cross-references or terminology rendered incorrect by this Act and to adequately describe any corrections made in an editor's note following the section affected; specifying the initial terms of the members of the State Health Occupations Management Board; providing for a delayed effective date; and generally relating to health occupations boards and the Office of Health Occupations.

BY transferring

Article – Health – General

Section 13–304 through 13–307, 13–308(a) through (d), 13–310, and 13–310.1, respectively

Annotated Code of Maryland

(2015 Replacement Volume and 2016 Supplement)

to be

Article – Health Occupations

Section 6A–101 through 6A–107, respectively, and the title “Title 6A. Kidney Disease”

Annotated Code of Maryland

(2014 Replacement Volume and 2016 Supplement)

BY transferring

Article – Health – General

Section 13–3301, 13–3304, 13–3305, 13–3313, and 13–3314, respectively, and the subtitle “Subtitle 33. Natalie M. LaPrade Medical Cannabis Commission”

Annotated Code of Maryland

(2015 Replacement Volume and 2016 Supplement)
(As enacted by Chapter 474 of the Acts of the General Assembly of 2016)
to be
Article – Health Occupations
Section 7A–101, 7A–104, 7A–105, 7A–113, and 7A–114, respectively, and the title
“Title 7A. Medical Cannabis”
Annotated Code of Maryland
(2014 Replacement Volume and 2016 Supplement)

BY transferring
Article – Health – General
Section 13–3302, 13–3303, 13–3306 through 13–3312, 13–3315, and 13–3316,
respectively
Annotated Code of Maryland
(2015 Replacement Volume and 2016 Supplement)
to be
Article – Health Occupations
Section 7A–102, 7A–103, 7A–106 through 7A–112, 7A–115, and 7A–116, respectively
Annotated Code of Maryland
(2014 Replacement Volume and 2016 Supplement)

BY renumbering
Article – Health – General
Section 13–311 through 13–316, respectively
to be Section 13–306 through 13–311, respectively
Annotated Code of Maryland
(2015 Replacement Volume and 2016 Supplement)

BY renumbering
Article – Health Occupations
Section 1–201, 1–202, and 1–204 through 1–222, respectively, and the subtitle
“Subtitle 2. General Provisions”
to be Section 1–2A–01 through 1–2A–21, respectively, and the title “Title 2A.
General Provisions”
Annotated Code of Maryland
(2014 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 2–104(l), 2–106, 13–302(b), 13–308(e), 13–309, and 19–3B–03(d)
Annotated Code of Maryland
(2015 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, without amendments,
Article – Health – General
Section 13–302(a)
Annotated Code of Maryland

(2015 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

Article – Health Occupations

Section 1–101, 1–602(a), 1–608, 1A–201, 1A–202(c), 1A–206(d), 1A–311(b), 2–201, 2–202(a), (b), and (g), 2–204(e), 2–316(b), 3–201, 3–202(a) and (h), 3–205(b), 3–316(b), 4–201, 4–202(a), 4–204(a), 4–319(b), 5–201, 5–202(a)(3) and (4), (b), and (e), 5–313(b), 6–201, 6–202(a) and (g), 6–206(b), 6–310(b), 7–201, 7–202(a) and (i), 7–204(b), 7–320(b), 8–201, 8–202(b) and (j), 8–204(b) and (d), 8–205(a)(8) and (c), 8–206(e), 8–318(b), 8–6B–04(c), 8–6B–21(b), 9–201, 9–202(b) and (h), 9–203(b), 9–204(c), 9–205(b), 9–316(b), 10–201, 10–202(a) and (g), 10–204(d), 10–317(b), 11–201, 11–202(a) and (g), 11–204(b), 11–318(b), 11–404(g), 11–404.1(b)(1), 11–404.3, 12–201, 12–202(a) and (g), 12–205(b)(2), 12–316(b), 12–601(b), 12–603(h)(1), 12–604(a), 13–201, 13–202(a) and (h), 13–318(b), 14–201, 14–202(a)(1) and (k), 14–204, 14–205(a)(17) and (c)(1), 14–207(e)(1), 14–306(d), 14–411(q), 14–501(b) through (d), 14–5A–17.1(a), 14–5B–14.1(a), 14–5D–15(b), 14–5E–17(a), 15–301(h), 15–315(b), 16–201, 16–202(a), 16–305, 16–315(b), 16–317(a)(2), 17–201, 17–202(a) and (e), 17–205(b)(2), 17–6A–22(b), 18–201, 18–202(a) and (g), 18–204(b), 18–206(b)(2), 18–316(b), 19–201, 19–202(a)(4) and (h), 19–204(e), 19–313(b), 20–201, 20–202(b) and (h), 20–204(e) and (f), 20–205(b)(2), 20–315(b), 21–201, 21–202(a)(1), (f), and (g), and 21–205(b)(5)

Annotated Code of Maryland

(2014 Replacement Volume and 2016 Supplement)

BY adding to

Article – Health Occupations

Section 1–201 through 1–208 to be under the new subtitle “Subtitle 2. Office of Health Occupations”

Annotated Code of Maryland

(2014 Replacement Volume and 2016 Supplement)

BY repealing

Article – Health Occupations

Section 1–203

Annotated Code of Maryland

(2014 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

Article – Health Occupations

Section 1–2A–11(e), 1–2A–16, and 1–2A–21

Annotated Code of Maryland

(2014 Replacement Volume and 2016 Supplement)

(As enacted by Section 4 of this Act)

BY repealing and reenacting, without amendments,

Article – Health Occupations

Section 1A–206(a), 8–206(a), 14–207(a), 19–202(a)(1), and 20–202(a)(1)
Annotated Code of Maryland
(2014 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 6A–101 through 6A–107
Annotated Code of Maryland
(2014 Replacement Volume and 2016 Supplement)
(As enacted by Section 1 of this Act)

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 7A–101, 7A–102, 7A–103(a) and (c) through (h), 7A–104 through 7A–111,
7A–112(c) through (e), 7A–113(a) through 7A–116
Annotated Code of Maryland
(2014 Replacement Volume and 2016 Supplement)
(As enacted by Section 2 of this Act)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 6–226(a)(2)(ii)73.
Annotated Code of Maryland
(2015 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That Section(s) 13–304 through 13–307, 13–308(a) through (d), 13–310, and 13–310.1,
respectively, of Article – Health – General of the Annotated Code of Maryland be
transferred to be Section(s) 6A–101 through 6A–107, respectively, and the title “Title 6A.
Kidney Disease” of Article – Health Occupations of the Annotated Code of Maryland.

SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 13–3301 through
13–3316, respectively, and the subtitle “Subtitle 33. Natalie M. LaPrade Medical Cannabis
Commission” of Article – Health – General of the Annotated Code of Maryland be
transferred to be Section(s) 7A–101 through 7A–116, respectively, and the title “Title 7A.
Medical Cannabis” of Article – Health Occupations of the Annotated Code of Maryland.

SECTION 3. AND BE IT FURTHER ENACTED, That Section(s) 13–311 through
13–316, respectively, of Article – Health – General of the Annotated Code of Maryland be
renumbered to be Section(s) 13–306 through 13–311, respectively.

SECTION 4. AND BE IT FURTHER ENACTED, That Section(s) 1–201, 1–202, and
1–204 through 1–222, respectively, and the subtitle “Subtitle 2. General Provisions” of
Article – Health Occupations of the Annotated Code of Maryland be renumbered to be
Section(s) 1–2A–01 through 1–2A–21, respectively, and the title “Title 2A. General
Provisions”.

SECTION 5. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Health – General

2–104.

(l) (1) The Secretary or an agent or employee of the Secretary may enter, at any reasonable hour, a place of business or public premises if the entry is necessary to carry out a duty under this article or **A DUTY ASSIGNED TO THE SECRETARY UNDER** the Health Occupations Article.

(2) A person may not deny or interfere with an entry under this subsection.

(3) A person who violates any provision of this subsection is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$100.

2–106.

(a) The following units are in the Department:

(1) Anatomy Board.

(2) Behavioral Health Administration.

(3) Developmental Disabilities Administration.

(4) Health Services Cost Review Commission.

(5) Maryland Psychiatric Research Center.

(6) Postmortem Examiners Commission.

[(7) Board of Examiners for Audiologists.

(8) Board of Chiropractic Examiners.

(9) Board of Dental Examiners.

(10) Board of Dietetic Practice.

(11) Board of Electrologists.

(12) Board of Morticians.

(13) Board of Nursing.

(14) Board of Examiners of Nursing Home Administrators.

(15) Board of Occupational Therapy Practice.

(16) Board of Examiners in Optometry.

(17) Board of Pharmacy.

(18) Board of Physical Therapy Examiners.

(19) Board of Physicians.

(20) Board of Podiatry Examiners.

(21) Board of Professional Counselors and Therapists.

(22) Board of Examiners of Psychologists.

(23) Board of Social Work Examiners.

(24) Board of Examiners for Speech–Language Pathologists.

(25)] **(7)** Commission on Physical Fitness.

[(26) Advisory Council on Infant Mortality.]

(8) OFFICE OF HEALTH OCCUPATIONS.

(b) The Department also includes every other unit that is in the Department under any other law.

(c) **(1)** The Secretary has the authority and powers specifically granted to the Secretary by law over the units in the Department.

(2) All authority and powers not [so] granted to the Secretary are reserved to those units free of the control of the Secretary.

13–302.

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

(b) [“Commission”] **“BOARD”** means the State [Commission] **BOARD** on Kidney Disease **ESTABLISHED UNDER § 6A–101 OF THE HEALTH OCCUPATIONS ARTICLE.**

13–308.

1 [(e)] The Department, in consultation with the [Commission] **BOARD**, shall adopt
2 rules and regulations under this subtitle governing:

3 (1) Nonmedical eligibility criteria for recipients; and

4 (2) Reimbursement of providers and recovery of Program expenditures
5 from recipients and third parties.

6 13–309.

7 The Secretary:

8 (1) Is responsible for the operation of the Kidney Disease Program under
9 this subtitle within the rules, regulations, and standards that the [Commission] **BOARD**
10 and the Department adopt;

11 (2) Shall disburse and collect any funds under this subtitle; and

12 (3) Shall keep the [Commission] **BOARD** informed of:

13 (i) The progress of the Kidney Disease Program; and

14 (ii) Any need for a change in its rules, regulations, or standards.

15 19–3B–03.

16 (d) The Secretary may delegate to the **STATE BOARD ON** Kidney Disease
17 [Commission] the Secretary's authority under § 19–3B–07 of this subtitle to inspect kidney
18 dialysis centers.

19 Article – Health Occupations

20 1–101.

21 (a) In this article the following words have the meanings indicated.

22 (b) “Board of Review” means the Board of Review of the Department.

23 (c) “County” means a county of this State and, unless expressly provided
24 otherwise, Baltimore City.

25 (d) “Department” means the Department of Health and Mental Hygiene.

26 (E) “**DIRECTOR**” MEANS THE **DIRECTOR OF THE OFFICE OF HEALTH**
27 **OCCUPATIONS.**

(F) “HEALTH OCCUPATIONS BOARD” MEANS A BOARD AUTHORIZED TO:

(1) ISSUE A LICENSE, CERTIFICATE, OR REGISTRATION TO AN INDIVIDUAL TO PRACTICE A HEALTH OCCUPATION OR PROFESSION UNDER THIS ARTICLE;

(2) (I) ISSUE A LICENSE TO A PERSON TO GROW, PROCESS, OR DISPENSE MEDICAL CANNABIS;

(II) REGISTER CERTIFYING PROVIDERS, MEDICAL CANNABIS GROWER AGENTS, PROCESSOR AGENTS, DISPENSARY AGENTS, AND INDEPENDENT TESTING LABORATORIES;

(III) ISSUE IDENTIFICATION CARDS TO QUALIFYING PATIENTS AND CAREGIVERS TO OBTAIN MEDICAL CANNABIS; AND

(3) IMPLEMENT THE KIDNEY DISEASE PROGRAM.

[(e)] (G) “Household member” means someone who is:

(1) The individual’s:

(i) Spouse;

(ii) Son;

(iii) Daughter;

(iv) Ward; or

(v) Parent; or

(2) The individual’s relative:

(i) Who shares the individual’s legal residence; or

(ii) Whose financial affairs are under the legal or actual control of the individual.

[(f)] (H) “Includes” or “including” means includes or including by way of illustration and not by way of limitation.

(I) “OFFICE” MEANS THE OFFICE OF HEALTH OCCUPATIONS ESTABLISHED UNDER § 1–202 OF THIS TITLE.

1 [(g)] (J) “Oral competency” means general English–speaking proficiency as
2 evidenced by achievement of a passing score obtained on a Board approved standardized
3 test.

4 [(h)] (K) “Person” means an individual, receiver, trustee, guardian, personal
5 representative, fiduciary, or representative of any kind and any partnership, firm,
6 association, corporation, or other entity.

7 [(i)] (L) “Physician” means, except in Title 14 of this article, an individual who
8 is authorized by a law of this State to practice medicine in this State.

9 [(j)] (M) “Secretary” means the Secretary of Health and Mental Hygiene.

10 [(k)] (N) “State” means:

11 (1) A state, possession, or territory of the United States;

12 (2) The District of Columbia; or

13 (3) The Commonwealth of Puerto Rico.

14 [(l)] (O) “Substantial financial interest” means:

15 (1) An asset with a fair market value of \$1,000 or more; or

16 (2) A source of income of \$500 or more in a calendar year.

17 **SUBTITLE 2. OFFICE OF HEALTH OCCUPATIONS.**

18 **1–201.**

19 **IN THIS SUBTITLE, “MANAGEMENT BOARD” MEANS THE STATE HEALTH**
20 **OCCUPATIONS MANAGEMENT BOARD ESTABLISHED UNDER § 1–206 OF THIS**
21 **SUBTITLE.**

22 **1–202.**

23 **THERE IS AN OFFICE OF HEALTH OCCUPATIONS IN THE DEPARTMENT.**

24 **[1–203.**

25 (a) The power of the Secretary over plans, proposals, and projects of units in the
26 Department does not include the power to disapprove or modify any decision or
27 determination that a board or commission established under this article makes under
28 authority specifically delegated by law to the board or commission.

(b) 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.]

1-203.

(A) THE HEAD OF THE OFFICE IS THE DIRECTOR, WHO SHALL BE APPOINTED BY THE GOVERNOR.

(B) (1) THE DIRECTOR SERVES AT THE PLEASURE OF THE GOVERNOR AND IS RESPONSIBLE DIRECTLY TO THE GOVERNOR.

(2) THE DIRECTOR SHALL ADVISE THE GOVERNOR ON ALL MATTERS ASSIGNED TO THE OFFICE AND IS RESPONSIBLE FOR CARRYING OUT THE GOVERNOR'S POLICIES ON THESE MATTERS.

(C) (1) THE DIRECTOR IS RESPONSIBLE FOR THE OPERATION OF THE OFFICE AND SHALL ESTABLISH GUIDELINES AND PROCEDURES TO PROMOTE THE ORDERLY AND EFFICIENT ADMINISTRATION OF THE OFFICE.

(2) THE DIRECTOR MAY ESTABLISH, REORGANIZE, OR ABOLISH AREAS OF RESPONSIBILITY IN THE OFFICE AS NECESSARY TO FULFILL THE DUTIES ASSIGNED TO THE DIRECTOR.

(D) THE DIRECTOR IS ENTITLED TO THE SALARY PROVIDED IN THE STATE BUDGET.

(E) THE DIRECTOR MAY NOT ENGAGE IN THE CLINICAL PRACTICE OF A HEALTH OCCUPATION OR PROFESSION THAT IS LICENSED, CERTIFIED, OR REGISTERED UNDER THIS ARTICLE WHILE EMPLOYED AS THE DIRECTOR.

1-204.

(A) THE FOLLOWING HEALTH OCCUPATIONS BOARDS ARE UNITS IN THE OFFICE:

(1) STATE ACUPUNCTURE BOARD;

(2) STATE BOARD OF EXAMINERS FOR AUDIOLOGISTS, HEARING AID DISPENSERS, AND SPEECH-LANGUAGE PATHOLOGISTS;

(3) STATE BOARD OF CHIROPRACTIC EXAMINERS;

- 1 **(4) STATE BOARD OF DENTAL EXAMINERS;**
- 2 **(5) STATE BOARD OF DIETETIC PRACTICE;**
- 3 **(6) STATE BOARD ON KIDNEY DISEASE;**
- 4 **(7) STATE BOARD OF ENVIRONMENTAL HEALTH SPECIALISTS;**
- 5 **(8) STATE BOARD OF MASSAGE THERAPY EXAMINERS;**
- 6 **(9) STATE BOARD OF MORTICIANS AND FUNERAL DIRECTORS;**
- 7 **(10) NATALIE M. LAPRADE STATE BOARD ON MEDICAL CANNABIS;**
- 8 **(11) STATE BOARD OF NURSING;**
- 9 **(12) STATE BOARD OF EXAMINERS OF NURSING HOME**
10 **ADMINISTRATORS;**
- 11 **(13) STATE BOARD OF OCCUPATIONAL THERAPY PRACTICE;**
- 12 **(14) STATE BOARD OF EXAMINERS OF OPTOMETRY;**
- 13 **(15) STATE BOARD OF PHARMACY;**
- 14 **(16) STATE BOARD OF PHYSICAL THERAPY EXAMINERS;**
- 15 **(17) STATE BOARD OF PHYSICIANS;**
- 16 **(18) STATE BOARD OF PODIATRIC MEDICAL EXAMINERS;**
- 17 **(19) STATE BOARD OF PROFESSIONAL COUNSELORS AND**
18 **THERAPISTS;**
- 19 **(20) STATE BOARD OF EXAMINERS OF PSYCHOLOGISTS;**
- 20 **(21) STATE BOARD OF SOCIAL WORK EXAMINERS; AND**
- 21 **(22) STATE BOARD FOR CERTIFICATION OF RESIDENTIAL CHILD**
22 **CARE PROGRAM PROFESSIONALS; AND**
- 23 **(23) STATE BOARD OF ENVIRONMENTAL HEALTH SPECIALISTS.**

1 **(B) THE OFFICE ALSO INCLUDES EVERY OTHER UNIT THAT IS IN THE**
2 **OFFICE UNDER ANY OTHER LAW.**

3 **(C) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ALL UNITS IN THE**
4 **OFFICE ARE SUBJECT TO THE AUTHORITY OF THE DIRECTOR.**

5 **1-205.**

6 **THE DIRECTOR SHALL:**

7 **(1) MANAGE, SUPERVISE, AND ADMINISTER THE OFFICE;**

8 **(2) PERFORM OR CONSOLIDATE ANY ADMINISTRATIVE SERVICES OR**
9 **FUNCTIONS AS MAY ASSIST THE OPERATION OF THE UNITS IN THE OFFICE;**

10 **(3) REVIEW AND APPROVE, MODIFY, OR DISAPPROVE ANY PLANS,**
11 **PROPOSALS, PROJECTS, OR DECISIONS OF ANY UNIT IN THE OFFICE AS THE**
12 **DIRECTOR CONSIDERS NECESSARY;**

13 **(4) IN CONSULTATION WITH THE MANAGEMENT BOARD, UNITS IN**
14 **THE OFFICE, AND OTHER STAKEHOLDERS, DEVELOP POLICIES AND PROCEDURES**
15 **FOR REVIEWING THE PLANS, PROPOSALS, PROJECTS, AND DECISIONS OF ANY UNIT**
16 **IN THE OFFICE TO ENSURE COMPLIANCE WITH STATE POLICY;**

17 **(5) REVIEW AND, IF NECESSARY, REVISE THE REGULATIONS**
18 **PROPOSED BY ANY UNIT IN THE OFFICE;**

19 **(6) APPROVE BEFORE FINAL ADOPTION THE REGULATIONS ADOPTED**
20 **BY ANY UNIT IN THE OFFICE;**

21 **(7) ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF LAW**
22 **THAT ARE WITHIN THE JURISDICTION OF THE DIRECTOR, AS THE DIRECTOR**
23 **CONSIDERS NECESSARY;**

24 **(8) BE RESPONSIBLE FOR THE BUDGET OF THE OFFICE;**

25 **(9) PREPARE, APPROVE, AND SUBMIT TO THE GOVERNOR ALL**
26 **REQUESTS FOR APPROPRIATIONS FOR THE OFFICE AND BE RESPONSIBLE FOR ALL**
27 **EXPENDITURES RELATED TO THE APPROPRIATIONS;**

28 **(10) PROVIDE FACILITIES TO ALLOW THE UNITS IN THE OFFICE TO**
29 **CARRY OUT THEIR DUTIES;**

(11) EMPLOY PERSONNEL AS REQUIRED FOR THE PROPER PERFORMANCE OF THE RESPONSIBILITIES OF THE OFFICE SUBJECT TO THE LIMITATIONS OF THE STATE BUDGET;

(12) RECEIVE ANY COMPLAINTS MADE AGAINST A HEALTH OCCUPATIONS BOARD;

(13) DEVELOP ADMINISTRATIVE POLICIES AND PROCEDURES GOVERNING THE RECEIPT AND RECORDING OF COMPLAINTS;

(14) MONITOR THE STATUS OF ACTIONS TAKEN BY THE HEALTH OCCUPATIONS BOARDS UNTIL THE CLOSURE OF EACH CASE;

(15) PROVIDE INVESTIGATIVE AND OTHER SERVICES AS NEEDED BY THE UNITS IN THE OFFICE TO ENFORCE THEIR RESPECTIVE STATUTES AND REGULATIONS; AND

(16) CARRY OUT ANY OF THE RESPONSIBILITIES APPLICABLE TO THE MANAGEMENT BOARD UNDER § 1-207 OF THIS SUBTITLE AS CONSIDERED NECESSARY.

1-206.

(A) THERE IS A STATE HEALTH OCCUPATIONS MANAGEMENT BOARD IN THE OFFICE.

(B) (1) THE MANAGEMENT BOARD CONSISTS OF SEVEN MEMBERS APPOINTED BY THE GOVERNOR.

(2) OF THE SEVEN MEMBERS:

(I) ONE MEMBER SHALL BE APPOINTED FROM EACH OF THE FOLLOWING HEALTH OCCUPATIONS BOARDS:

1. THE STATE BOARD OF PHYSICIANS;
2. THE STATE BOARD OF NURSING;
3. THE STATE BOARD OF DENTAL EXAMINERS; AND
4. THE STATE BOARD OF PHARMACY; AND

1 **(II) THREE MEMBERS SHALL BE APPOINTED FROM THREE**
2 **HEALTH OCCUPATIONS BOARDS NOT LISTED IN ITEM (I) OF THIS PARAGRAPH.**

3 **(C) THE GOVERNOR SHALL APPOINT THE MEMBERS OF THE MANAGEMENT**
4 **BOARD, WITH THE ADVICE OF THE DIRECTOR, BASED ON RECOMMENDATIONS FROM**
5 **THE RESPECTIVE HEALTH OCCUPATIONS BOARDS.**

6 **(D) BEFORE TAKING OFFICE, EACH APPOINTEE TO THE MANAGEMENT**
7 **BOARD SHALL TAKE THE OATH REQUIRED BY ARTICLE I, § 9 OF THE MARYLAND**
8 **CONSTITUTION.**

9 **(E) (1) THE TERM OF A MEMBER IS 2 YEARS.**

10 **(2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY THE**
11 **TERMS PROVIDED FOR MEMBERS OF THE MANAGEMENT BOARD ON JANUARY 1,**
12 **2018.**

13 **(3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL**
14 **A SUCCESSOR IS APPOINTED AND QUALIFIES.**

15 **(4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES**
16 **ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND**
17 **QUALIFIES.**

18 **(5) A MEMBER MAY NOT BE APPOINTED FOR MORE THAN TWO**
19 **CONSECUTIVE FULL TERMS.**

20 **(F) THE DIRECTOR SHALL SELECT A CHAIR FROM AMONG THE MEMBERS OF**
21 **THE MANAGEMENT BOARD.**

22 **(G) A MAJORITY OF THE MEMBERS OF THE MANAGEMENT BOARD IS A**
23 **QUORUM.**

24 **(H) A MEMBER OF THE MANAGEMENT BOARD:**

25 **(1) MAY NOT RECEIVE COMPENSATION FOR SERVICE ON THE**
26 **MANAGEMENT BOARD; BUT**

27 **(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE**
28 **STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.**

29 **(I) THE DIRECTOR MAY REMOVE A MEMBER OF THE MANAGEMENT BOARD**
30 **FOR GOOD CAUSE.**

(J) THE MANAGEMENT BOARD SHALL BE STAFFED BY THE OFFICE.

(K) THE MANAGEMENT BOARD SHALL MEET:

(1) AT LEAST TWO TIMES EACH YEAR; AND

(2) AS THE DIRECTOR DIRECTS.

1-207.

THE MANAGEMENT BOARD SHALL:

(1) (I) EVALUATE THE NEED FOR COORDINATION AMONG THE HEALTH OCCUPATIONS BOARDS AND THEIR STAFF; AND

(II) REPORT ITS FINDINGS AND RECOMMENDATIONS TO THE DIRECTOR AND THE HEALTH OCCUPATIONS BOARDS;

(2) EVALUATE ALL HEALTH CARE OCCUPATIONS AND PROFESSIONS IN THE STATE, INCLUDING THOSE REGULATED AND THOSE NOT REGULATED UNDER THIS ARTICLE, TO CONSIDER WHETHER EACH OCCUPATION OR PROFESSION SHOULD BE REGULATED AND THE DEGREE OF THE REGULATION TO BE IMPOSED AND MAKE RECOMMENDATIONS BASED ON THE EVALUATION;

(3) SERVE AS A FORUM FOR RESOLVING CONFLICTS BETWEEN THE HEALTH OCCUPATIONS BOARDS;

(4) MONITOR THE POLICIES AND ACTIVITIES OF THE OFFICE;

(5) PROVIDE A MEANS OF ACCESS BY THE PUBLIC TO THE OFFICE;

(6) ADVISE THE DIRECTOR, THE GOVERNOR, AND THE GENERAL ASSEMBLY ON MATTERS RELATING TO THE REGULATION OR DEREGULATION OF HEALTH CARE OCCUPATIONS AND PROFESSIONS;

(7) CONSIDER THE NEED TO DEVELOP STANDARDS TO EVALUATE THE COMPETENCY OF THE OCCUPATIONS AND PROFESSIONS REPRESENTED BY THE HEALTH OCCUPATIONS BOARDS;

(8) REVIEW AND COMMENT ON, AS IT CONSIDERS APPROPRIATE, REGULATIONS PROPOSED OR ADOPTED BY A HEALTH OCCUPATIONS BOARD, WITH AT LEAST ONE MEMBER OF THE RELEVANT HEALTH OCCUPATIONS BOARD INVITED

1 TO BE PRESENT TO PROVIDE INPUT DURING THE MANAGEMENT BOARD'S REVIEW
2 OF THE REGULATIONS;

3 (9) REVIEW PERIODICALLY THE INVESTIGATORY, DISCIPLINARY, AND
4 ENFORCEMENT PROCESSES OF THE OFFICE AND THE INDIVIDUAL HEALTH
5 OCCUPATIONS BOARDS TO ENSURE THE PROTECTION OF THE PUBLIC AND THE FAIR
6 AND EQUITABLE TREATMENT OF HEALTH PROFESSIONALS;

7 (10) EXAMINE SCOPE OF PRACTICE CONFLICTS INVOLVING
8 REGULATED AND UNREGULATED HEALTH OCCUPATIONS AND PROFESSIONS AND
9 ADVISE THE DIRECTOR AND THE HEALTH OCCUPATIONS BOARDS OF THE NATURE
10 AND DEGREE OF THE CONFLICTS; AND

11 (11) DETERMINE COMPLIANCE WITH PRACTICE ACTS IN DISCIPLINARY
12 CASES BEFORE THE HEALTH OCCUPATIONS BOARDS AND RECOMMEND
13 APPROPRIATE ACTIONS AGAINST INDIVIDUALS FOR VIOLATIONS.

14 1-208.

15 THE DIRECTOR MAY ADOPT REGULATIONS TO IMPLEMENT THIS SUBTITLE.

16 1-2A-11.

17 (e) (1) (i) Each year, each health occupations board shall submit a
18 statistical report to the [Secretary] DIRECTOR, indicating the number of complaints of
19 sexual misconduct received and the resolution of each complaint.

20 (ii) The report shall cover the period beginning October 1 and ending
21 the following September 30 and shall be submitted by the HEALTH OCCUPATIONS board
22 not later than the November 15 following the reporting period.

23 (2) The [Secretary] DIRECTOR shall compile the information received
24 from the health occupations boards and submit an annual report to the General Assembly,
25 in accordance with § 2-1246 of the State Government Article, not later than December 31
26 of each year.

27 1-2A-16.

28 (A) The [Secretary] DIRECTOR shall confirm the appointment of each
29 administrator or executive director to each health occupations board authorized to issue a
30 license or certificate under this article.

31 (B) THE ADMINISTRATOR OR THE EXECUTIVE DIRECTOR OF EACH HEALTH
32 OCCUPATIONS BOARD SERVES AT THE PLEASURE OF THE DIRECTOR AND THE

1 **HEALTH OCCUPATIONS BOARD THAT THE ADMINISTRATOR OR EXECUTIVE**
2 **DIRECTOR MANAGES.**

3 1-2A-21.

4 (a) [(1)] In this section [the following words have the meanings indicated.

5 (2) “Advisory], “**ADVISORY** committee” means a committee established by
6 statute or regulation that functions as a subunit of **THE OFFICE OR** a health occupations
7 board.

8 [(3) “Health occupations board” means a board authorized to issue a license,
9 certificate, or registration under this article.]

10 (b) An individual may not serve concurrently as a member of a health occupations
11 board or an advisory committee and as an elected officer of a professional association
12 organized under the laws of the State that represents and advocates for the interests of the
13 individuals regulated by that health occupations board.

14 1-602.

15 (a) After consultation with the [Secretary] **DIRECTOR** and to the extent
16 permitted by existing administrative and fiscal resources, each health occupations board
17 shall establish a disciplinary subcommittee.

18 1-608.

19 (a) The [Secretary] **DIRECTOR** shall monitor the timeliness of complaint
20 resolution for each health occupations board.

21 (b) (1) [On or before October 1, 2012, the Secretary] **THE DIRECTOR** shall
22 establish goals for the timeliness of complaint resolution for all of the **HEALTH**
23 **OCCUPATIONS** boards, a group of **HEALTH OCCUPATIONS** boards, or a specific **HEALTH**
24 **OCCUPATIONS** board, including:

25 (i) After a complaint is filed with a **HEALTH OCCUPATIONS** board,
26 a goal for the length of time a **HEALTH OCCUPATIONS** board has to complete an
27 investigation and determine whether to bring charges;

28 (ii) After a **HEALTH OCCUPATIONS** board makes a decision to
29 charge, a goal for the length of time a **HEALTH OCCUPATIONS** board has to issue charges;

30 (iii) After a **HEALTH OCCUPATIONS** board issues charges, a goal for
31 the length of time a **HEALTH OCCUPATIONS** board has to schedule a hearing; and

(iv) After the date of an opinion from the Office of Administrative Hearings, or the final day of any hearing, a goal for the length of time a **HEALTH OCCUPATIONS** board has to issue a final decision.

(2) When determining the time frames for complaint resolution, the [Secretary] **DIRECTOR** shall consider:

(i) The administrative and fiscal constraints of each health occupations board; and

(ii) The recommendations from the Task Force on Discipline of Health Care Professionals and Improved Patient Care.

(3) The goals established by the [Secretary] **DIRECTOR** in accordance with this section are nonbinding and failure to meet the goals may not be used as grounds for any hearing or appeal of any **HEALTH OCCUPATIONS** board action.

[(c) On or before October 1, 2012, the Secretary of Health and Mental Hygiene shall, in accordance with § 2-1246 of the State Government Article, report to the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee on the goals for the timeliness of complaint resolution established under this section.]

1A-201.

There is a State Acupuncture Board in the [Department] **OFFICE**.

1A-202.

(c) For each vacancy of an acupuncture member, the Board shall compile a list of [names] **QUALIFIED INDIVIDUALS** to be submitted to the Governor **AND THE DIRECTOR** in the following manner:

(1) **(I)** The Board shall notify all licensed acupuncturists in the State of the vacancy to solicit nominations to fill the vacancy;

[(2)] **(II)** Each professional association of acupuncturists in the State shall nominate at least one person for every two vacancies that exist; and

[(3)] **(III)** Each educational institution that provides acupuncture training in the State shall nominate at least one person for every two vacancies that exist; **AND**

(2) THE BOARD SHALL INCLUDE ON THE LIST THE NAME OF ANY LICENSED ACUPUNCTURIST WHO SUBMITS TO THE BOARD A STATEMENT OF NOMINATION SIGNED BY AT LEAST 15 ACUPUNCTURISTS LICENSED IN THE STATE.

1 1A-206.

2 (a) There is an Acupuncture Board Fund.

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

6 (2) (i) The Fund is a [continuing] **SPECIAL**, nonlapsing fund, not
7 subject to § 7-302 of the State Finance and Procurement Article.

8 (ii) Any unspent portions of the Fund may not be transferred or
9 revert to the General Fund of the State, but shall remain in the Fund to be used for the
10 purposes specified in this [title] **ARTICLE**.

11 1A-311.

12 (b) Any person aggrieved by a final decision of the Board under § 1A-309 of this
13 subtitle [may not appeal to the Secretary but] may take a direct judicial appeal as provided
14 by the Administrative Procedure Act.

15 2-201.

16 There is a State Board of Examiners for Audiologists, Hearing Aid Dispensers, and
17 Speech-Language Pathologists in the [Department] **OFFICE**.

18 2-202.

19 (a) (1) The Board consists of 13 members.

20 (2) Of the 13 Board members:

21 (i) [3] **THREE** shall be licensed audiologists who have at least 5
22 years' paid work experience in audiology and are currently practicing audiology in the
23 State;

24 (ii) [3] **THREE** shall be licensed speech-language pathologists who
25 have at least 5 years' paid work experience in speech-language pathology and are currently
26 practicing speech-language pathology in the State;

27 (iii) [2] **TWO** shall be physicians who shall be voting members of the
28 Board, except on proposals that expand or restrict the practice of audiology as defined in §
29 2-101(q) of this title or that expand or restrict the practice of speech-language pathology
30 as defined in § 2-101(r) of this title, and who:

1. Are licensed to practice medicine in the State;
2. Hold a certificate of qualification from the American Board of Otolaryngology; and
3. Are currently practicing in the State;

(iv) **[2] TWO** shall be consumer members, **[1] ONE** of whom shall be a consumer of services provided by an individual licensed by the Board; and

(v) **[3] THREE** shall be licensed hearing aid dispensers who have at least 5 years' paid work experience in dispensing hearing aids and are currently practicing hearing aid dispensing in the State.

(3) **(I)** The Governor shall appoint the physician members, with the advice of the **[Secretary] DIRECTOR**, from a list **OF QUALIFIED INDIVIDUALS** submitted to the **[Secretary] DIRECTOR** and the Governor by **[the]**:

1. **THE** Maryland Society of Otolaryngology with the approval of the Medical and Chirurgical Faculty of the State of Maryland; **AND**

2. **ANY LICENSED PHYSICIAN WHO SUBMITS A STATEMENT OF NOMINATION SIGNED BY AT LEAST 15 PHYSICIANS LICENSED IN THE STATE.**

(II) There shall be at least **[3] THREE** names on the list.

(4) **(I)** The Governor shall appoint the speech-language pathologist members, with the advice of the **[Secretary] DIRECTOR**, from a list **OF QUALIFIED INDIVIDUALS** submitted to the **[Secretary] DIRECTOR** and the Governor by **[the]**:

1. **THE** Maryland Speech-Language and Hearing Association; **AND**

2. **ANY LICENSED SPEECH-LANGUAGE PATHOLOGIST WHO SUBMITS A STATEMENT OF NOMINATION SIGNED BY AT LEAST 15 SPEECH-LANGUAGE PATHOLOGISTS LICENSED IN THE STATE.**

(II) The number of names on the list shall be at least **[3] THREE** times the number of vacancies.

(5) (i) Subject to subparagraph **[(ii)] (III)** of this paragraph, the Governor shall appoint the audiologist members, with the advice of the **[Secretary] DIRECTOR**, from a list **OF QUALIFIED INDIVIDUALS** submitted to the **[Secretary] DIRECTOR** and the Governor **[, jointly]**:

1 **1. JOINTLY** by the Maryland Academy of Audiology and the
2 Maryland Speech–Language and Hearing Association; **AND**

3 **2. BY ANY LICENSED AUDIOLOGIST WHO SUBMITS A**
4 **STATEMENT OF NOMINATION SIGNED BY AT LEAST 15 AUDIOLOGISTS LICENSED IN**
5 **THE STATE.**

6 **(II)** The number of names on the list shall be at least **[3] THREE**
7 times the number of vacancies.

8 **[(ii)] (III)** For each audiologist vacancy, the Maryland Academy of
9 Audiology and the Maryland Speech–Language and Hearing Association shall:

10 1. Notify all licensed audiologists in the State of the vacancy
11 to solicit nominations to fill the vacancy; and

12 2. Conduct a balloting process by which every licensed
13 audiologist in the State is eligible to vote on the names of the licensed audiologists to be
14 submitted to the **[Secretary] DIRECTOR** and the Governor.

15 (6) (i) The Governor shall appoint the hearing aid dispenser members,
16 with the advice of the **[Secretary] DIRECTOR**, from a list **OF QUALIFIED INDIVIDUALS**
17 submitted to the **[Secretary] DIRECTOR** and the Governor by **[the]**:

18 1. **THE** Maryland members of the Hearing Society of
19 Maryland, Washington, D.C., and Delaware; **AND**

20 **2. ANY LICENSED HEARING AID DISPENSER WHO**
21 **SUBMITS A STATEMENT OF NOMINATION SIGNED BY AT LEAST 15 HEARING AID**
22 **DISPENSERS LICENSED IN THE STATE.**

23 (ii) The number of names on the list shall be at least **[3] THREE**
24 times the number of vacancies.

25 (7) (i) The Governor shall appoint the consumer members with the
26 advice of the **[Secretary] DIRECTOR** and the advice and consent of the Senate.

27 (ii) 1. The Governor shall appoint the consumer member who is
28 a consumer of services provided by an individual licensed by the Board from a list
29 submitted to the **[Secretary] DIRECTOR** and the Governor by the Department of
30 Disabilities.

31 2. The Department of Disabilities shall solicit nominees from
32 associations representing hearing or communication impaired individuals in the State.

(b) Each member of the Board:

(1) Shall be a resident of this State; but

(2) May not be an employee of the [Department] **OFFICE**.

(g) (1) The Governor may remove a member for incompetence or misconduct.

(2) [Upon] **ON** the recommendation of the [Secretary] **DIRECTOR**, the Governor may remove a member whom the [Secretary] **DIRECTOR** finds to have been absent from [2] **TWO** successive Board meetings without adequate reason.

2–204.

(e) The Board shall appoint, **AND THE DIRECTOR SHALL CONFIRM**, an executive director who:

(1) Shall serve at the pleasure of the Board **AND THE DIRECTOR**;

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

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

2–316.

(b) Any person aggrieved by a final decision of the Board under § 2–314 of this subtitle [may not appeal to the Secretary but] may take a direct judicial appeal as provided in the Administrative Procedure Act.

3–201.

There is a State Board of Chiropractic Examiners in the [Department] **OFFICE**.

3–202.

(a) (1) The Board consists of [7] **SEVEN** members.

(2) Of the [7] **SEVEN** members:

(i) [5] **FIVE** shall be licensed chiropractors; and

(ii) [2] **TWO** shall be consumer members.

(3) (i) The Governor shall appoint the chiropractor members, with the advice of the [Secretary] **DIRECTOR**, and with the advice and consent of the Senate, from a list of qualified individuals submitted to the Governor **AND THE DIRECTOR** by [the]:

1. **THE Maryland Chiropractic Association; AND**

2. **ANY LICENSED CHIROPRACTOR WHO SUBMITS A STATEMENT OF NOMINATION SIGNED BY AT LEAST 15 CHIROPRACTORS LICENSED IN THE STATE.**

(ii) The number of names on the list shall be five times the number of vacancies.

(iii) The list shall include the name of the incumbent member unless the incumbent declines renomination.

(4) The Governor shall appoint the consumer members with the advice of the [Secretary] **DIRECTOR**, and with the advice and consent of the Senate.

(h) (1) The Governor may remove a member for incompetence or misconduct.

(2) [Upon] **ON** the recommendation of the [Secretary] **DIRECTOR**, the Governor may remove a member whom the Secretary finds to have been absent from [2] **TWO** successive Board meetings without adequate reason.

3–205.

(b) In addition to the duties set forth elsewhere in this title, the Board shall:

(1) Adopt an official seal;

(2) File reports of its activities as required by the [Secretary] **DIRECTOR**;

(3) Assist in prosecutions under this title; and

(4) Investigate an alleged violation of this title.

3–316.

(b) Any person aggrieved by a final decision of the Board under § 3–313 of this subtitle [may not appeal to the Secretary but] may take a direct judicial appeal as provided in the Administrative Procedure Act.

4–201.

There is a State Board of Dental Examiners in the [Department] **OFFICE**.

1 4–202.

2 (a) (1) The Board consists of 16 members.

3 (2) Of the 16 Board members:

4 (i) [9] **NINE** shall be licensed dentists;

5 (ii) [4] **FOUR** shall be licensed dental hygienists; and

6 (iii) [3] **THREE** shall be consumer members.

7 (3) (i) Subject to subsection (b)(1) of this section, the Governor shall
8 appoint the dentist Board members, with the advice of the [Secretary] **DIRECTOR** and the
9 advice and consent of the Senate, from a list of [names] **QUALIFIED INDIVIDUALS**
10 submitted to the Governor by the Board.

11 (ii) The number of names on the list for one vacancy shall be at least
12 four names, for two vacancies at least three names for each vacancy, and for three or more
13 vacancies at least two names for each vacancy.

14 (4) (i) Subject to subsection (b)(2) of this section, the Governor shall
15 appoint the dental hygienist Board members, with the advice of the [Secretary] **DIRECTOR**
16 and the advice and consent of the Senate, from a list of [names] **QUALIFIED INDIVIDUALS**
17 submitted to the Governor by the Board.

18 (ii) The number of names on the list shall be four times the number
19 of vacancies.

20 (5) The Governor shall appoint the consumer members with the advice of
21 the [Secretary] **DIRECTOR** and the advice and consent of the Senate.

22 (6) To the extent practicable, the members appointed to the Board shall
23 reasonably reflect the geographic, racial, ethnic, cultural, and gender diversity of the State.

24 4–204.

25 (a) (1) The Board shall meet at least twice a year, at the times and places that
26 it determines.

27 (2) The Board shall hold special meetings, at the places it determines,
28 when:

29 (i) The [Secretary] **DIRECTOR** requests a meeting; or

(ii) The Board considers a meeting necessary.

(3) (I) After giving due notice, the president or Board secretary shall call meetings.

(II) [However, the] **THE** Board may meet at any time and place without notice if each member of the Board either consents in writing or attends the meeting.

4–319.

(b) Any person aggrieved by a final decision of the Board under § 4–315 of this subtitle [may not appeal to the Secretary but] may take a direct judicial appeal as provided in the Administrative Procedure Act.

5–201.

There is a State Board of Dietetic Practice in the [Department] **OFFICE**.

5–202.

(a) (3) The Governor shall appoint the licensed dietitian–nutritionist members with the advice of the [Secretary] **DIRECTOR** and with the advice and consent of the Senate from a list **OF QUALIFIED INDIVIDUALS** submitted [as]:

(I) **AS** provided in subsection (b) of this section; **AND**

(II) **BY ANY LICENSED DIETITIAN–NUTRITIONIST WHO SUBMITS A STATEMENT OF NOMINATION SIGNED BY AT LEAST 15 DIETITIAN–NUTRITIONISTS LICENSED IN THE STATE.**

(4) The Governor shall appoint the consumer members with the advice of the [Secretary] **DIRECTOR** and the advice and consent of the Senate.

(b) (1) For each licensed dietitian–nutritionist vacancy, the Board shall compile a list of [names] **QUALIFIED INDIVIDUALS** to be submitted to the [Secretary] **DIRECTOR** in accordance with this subsection, including at least three names for each of the vacancies.

(2) The Board shall notify all licensed dietitian–nutritionists in the State of the vacancy to solicit nominations to fill the vacancy.

(3) The Maryland Academy of Nutrition and Dietetics or the Maryland Nutritionists Association shall nominate qualified individuals to fill the vacancy within 30 days after the notice required in paragraph (2) of this subsection is given.

(4) The Maryland Academy of Nutrition and Dietetics may comment on an individual nominated by the Maryland Nutritionists Association under paragraph (3) of this subsection within 30 days after the nomination and before the list is submitted to the [Secretary] **DIRECTOR**.

(5) The Maryland Nutritionists Association may comment on an individual nominated by the Maryland Academy of Nutrition and Dietetics under paragraph (3) of this subsection within 30 days after the nomination and before the list is submitted to the [Secretary] **DIRECTOR**.

(e) [Upon] **ON** the recommendation of the [Secretary] **DIRECTOR**, the Governor may remove a member whom the [Secretary] **DIRECTOR** finds to have been absent from [2] **TWO** successive Board meetings without adequate reason.

5–313.

(b) Any person aggrieved by a final decision of the Board under § 5–311 of this subtitle [may not appeal to the Secretary but] may take a direct judicial appeal as provided in the Administrative Procedure Act.

6–201.

There is a State Board of Massage Therapy Examiners in the [Department] **OFFICE**.

6–202.

(a) (1) The Board consists of seven members.

(2) Of the seven Board members:

(i) Five shall be licensed massage therapists; and

(ii) Two shall be consumer members.

(3) (i) The Governor shall appoint the licensed massage therapist members with the advice of the [Secretary] **DIRECTOR**, and the advice and consent of the Senate [of Maryland], from a list [of names] of qualified individuals submitted to the [Secretary] **DIRECTOR** and the Governor by [an]:

1. **AN** association that represents at least 250 licensed massage therapists in the State; **AND**

2. **ANY LICENSED MASSAGE THERAPIST WHO SUBMITS A STATEMENT OF NOMINATION SIGNED BY AT LEAST 15 MASSAGE THERAPISTS LICENSED IN THE STATE.**

(ii) The number of names on the list shall be five times the number of vacancies.

(iii) The list shall include the name of the incumbent member unless the incumbent member declines renomination.

(4) The Governor shall appoint the consumer members with the advice of the [Secretary] **DIRECTOR** and the advice and consent of the Senate [of Maryland].

(g) (1) The Governor may remove a member for incompetence or misconduct.

(2) On the recommendation of the [Secretary] **DIRECTOR**, the Governor may remove a member whom the [Secretary] **DIRECTOR** finds to have been absent from two successive Board meetings without adequate reason.

6–206.

(b) In addition to the duties set forth elsewhere in this title, the Board shall:

(1) Keep a list of the name and address of each licensed massage therapist and registered massage practitioner;

(2) Adopt an official seal;

(3) File reports of the activities of the Board as required by the [Secretary] **DIRECTOR**;

(4) Assist in prosecutions under this title;

(5) Investigate an alleged violation of this title; and

(6) Establish an advisory committee, to be chaired by the vice chair of the Board, to study the scope of practice of massage therapy and make recommendations to the Board on changes to this title or regulations adopted by the Board under this subtitle that are necessary to reflect currently practiced modalities.

6–310.

(b) Any person aggrieved by a final decision of the Board under § 6–308 of this subtitle [may not appeal to the Secretary but] may take a direct judicial appeal as provided in the Administrative Procedure Act.

6A–101.

There is a State [Commission] **BOARD** on Kidney Disease **IN THE OFFICE**.

1 6A-102.

2 (a) (1) The [Commission] **BOARD** consists of 12 members appointed by the
3 Governor.

4 (2) Of the 12 [Commission] **BOARD** members:

5 (i) [1] **ONE** shall be an individual from the Renal Administrators
6 Association;

7 (ii) [3] **THREE** shall be individuals who are laypersons to the field
8 of medicine;

9 (iii) [3] **THREE** shall be individuals appointed at the discretion of the
10 Governor who:

11 1. Are medical specialists or other patient care providers in
12 nephrology or kidney transplants; and

13 2. Do not have any direct ownership in renal dialysis or
14 kidney transplant centers that do business in the State;

15 (iv) [4] **FOUR** shall be individuals appointed as provided in
16 paragraph (3) of this subsection; and

17 (v) [1] **ONE** shall be a renal social worker nominated by the
18 Maryland Chapter of the Council of Nephrology Social Workers or the National Capital
19 Area Chapter of the Council of Nephrology Social Workers.

20 (3) (i) Except as provided in subparagraph (iv) of this paragraph, the
21 Governor, **WITH THE ADVICE OF THE DIRECTOR**, shall appoint [1] **ONE** member from a
22 list of **QUALIFIED** individuals submitted to the Governor **AND THE DIRECTOR** by each of
23 the following organizations:

24 1. The Kidney Foundation of Maryland;

25 2. The faculty of the University of Maryland School of
26 Medicine;

27 3. The faculty of the Johns Hopkins University School of
28 Medicine; and

29 4. The Medical and Chirurgical Faculty of the State of
30 Maryland.

31 (ii) The number of names on a list shall be at least [3] **THREE**.

(iii) An organization shall submit its list at least 3 months before the expiration of the term of the member who represents the organization.

(iv) If a list is not submitted to the Governor **AND THE DIRECTOR** as required under subparagraph (iii) of this paragraph or if a vacancy occurs for a reason other than expiration of the term, the Governor may appoint any individual without the list.

(b) (1) The term of a member is 4 years.

(2) **(I)** The terms of the members are staggered as required by the terms provided for members of the **[Commission] BOARD** on July 1, 1982.

(II) The terms of one fourth of those members end each year.

(3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(4) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(5) A member who serves **[2] TWO** consecutive full 4-year terms may not be reappointed for 4 years after completion of those terms.

(6) (i) If a vacancy occurs, the Governor, **WITH THE ADVICE OF THE DIRECTOR**, promptly shall appoint a successor who will serve until the term expires.

(ii) The successor may be reappointed for a full term.

6A-103.

(a) The members present at a meeting are a quorum to do business.

(b) The **[Commission] BOARD** shall meet at least twice a year, at the times and places that it determines.

(c) A member of the **[Commission] BOARD**:

(1) May not receive compensation; but

(2) Is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(d) The **[Secretary] DIRECTOR** shall designate the staff necessary to carry out this subtitle.

1 6A-104.

2 (a) The [Commission] **BOARD**:

3 (1) Shall institute and supervise education programs for health providers
4 and the public on the prevention and treatment of chronic kidney disease; and

5 (2) May use existing programs and groups for this purpose.

6 (b) The [Commission] **BOARD** shall:

7 (1) Evaluate annually the Kidney Disease Program under [this subtitle]
8 **TITLE 13, SUBTITLE 3 OF THE HEALTH – GENERAL ARTICLE**; and

9 (2) Submit an annual report of the evaluation to the Governor.

10 6A-105.

11 (a) Subject to the limitations provided in this section, the [Commission] **BOARD**
12 may adopt rules and regulations to carry out the provisions of this [subtitle] **TITLE**.

13 (b) The [Commission] **BOARD** shall adopt physical and medical standards for the
14 operation of dialysis and transplant centers.

15 (c) (1) The [Commission] **BOARD** shall adopt reasonable medical standards
16 for acceptance of an individual for treatment.

17 (2) The [Commission] **BOARD** may not adopt any standard that prevents
18 an individual from receiving federal medical or financial aid.

19 (d) The [Commission] **BOARD** may adopt rules and regulations for:

20 (1) Coverage of treatment that is given outside this State; and

21 (2) Approval or disapproval, for purposes of State payment under this
22 subtitle, of a dialysis or transplant center that is outside this State.

23 6A-106.

24 The [Department] **BOARD** shall certify a dialysis or transplant center that meets
25 the standards that the [Commission] **BOARD** adopts under this [subtitle] **TITLE**.

26 6A-107.

27 (a) In this section, “Fund” means the Kidney Disease Fund.

(b) There is a Kidney Disease Fund.

(c) (1) Subject to the provisions of paragraphs (2) and (3) of this subsection, the [Commission] **BOARD** shall set by regulation reasonable fees to be paid by all certified kidney dialysis and transplant centers as an additional requirement for annual certification.

(2) The provisions of this section do not apply to:

(i) State-owned facilities; or

(ii) Hospital services under the jurisdiction of the Health Services Cost Review Commission.

(3) The fee set by the [Commission] **BOARD** may not exceed [\$1500] **\$1,500** per year.

(d) The [Department] **BOARD** shall collect the fee set by the [Commission] **BOARD** under subsection (c) of this section and transfer the fee into the Fund.

(e) (1) The Fund is a [continuing] **SPECIAL**, nonlapsing fund, not subject to § 7-302 of the State Finance and Procurement Article.

(2) (i) The Fund shall be used exclusively to offset and partially cover the actual documented direct costs of fulfilling the statutory and regulatory duties of the [Commission] **BOARD** as described in this [subtitle] **ARTICLE**.

(ii) The [Department] **BOARD** shall pay the indirect costs [the Commission incurs] **INCURRED** in fulfilling the statutory and regulatory duties of the [Commission] **BOARD** as described in this [subtitle] **TITLE**.

(3) Any unspent portions of the Fund may not be transferred or revert to the General Fund of the State, but shall remain in the Fund to be used for the purposes specified in paragraph (2)(i) of this subsection.

(f) (1) The [Chairman] **CHAIR** of the [Commission] **BOARD** or the designee of the [Chairman] **CHAIR** shall administer the Fund.

(2) [Moneys] **MONEY** in the Fund may be expended only for the purposes specified in subsection (e)(2)(i) of this section.

(g) The Legislative Auditor shall audit the accounts and transactions of the Fund as provided in § 2-1220 of the State Government Article.

7-201.

There is a State Board of Morticians and Funeral Directors in the [Department] OFFICE.

(a) (1) The Board consists of 11 members.

(i) **[6] SIX** shall be licensed morticians or licensed funeral directors;
and

(ii) **[5] FIVE** shall be consumer members.

(4) The Governor shall appoint each member with the advice of the [Secretary] **DIRECTOR**, and with the advice and consent of the Senate.

(i) (1) The Governor may remove an appointed member:

(ii) Who, because of events that occur after the member's appointment or reappointment to the Board, causes the Board to be in violation of the prohibition set forth in subsection (a)(5) of this section.

(2) [Upon] **ON** the recommendation of the [Secretary] **DIRECTOR**, the Governor may remove an appointed member whom the [Secretary] **DIRECTOR** finds to have been absent from [2] **TWO** successive Board meetings without adequate reason.

(b) (1) The Board shall meet at least once a year, at the times and places that it sets in its bylaws and rules and regulations.

(i) It considers necessary; or

(ii) The [Secretary] **DIRECTOR** directs.

7–320.

(b) Any health care professional aggrieved by a final decision of the Board under § 7–316 of this subtitle [may not appeal to the Secretary but] may take a direct judicial appeal as provided in the Administrative Procedure Act.

7A–101.

(a) In this [subtitle] **TITLE** the following words have the meanings indicated.

(B) “BOARD” MEANS THE NATALIE M. LAPRADE STATE BOARD ON MEDICAL CANNABIS ESTABLISHED UNDER § 7A–102(A) OF THIS TITLE.

[(b)] (C) “Caregiver” means:

(1) A person who has agreed to assist with a qualifying patient’s medical use of cannabis; and

(2) For a qualifying patient under the age of 18 years, a parent or legal guardian.

[(c)] (D) “Certifying provider” means an individual who:

(1) (i) 1. Has an active, unrestricted license to practice medicine that was issued by the State Board of Physicians under Title 14 of [the Health Occupations Article] **THIS ARTICLE**; and

2. Is in good standing with the State Board of Physicians;

(ii) 1. Has an active, unrestricted license to practice dentistry that was issued by the State Board of Dental Examiners under Title 4 of [the Health Occupations Article] **THIS ARTICLE**; and

2. Is in good standing with the State Board of Dental Examiners;

(iii) 1. Has an active, unrestricted license to practice podiatry that was issued by the State Board of Podiatric Medical Examiners under Title 16 of [the Health Occupations Article] **THIS ARTICLE**; and

2. Is in good standing with the State Board of Podiatric Medical Examiners; or

(iv) 1. Has an active, unrestricted license to practice registered nursing and has an active, unrestricted certification to practice as a nurse practitioner or a nurse midwife that were issued by the State Board of Nursing under Title 8 of [the Health Occupations Article] **THIS ARTICLE**; and

2. Is in good standing with the State Board of Nursing;

(2) Has a State controlled dangerous substances registration; and

(3) Is registered with the [Commission] **BOARD** to make cannabis available to patients for medical use in accordance with regulations adopted by the [Commission] **BOARD**.

[(d) “Commission” means the Natalie M. LaPrade Medical Cannabis Commission established under this subtitle.]

(e) “Dispensary” means an entity licensed under this subtitle that acquires, possesses, processes, transfers, transports, sells, distributes, dispenses, or administers cannabis, products containing cannabis, related supplies, related products containing cannabis including food, tinctures, aerosols, oils, or ointments, or educational materials for use by a qualifying patient or caregiver.

(f) “Dispensary agent” means an owner, a member, an employee, a volunteer, an officer, or a director of a dispensary.

(g) “Fund” means the Natalie M. LaPrade **STATE BOARD ON** Medical Cannabis [Commission] Fund established under [§ 13–3303] **§ 7A–103** of this [subtitle] **TITLE**.

(h) “Grower” means an entity licensed under this [subtitle] **TITLE** that:

(1) (i) Cultivates, manufactures, processes, packages, or dispenses medical cannabis; or

(ii) Processes medical cannabis products; and

(2) Is authorized by the [Commission] **BOARD** to provide cannabis to a qualifying patient, caregiver, processor, dispensary, or independent testing laboratory.

(i) “Independent testing laboratory” means a facility, an entity, or a site that offers or performs tests related to the inspection and testing of cannabis and products containing cannabis.

(j) “Medical cannabis grower agent” means an owner, an employee, a volunteer, an officer, or a director of a grower.

(k) “Processor” means an entity that:

(1) Transforms medical cannabis into another product or extract; and

(2) Packages and labels medical cannabis.

(l) “Processor agent” means an owner, a member, an employee, a volunteer, an officer, or a director of a processor.

(m) “Qualifying patient” means an individual who:

(1) Has been provided with a written certification by a certifying provider in accordance with a bona fide provider–patient relationship; and

(2) If under the age of 18 years, has a caregiver.

(n) “Written certification” means a certification that:

(1) Is issued by a certifying provider to a qualifying patient with whom the provider has a bona fide provider–patient relationship; and

(2) Includes a written statement certifying that, in the provider’s professional opinion, after having completed an assessment of the patient’s medical history and current medical condition, the patient has a condition:

(i) That meets the inclusion criteria and does not meet the exclusion criteria of the certifying provider’s application; and

(ii) For which the potential benefits of the medical use of cannabis would likely outweigh the health risks for the patient; and

(3) May include a written statement certifying that, in the provider’s professional opinion, a 30–day supply of medical cannabis would be inadequate to meet the medical needs of the qualifying patient.

7A–102.

(a) There is a Natalie M. LaPrade **STATE BOARD ON Medical Cannabis [Commission]**.

(b) The **[Commission] BOARD** is an independent **[commission] BOARD** that functions within the **[Department] OFFICE**.

(c) The purpose of the **[Commission] BOARD** is to develop policies, procedures, guidelines, and regulations to implement programs to make medical cannabis available to qualifying patients in a safe and effective manner.

1 (d) (1) The [Commission] **BOARD** shall develop identification cards for
2 qualifying patients and caregivers.

3 (2) (i) The [Department] **BOARD** shall adopt regulations that establish
4 the requirements for identification cards provided by the [Commission] **BOARD**.

5 (ii) The regulations adopted under subparagraph (i) of this
6 paragraph shall include:

7 1. The information to be included on an identification card;

8 2. The method through which the [Commission] **BOARD** will
9 distribute identification cards; and

10 3. The method through which the [Commission] **BOARD** will
11 track identification cards.

12 (e) The [Commission] **BOARD** shall develop and maintain a Web site that:

13 (1) Provides information on how an individual can obtain medical cannabis
14 in the State; and

15 (2) Provides contact information for licensed dispensaries.

16 7A-103.

17 (a) The [Commission] **BOARD** consists of the following 16 members:

18 (1) The Secretary of Health and Mental Hygiene, or the Secretary's
19 designee; and

20 (2) The following 15 members, appointed by the Governor:

21 (i) Two members of the public who support the use of cannabis for
22 medical purposes and who are or were patients who found relief from the use of medical
23 cannabis;

24 (ii) One member of the public designated by the Maryland Chapter
25 of the National Council on Alcoholism and Drug Dependence;

26 (iii) Three physicians licensed in the State;

27 (iv) One nurse licensed in the State who has experience in hospice
28 care, nominated by a State research institution or trade association;

(v) One pharmacist licensed in the State, nominated by a State research institution or trade association;

(vi) One scientist who has experience in the science of cannabis, nominated by a State research institution;

(vii) One representative of the Maryland State's Attorneys' Association;

(viii) One representative of law enforcement;

(ix) An attorney who is knowledgeable about medical cannabis laws in the United States;

(x) An individual with experience in horticulture, recommended by the Department of Agriculture;

(xi) One representative of the University of Maryland Extension; and

(xii) One representative of the Office of the Comptroller.

(c) The Governor shall designate the chair from among the members of the [Commission] **BOARD**.

(d) A majority of the full authorized membership of the [Commission] **BOARD** is a quorum.

(e) A member of the [Commission] **BOARD**:

(1) May not receive compensation as a member of the [Commission] **BOARD**; but

(2) Is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) The [Commission] **BOARD** may employ a staff, including contractual staff, in accordance with the State budget.

(g) The [Commission] **BOARD** may set reasonable fees to cover the costs of operating the [Commission] **BOARD**.

(h) (1) There is a Natalie M. LaPrade **STATE BOARD ON Medical Cannabis** [Commission] Fund.

(2) The [Commission] **BOARD** shall administer the Fund.

(3) The Fund is a special [continuing], nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

(4) The State Treasurer shall hold the Fund separately, and the Comptroller shall account for the Fund.

(5) The Fund shall be invested and reinvested in the same manner as other State funds, and any investment earnings shall be retained to the credit of the Fund.

(6) The Fund shall be subject to an audit by the Office of Legislative Audits as provided for in § 2–1220 of the State Government Article.

(7) The Comptroller shall pay out money from the Fund as directed by the [Commission] **BOARD**.

(8) The Fund consists of:

(i) Any money appropriated in the State budget to the Fund;

(ii) Any other money from any other source accepted for the benefit of the Fund, in accordance with any conditions adopted by the [Commission] **BOARD** for the acceptance of donations or gifts to the Fund; and

(iii) Any fees collected by the [Commission] **BOARD** under this [subtitle] **TITLE**.

(9) No part of the Fund may revert or be credited to:

(i) The General Fund of the State; or

(ii) Any other special fund of the State.

[(10) Expenditures from the Fund may be made only in accordance with the State budget.]

(10) 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.

7A–104.

(a) The [Commission] **BOARD** shall register as a certifying provider an individual who:

(1) Meets the requirements of this [subtitle] **TITLE**; and

(2) Submits application materials that meet the requirements of this [subtitle] **TITLE**.

(b) To be registered as a certifying provider, a provider shall submit a proposal to the [Commission] **BOARD** that includes:

(1) The reasons for including a patient under the care of the provider for the purposes of this [subtitle] **TITLE**, including the patient's qualifying medical conditions;

(2) An attestation that a standard patient evaluation will be completed, including a history, a physical examination, a review of symptoms, and other pertinent medical information; and

(3) The provider's plan for the ongoing assessment and follow-up care of a patient and for collecting and analyzing data.

(c) The [Commission] **BOARD** may not require an individual to meet requirements in addition to the requirements listed in subsections (a) and (b) of this section to be registered as a certifying provider.

(d) (1) The [Commission] **BOARD** is encouraged to approve provider applications for the following medical conditions:

(i) A chronic or debilitating disease or medical condition that results in a patient being admitted into hospice or receiving palliative care; or

(ii) A chronic or debilitating disease or medical condition or the treatment of a chronic or debilitating disease or medical condition that produces:

1. Cachexia, anorexia, or wasting syndrome;
2. Severe or chronic pain;
3. Severe nausea;
4. Seizures; or
5. Severe or persistent muscle spasms.

(2) The [Commission] **BOARD** may not limit treatment of a particular medical condition to one class of providers.

(e) The [Commission] **BOARD** may approve applications that include any other condition that is severe and for which other medical treatments have been ineffective if the symptoms reasonably can be expected to be relieved by the medical use of cannabis.

(f) (1) A certifying provider or the spouse of a certifying provider may not receive any gifts from or have an ownership interest in a medical cannabis grower, a processor, or a dispensary.

(2) A certifying provider may receive compensation from a medical cannabis grower, a processor, or a dispensary if the certifying provider:

(i) Obtains the approval of the [Commission] **BOARD** before receiving the compensation; and

(ii) Discloses the amount of compensation received from the medical cannabis grower, processor, or dispensary to the [Commission] **BOARD**.

(g) (1) A qualifying patient may be a patient of the certifying provider or may be referred to the certifying provider.

(2) A certifying provider shall provide each written certification to the [Commission] **BOARD**.

(3) On receipt of a written certification provided under paragraph (2) of this subsection, the [Commission] **BOARD** shall issue an identification card to each qualifying patient or caregiver named in the written certification.

(4) A certifying provider may discuss medical cannabis with a patient.

(5) (i) Except as provided in subparagraph (ii) of this paragraph, a qualifying patient or caregiver may obtain medical cannabis only from a medical cannabis grower licensed by the [Commission] **BOARD** or a dispensary licensed by the [Commission] **BOARD**.

(ii) A qualifying patient under the age of 18 years may obtain medical cannabis only through the qualifying patient's caregiver.

(6) (i) A caregiver may serve no more than five qualifying patients at any time.

(ii) A qualifying patient may have no more than two caregivers.

(h) (1) A certifying provider may register biennially.

(2) The [Commission] **BOARD** shall grant or deny a renewal of a registration for approval based on the provider's performance in complying with regulations adopted by the [Commission] **BOARD**.

7A-105.

On or before January 1 each year, the [Commission] **BOARD** shall report to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly on providers certified under this subtitle.

7A–106.

(a) (1) The [Commission] **BOARD** shall license medical cannabis growers that meet all requirements established by the [Commission] **BOARD** to operate in the State to provide cannabis to:

(i) Processors licensed by the [Commission] **BOARD** under this [subtitle] **TITLE**;

(ii) Dispensaries licensed by the [Commission] **BOARD** under this [subtitle] **TITLE**;

(iii) Qualifying patients and caregivers; and

(iv) Independent testing laboratories registered with the [Commission] **BOARD** under this [subtitle] **TITLE**.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, the [Commission] **BOARD** may license no more than 15 medical cannabis growers.

(ii) Beginning June 1, 2018, the [Commission] **BOARD** may issue the number of licenses necessary to meet the demand for medical cannabis by qualifying patients and caregivers issued identification cards under this [subtitle] **TITLE** in an affordable, accessible, secure, and efficient manner.

(iii) The [Commission] **BOARD** shall establish an application review process for granting medical cannabis grower licenses in which applications are reviewed, evaluated, and ranked based on criteria established by the [Commission] **BOARD**.

(iv) The [Commission] **BOARD** may not issue more than one medical cannabis grower license to each applicant.

(v) A grower shall pay an application fee in an amount to be determined by the [Commission] **BOARD** consistent with this [subtitle] **TITLE**.

(3) The [Commission] **BOARD** shall set standards for licensure as a medical cannabis grower to ensure public safety and safe access to medical cannabis, which may include a requirement for the posting of security.

(4) Each medical cannabis grower agent shall:

(i) Be registered with the [Commission] **BOARD** before the **MEDICAL CANNABIS GROWER** agent may volunteer or work for a licensed grower; and

(ii) Obtain a State and national criminal history records check in accordance with [§ 13–3312] **§ 7A–112** of this [subtitle] **TITLE**.

(5) (i) A licensed grower shall apply to the [Commission] **BOARD** for a registration card for each **MEDICAL CANNABIS** grower agent by submitting the name, address, and date of birth of the agent.

(ii) 1. Within 1 business day after a **MEDICAL CANNABIS** grower agent ceases to be associated with a grower, the grower shall:

A. Notify the [Commission] **BOARD**; and

B. Return the **MEDICAL CANNABIS** grower agent's registration card to the [Commission] **BOARD**.

2. On receipt of a notice described in subsubparagraph 1A of this subparagraph, the [Commission] **BOARD** shall:

A. Immediately revoke the registration card of the **MEDICAL CANNABIS** grower agent; and

B. If the registration card was not returned to the [Commission] **BOARD**, notify the Department of State Police.

(iii) The [Commission] **BOARD** may not register a person who has been convicted of a felony drug offense as a **MEDICAL CANNABIS** grower agent.

(6) (i) A medical cannabis grower license is valid for 4 years on initial licensure.

(ii) A medical cannabis grower license is valid for 2 years on renewal.

(7) An application to operate as a medical cannabis grower may be submitted in paper or electronic form.

(8) (i) The [Commission] **BOARD** shall encourage licensing medical cannabis growers that grow strains of cannabis, including strains with high cannabidiol content, with demonstrated success in alleviating symptoms of specific diseases or conditions.

(ii) The [Commission] **BOARD** shall encourage licensing medical cannabis growers that prepare medical cannabis in a range of routes of administration.

(9) (i) The [Commission] **BOARD** shall:

1. Actively seek to achieve racial, ethnic, and geographic diversity when licensing medical cannabis growers; and

2. Encourage applicants who qualify as a minority business enterprise, as defined in § 14–301 of the State Finance and Procurement Article.

(ii) Beginning June 1, 2016, a grower licensed under this [subtitle] **TITLE** to operate as a medical cannabis grower shall report annually to the [Commission] **BOARD** on the minority owners and employees of the grower.

(10) An entity seeking licensure as a medical cannabis grower shall meet local zoning and planning requirements.

(b) An entity licensed to grow medical cannabis under this section may provide cannabis only to:

(1) Processors licensed by the [Commission] **BOARD** under this [subtitle] **TITLE**;

(2) Dispensaries licensed by the [Commission] **BOARD** under this [subtitle] **TITLE**;

(3) Qualified patients;

(4) Caregivers; and

(5) Independent testing laboratories registered with the [Commission] **BOARD** under this [subtitle] **TITLE**.

(c) (1) An entity licensed to grow cannabis under this section may dispense cannabis from a facility of a grower licensed as a dispensary.

(2) A qualifying patient or caregiver may obtain medical cannabis from a facility of a grower licensed as a dispensary.

(3) An entity licensed to grow medical cannabis under this section may grow and process medical cannabis on the same premises.

(d) An entity licensed to grow medical cannabis under this section shall ensure that safety precautions established by the [Commission] **BOARD** are followed by any facility operated by the grower.

(e) The [Commission] **BOARD** shall establish requirements for security and the manufacturing process that a grower must meet to obtain a license under this section, including a requirement for a product-tracking system.

(f) The [Commission] **BOARD** may inspect a grower licensed under this section to ensure compliance with this [subtitle] **TITLE**.

(g) The [Commission] **BOARD** may impose penalties or rescind the license of a grower that does not meet the standards for licensure set by the [Commission] **BOARD**.

7A-107.

(a) A dispensary shall be licensed by the [Commission] **BOARD**.

(b) To be licensed as a dispensary, an applicant shall submit to the [Commission] **BOARD**:

(1) An application fee in an amount to be determined by the [Commission] **BOARD** consistent with this [subtitle] **TITLE**; and

(2) An application that includes:

(i) The legal name and physical address of the proposed dispensary;

(ii) The name, address, and date of birth of each principal officer and each director, none of whom may have served as a principal officer or director for a dispensary that has had its license revoked; and

(iii) Operating procedures that the dispensary will use, consistent with [Commission] **BOARD** regulations for oversight, including storage of cannabis and products containing cannabis only in enclosed and locked facilities.

(c) The [Commission] **BOARD** shall:

(1) Establish an application review process for granting dispensary licenses in which applications are reviewed, evaluated, and ranked based on criteria established by the [Commission] **BOARD**; and

(2) Actively seek to achieve racial, ethnic, and geographic diversity when licensing dispensaries.

(d) (1) A dispensary license is valid for 4 years on initial licensure.

(2) A dispensary license is valid for 2 years on renewal.

(e) A dispensary licensed under this section or a dispensary agent registered under [§ 13–3308] **§ 7A–108** of this [subtitle] **TITLE** may not be penalized or arrested under State law for acquiring, possessing, processing, transferring, transporting, selling, distributing, or dispensing cannabis, products containing cannabis, related supplies, or educational materials for use by a qualifying patient or a caregiver.

(f) The [Commission] **BOARD** shall establish requirements for security and product handling procedures that a dispensary must meet to obtain a license under this section, including a requirement for a product–tracking system.

(g) The [Commission] **BOARD** may inspect a dispensary licensed under this section to ensure compliance with this [subtitle] **TITLE**.

(h) The [Commission] **BOARD** may impose penalties or rescind the license of a dispensary that does not meet the standards for licensure set by the [Commission] **BOARD**.

(i) (1) Each dispensary licensed under this section shall submit to the [Commission] **BOARD** a quarterly report.

(2) The quarterly report shall include:

(i) The number of patients served;

(ii) The county of residence of each patient served;

(iii) The medical condition for which medical cannabis was recommended;

(iv) The type and amount of medical cannabis dispensed; and

(v) If available, a summary of clinical outcomes, including adverse events and any cases of suspected diversion.

(3) The quarterly report may not include any personal information that identifies a patient.

7A–108.

(a) A dispensary agent shall:

(1) Be at least 21 years old;

(2) Be registered with the [Commission] **BOARD** before the **DISPENSARY** agent may volunteer or work for a dispensary; and

(3) Obtain a State and national criminal history records check in accordance with [§ 13-3312] **§ 7A-112** of this [subtitle] **TITLE**.

(b) A dispensary shall apply to the [Commission] **BOARD** for a registration card for each dispensary agent by submitting the name, address, and date of birth of the agent.

(c) (1) Within 1 business day after a dispensary agent ceases to be associated with a dispensary, the dispensary shall:

(i) Notify the [Commission] **BOARD**; and

(ii) Return the dispensary agent's registration card to the [Commission] **BOARD**.

(2) On receipt of a notice described in paragraph (1) of this subsection, the [Commission] **BOARD** shall:

(i) Immediately revoke the registration card of the dispensary agent; and

(ii) If the registration card was not returned to the [Commission] **BOARD**, notify the Department of State Police.

(d) The [Commission] **BOARD** may not register an individual who has been convicted of a felony drug offense as a dispensary agent.

7A-109.

(a) A processor shall be licensed by the [Commission] **BOARD**.

(b) To be licensed as a processor, an applicant shall submit to the [Commission] **BOARD**:

(1) An application fee in an amount to be determined by the [Commission] **BOARD** in accordance with this [subtitle] **TITLE**; and

(2) An application that includes:

(i) The legal name and physical address of the proposed processor;

(ii) The name, address, and date of birth of each principal officer and director, none of whom may have served as a principal officer or director for a licensee under this [subtitle] **TITLE** that has had its license revoked; and

(iii) Operating procedures that the processor will use, consistent with [Commission] **BOARD** regulations for oversight, including storage of cannabis, extracts, and products containing cannabis only in enclosed and locked facilities.

(c) The [Commission] **BOARD** shall establish an application review process for granting processor licenses in which applications are reviewed, evaluated, and ranked based on criteria established by the [Commission] **BOARD**.

(d) (1) A processor license is valid for 4 years on initial licensure.

(2) A processor license is valid for 2 years on renewal.

(e) A processor licensed under this section or a processor agent registered under [§ 13–3310] **§ 7A–110** of this [subtitle] **TITLE** may not be penalized or arrested under State law for acquiring, possessing, processing, transferring, transporting, selling, distributing, or dispensing cannabis, products containing cannabis, related supplies, or educational materials for use by a licensee under this [subtitle] **TITLE** or a qualifying patient or a caregiver.

(f) The [Commission] **BOARD** shall establish requirements for security and product handling procedures that a processor must meet to obtain a license under this section, including a requirement for a product–tracking system.

(g) The [Commission] **BOARD** may inspect a processor licensed under this section to ensure compliance with this [subtitle] **TITLE**.

(h) The [Commission] **BOARD** may impose penalties or rescind the license of a processor that does not meet the standards for licensure set by the [Commission] **BOARD**.
7A–110.

(a) A processor agent shall:

(1) Be at least 21 years old;

(2) Be registered with the [Commission] **BOARD** before the **PROCESSOR** agent may volunteer or work for a processor; and

(3) Obtain a State and national criminal history records check in accordance with [§ 13–3312] **§ 7A–112** of this [subtitle] **TITLE**.

(b) A processor shall apply to the [Commission] **BOARD** for a registration card for each processor agent by submitting the name, address, and date of birth of the agent.

(c) (1) Within 1 business day after a processor agent ceases to be associated with a processor, the processor shall:

1 (i) Notify the [Commission] **BOARD**; and

2 (ii) Return the processor agent's registration card to the
3 [Commission] **BOARD**.

4 (2) On receipt of a notice described in paragraph (1) of this subsection, the
5 [Commission] **BOARD** shall:

6 (i) Immediately revoke the registration card of the processor agent;
7 and

8 (ii) If the registration card was not returned to the [Commission]
9 **BOARD**, notify the Department of State Police.

10 (d) The [Commission] **BOARD** may not register an individual who has been
11 convicted of a felony drug offense as a processor agent.

12 7A-111.

13 (a) The [Commission] **BOARD** shall register at least one private independent
14 testing laboratory to test cannabis and products containing cannabis that are to be sold in
15 the State.

16 (b) To be registered as an independent testing laboratory, a laboratory shall:

17 (1) Meet the application requirements established by the [Commission]
18 **BOARD**;

19 (2) Pay any applicable fee required by the [Commission] **BOARD**; and

20 (3) Meet the standards and requirements for accreditation, inspection, and
21 testing established by the [Commission] **BOARD**.

22 (c) The [Commission] **BOARD** shall adopt regulations that establish:

23 (1) The standards and requirements to be met by an independent
24 laboratory to obtain a registration;

25 (2) The standards of care to be followed by an independent testing
26 laboratory;

27 (3) The initial and renewal terms for an independent laboratory
28 registration and the renewal procedure; and

(4) The bases and processes for denial, revocation, and suspension of a registration of an independent testing laboratory.

(d) The [Commission] **BOARD** may inspect an independent testing laboratory registered under this section to ensure compliance with this [subtitle] **TITLE**.

7A–112.

(c) In accordance with §§ 10–201 through 10–228 of the Criminal Procedure Article, the Central Repository shall forward to the [Commission] **BOARD** and to the applicant the criminal history record information of the applicant.

(d) If an applicant has made two or more unsuccessful attempts at securing legible fingerprints, the [Commission] **BOARD** may accept an alternate method of a criminal history records check as permitted by the Director of the Central Repository and the Director of the Federal Bureau of Investigation.

(e) Information obtained from the Central Repository under this section shall be:

(1) Confidential and may not be redisseminated; and

(2) Used only for the registration purpose authorized by this [subtitle] **TITLE**.

7A–113.

(a) Any of the following persons acting in accordance with the provisions of this [subtitle] **TITLE** may not be subject to arrest, prosecution, or any civil or administrative penalty, including a civil penalty or disciplinary action by a professional licensing board, or be denied any right or privilege, for the medical use of cannabis:

(1) A qualifying patient:

(i) In possession of an amount of medical cannabis determined by the [Commission] **BOARD** to constitute a 30–day supply; or

(ii) In possession of an amount of medical cannabis that is greater than a 30–day supply if the qualifying patient’s certifying provider stated in the written certification that a 30–day supply would be inadequate to meet the medical needs of the qualifying patient;

(2) A grower licensed under [§ 13–3306] **§ 7A–106** of this [subtitle] **TITLE** or a **MEDICAL CANNABIS** grower agent registered under [§ 13–3306] **§ 7A–106** of this [subtitle] **TITLE**;

(3) A certifying provider;

(4) A caregiver;

(5) A dispensary licensed under [§ 13–3307] § 7A–107 of this [subtitle] TITLE or a dispensary agent registered under [§ 13–3308] § 7A–108 of this [subtitle] TITLE;

(6) A processor licensed under [§ 13–3309] § 7A–109 of this [subtitle] TITLE or a processor agent registered under [§ 13–3310] § 7A–110 of this [subtitle] TITLE; or

(7) A hospital, medical facility, or hospice program where a qualifying patient is receiving treatment.

7A–114.

(a) This [subtitle] TITLE may not be construed to authorize any individual to engage in, and does not prevent the imposition of any civil, criminal, or other penalties for, the following:

(1) Undertaking any task under the influence of marijuana or cannabis, when doing so would constitute negligence or professional malpractice;

(2) Operating, navigating, or being in actual physical control of any motor vehicle, aircraft, or boat while under the influence of marijuana or cannabis;

(3) Smoking marijuana or cannabis in any public place;

(4) Smoking marijuana or cannabis in a motor vehicle; or

(5) Except as provided in subsection (b) of this section, smoking marijuana or cannabis on a private property that:

(i) 1. Is rented from a landlord; and

2. Is subject to a policy that prohibits the smoking of marijuana or cannabis on the property; or

(ii) Is subject to a policy that prohibits the smoking of marijuana or cannabis on the property of an attached dwelling adopted by one of the following entities:

1. The board of directors of the council of unit owners of a condominium regime; or

2. The governing body of a homeowners association.

(b) The provisions of subsection (a)(5) of this section do not apply to vaporizing cannabis.

(c) This [subtitle] **TITLE** may not be construed to provide immunity to a person who violates the provisions of this [subtitle] **TITLE** from criminal prosecution for a violation of any law prohibiting or regulating the use, possession, dispensing, distribution, or promotion of controlled dangerous substances, dangerous drugs, detrimental drugs, or harmful drugs, or any conspiracy or attempt to commit any of those offenses.

(d) This [subtitle] **TITLE** may not be construed to require a hospital, medical facility, or hospice program to report to the [Commission] **BOARD** any disciplinary action taken by the hospital, medical facility, or hospice program against a certifying provider, including the revocation of privileges, after the registration of the certifying provider by the [Commission] **BOARD**.

(e) This [subtitle] **TITLE** may not be construed to prohibit a person from being concurrently licensed by the [Commission] **BOARD** as a grower, a dispensary, or a processor.

7A–115.

(a) Notwithstanding § 12–315 of the State Government Article, a State employee who incurs counsel fees in connection with a federal criminal investigation or prosecution solely related to the employee’s good faith discharge of public responsibilities under this [subtitle] **TITLE** is eligible for reimbursement of counsel fees as authorized by § 12–314 of the State Government Article.

(b) The Governor may suspend implementation of this [subtitle] **TITLE** on making a determination that there is a reasonable chance of federal prosecution of State employees for involvement with implementation of this [subtitle] **TITLE**.

7A–116.

[On or before September 15, 2014, the Commission] **THE BOARD** shall adopt regulations to implement the provisions of this [subtitle] **TITLE**.

8–201.

There is a State Board of Nursing in the [Department] **OFFICE**.

8–202.

(b) (1) The Governor shall appoint:

(i) The registered nurse member certified in an advanced practice nursing specialty, with the advice of the [Secretary] **DIRECTOR**, from a list of qualified

1 individuals jointly developed in accordance with the requirements of subsection (a)(3)(i) of
2 this section and submitted to the [Secretary] **DIRECTOR** and the Governor by the:

- 3 1. Maryland Association of Nurse Anesthetists, Inc.;
- 4 2. Nurse Practitioners Association of Maryland, Inc.;
- 5 3. Maryland Coalition of Nurse Practitioners, Inc.;
- 6 4. Maryland Chapter, American College of Nurse–Midwives;
- 7 and
- 8 5. Psychiatric Advance Practice Nurses of Maryland; and

9 (ii) The other registered nurse members, with the advice of the
10 [Secretary] **DIRECTOR**, from:

11 1. A list of qualified individuals submitted to the [Secretary]
12 **DIRECTOR** and the Governor by:

13 A. The Maryland Nurses Association, Inc.; or

14 B. Any other professional nursing organization that
15 represents at least 25 licensed registered nurses; or

16 2. A valid petition submitted to the [Secretary] **DIRECTOR**
17 and the Governor by a registered nurse with an active license under this title.

18 (2) The Governor shall appoint the licensed practical nurse members, with
19 the advice of the [Secretary] **DIRECTOR**, from:

20 (i) A list of qualified individuals submitted to the [Secretary]
21 **DIRECTOR** and the Governor by:

22 1. The Maryland Licensed Practical Nurse Association, Inc.;

23 or

24 2. Any other professional nursing organization representing
25 at least 25 licensed practical nurses; or

26 (ii) A valid petition submitted to the [Secretary] **DIRECTOR** and the
27 Governor by a licensed practical nurse with an active license under this title.

28 (3) A list submitted to the [Secretary] **DIRECTOR** and the Governor under
29 this subsection shall be [5] **FIVE** times the number of vacancies.

(4) A petition submitted to the [Secretary] **DIRECTOR** and Governor under this subsection shall have at least 25 signatures of support from nurses with active licenses in the State.

(5) The Board shall provide notice of a vacancy on the Board to:

(i) All nurses with an active license in the State; and

(ii) All appropriate professional nursing organizations.

(6) The Governor may request an additional list of [5] **FIVE** nominees for each vacancy from the appropriate professional nursing organizations.

(7) The Governor shall make the appointment for each vacancy from the lists or petitions submitted under this subsection.

(8) The Governor shall appoint the consumer members with the advice of the [Secretary] **DIRECTOR** and the advice and consent of the Senate.

(9) To the extent practicable, the members appointed to the Board shall reasonably reflect the geographic, racial, ethnic, cultural, and gender diversity of the State.

(j) (1) The Governor may remove a member for incompetence, misconduct, neglect of a duty required by law, unprofessional conduct, or dishonorable conduct.

(2) [Upon] **ON** the recommendation of the [Secretary] **DIRECTOR**, the Governor may remove a member whom the [Secretary] **DIRECTOR** finds to have been absent from [2] **TWO** successive Board meetings without adequate reason.

8–204.

(b) In addition to the other meeting requirements of this title, the Board shall meet:

(1) At the request of the [Secretary] **DIRECTOR**; or

(2) If necessary to transact its business.

(d) The Board may:

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

(2) Define the duties of its staff; and

(3) [Employ] **APPOINT, ON CONFIRMATION OF THE DIRECTOR**, 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.

8–205.

(a) In addition to the powers and duties set forth elsewhere in this title, the Board has the following powers and duties:

(8) To submit to the Governor, the [Secretary] **DIRECTOR**, and, in accordance with § 2–1246 of the State Government Article, the General Assembly, an annual report that includes the following data calculated on a fiscal year basis:

(i) The number of initial and renewal licenses and certificates issued;

(ii) The number of positive and negative criminal history records checks results received;

(iii) The number of individuals denied initial or renewal licensure or certification due to positive criminal history records checks results;

(iv) The number of individuals denied licensure or certification due to reasons other than a positive criminal history records check;

(v) The number of new complaints received;

(vi) The number of complaints carried over from year to year;

(vii) The most common grounds for complaints; and

(viii) The number and types of disciplinary actions taken by the Board;

(c) (1) The Board is the only unit of the [Department] **OFFICE** that is responsible for adopting rules and regulations to determine:

(i) Individuals to whom any act of the practice of registered nursing and licensed practical nursing may be delegated; and

(ii) The acts that may be delegated safely.

(2) The Department shall retain its authority to require training for nonlicensed patient care personnel under § 19–308.1 of the Health – General Article.

8–206.

(a) There is a Board of Nursing Fund.

(e) (1) 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] **ARTICLE**.

(2) (i) The Board of Nursing Fund is a [continuing] **SPECIAL**, nonlapsing fund, not subject to § 7–302 of the State Finance and Procurement Article.

(ii) Any unspent portions of the Board of Nursing Fund may not be transferred or revert to the General Fund of the State, but shall remain in the Board of Nursing Fund to be used for the purposes specified in this [title] **ARTICLE**.

(3) No other State money may be used to support the Board of Nursing Fund.

8–318.

(b) Any person aggrieved by a final decision of the Board under § 8–316 of this subtitle [may not appeal to the Secretary but] may take a direct judicial appeal as provided in the Administrative Procedure Act.

8–6B–04.

(c) The fees 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 [subtitle] **ARTICLE**.

8–6B–21.

(b) A person aggrieved by a final decision of the Board pursuant to § 8–6B–19 of this subtitle [may not appeal to the Secretary but] may take a direct judicial appeal as provided in the Administrative Procedure Act.

9–201.

There is a State Board of Examiners of Nursing Home Administrators in the [Department] **OFFICE**.

9–202.

(b) (1) The Governor shall appoint the consumer members with the advice of the [Secretary] **DIRECTOR** and the advice and consent of the Senate.

(2) (i) Except for the consumer members and the State Long–Term Care Ombudsman, the Governor shall appoint each Board member, with the advice of the [Secretary] **DIRECTOR**.

(ii) The [Secretary] **DIRECTOR** shall make each recommendation after [consulting]:

1. **CONSULTING** with the associations and societies appropriate to the disciplines and professions representative of the vacancy to be filled;
AND

2. **REVIEWING A STATEMENT OF NOMINATION SUBMITTED TO THE DIRECTOR BY A LICENSED NURSING HOME ADMINISTRATOR IF THE STATEMENT IS SIGNED BY AT LEAST 15 NURSING HOME ADMINISTRATORS LICENSED IN THE STATE.**

(h) (1) The Governor may remove a member for incompetence, misconduct, incapacity, or neglect of duty.

(2) [Upon] **ON** the recommendation of the [Secretary] **DIRECTOR**, the Governor may remove a member whom the [Secretary] **DIRECTOR** finds to have been absent from [2] **TWO** successive Board meetings without adequate reason.

9–203.

(b) (1) The Board shall appoint and the [Secretary] **DIRECTOR** 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.

9–204.

(c) Each member of the Board is entitled to:

(1) Compensation determined by the [Secretary] **DIRECTOR** in accordance with the State budget, unless the member otherwise is a public employee; and

(2) Reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

9–205.

(b) In addition to the duties set forth elsewhere in this title, the Board shall:

(1) Report directly to the [Secretary] **DIRECTOR**, as the [Secretary] **DIRECTOR** requires;

(2) Adopt standards for:

(i) Licensure of applicants; and

(ii) Practice of licensees;

(3) Devise examinations and adopt investigative procedures to:

(i) Determine whether licensees meet the standards adopted by the Board; and

(ii) Assure that licensees continue to meet these standards; and

(4) Conduct a continuing study and investigation of nursing homes and nursing home administrators to improve:

(i) Licensing standards; and

(ii) Procedures for enforcing these standards.

9–316.

(b) Any person aggrieved by a final decision of the Board under § 9–314 of this subtitle [may not appeal to the Secretary but] may take a direct judicial appeal as provided in the Administrative Procedure Act.

10–201.

There is a State Board of Occupational Therapy Practice in the [Department] **OFFICE**.

10–202.

(a) (1) The Board consists of seven members.

(2) Of the seven Board members:

(i) Four shall be licensed occupational therapists;

(ii) One shall be a licensed occupational therapy assistant; and

(iii) Two shall be consumer members.

(3) The Governor shall appoint the occupational therapist members and the occupational therapy assistant member, with the advice of the [Secretary] **DIRECTOR**, from a list of [names] **QUALIFIED INDIVIDUALS** submitted to the [Secretary] **DIRECTOR** and the Governor by [the]:

(I) **THE** Maryland Occupational Therapy Association;

(II) **ANY LICENSED OCCUPATIONAL THERAPIST WHO SUBMITS A STATEMENT OF NOMINATION SIGNED BY AT LEAST 15 OCCUPATIONAL THERAPISTS LICENSED IN THE STATE; AND**

(III) **ANY LICENSED OCCUPATIONAL THERAPY ASSISTANT WHO SUBMITS A STATEMENT OF NOMINATION SIGNED BY AT LEAST 15 OCCUPATIONAL THERAPY ASSISTANTS LICENSED IN THE STATE.**

(4) The Governor shall appoint the consumer members with the advice of the [Secretary] **DIRECTOR** and the advice and consent of the Senate.

(g) (1) The Governor may remove a member for incompetence or misconduct.

(2) [Upon] **ON** the recommendation of the [Secretary] **DIRECTOR**, the Governor may remove a member whom the [Secretary] **DIRECTOR** finds to have been absent from two successive Board meetings without adequate reason.

10–204.

(d) (1) The Board shall appoint, **AND THE DIRECTOR SHALL CONFIRM**, an Executive Director of the Board [that] **WHO** serves at the pleasure of the Board [as its executive officer] **AND THE DIRECTOR**.

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

(i) A staff; and

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

10–317.

(b) Any person aggrieved by a final decision of the Board under § 10–315 of this subtitle [may not appeal to the Secretary but] may take a direct judicial appeal as provided in the Administrative Procedure Act.

11–201.

There is a State Board of Examiners in Optometry in the [Department] **OFFICE**.

11–202.

(a) (1) The Board consists of [7] **SEVEN** members.

(2) Of the [7] **SEVEN** members:

(i) Five shall be licensed optometrists; and

(ii) Two shall be consumer members.

(3) The Governor shall appoint the optometrist members, with the advice of the [Secretary] **DIRECTOR**, from a list **OF QUALIFIED INDIVIDUALS** submitted to the [Secretary] **DIRECTOR AND THE GOVERNOR** by [the]:

(I) **THE** Maryland Optometric Association; **AND**

(II) **ANY LICENSED OPTOMETRIST WHO SUBMITS A STATEMENT OF NOMINATION SIGNED BY AT LEAST 15 OPTOMETRISTS LICENSED IN THE STATE.**

(4) The number of names on the list shall be three times the number of vacancies.

(5) For each optometrist vacancy, the Maryland Optometric Association shall:

(i) Notify all licensed optometrists in the State of the vacancy to solicit nominations to fill the vacancy; and

(ii) Conduct a balloting process where every licensed optometrist is eligible to vote to select the names of the licensed optometrists that will be submitted to the Governor **AND THE DIRECTOR**.

(6) The Governor shall appoint the consumer members with the advice of the [Secretary] **DIRECTOR** and the advice and consent of the Senate.

(g) (1) The Governor may remove a member for incompetence or misconduct.

(2) [Upon] **ON** the recommendation of the [Secretary] **DIRECTOR**, the Governor may remove a member whom the Secretary finds to have been absent from [2] **TWO** successive Board meetings without adequate reason.

11–204.

(b) The Board shall meet:

(1) At least twice a year, at the times and places that it determines; and

(2) When requested by the [Secretary] **DIRECTOR**.

11–318.

(b) Any person aggrieved by a final decision of the Board under § 11–313 of this subtitle [may not appeal to the Secretary but] may take a direct judicial appeal as provided in the Administrative Procedure Act.

11–404.

(g) The [Department] **BOARD** shall collect and report statistical information on the incidences of negative reactions to the administration by optometrists of topical ocular diagnostic pharmaceutical agents.

11–404.1.

(b) (1) Except as provided in paragraph (2) of this subsection, the Board shall certify a licensed optometrist as a therapeutically certified optometrist if the licensed optometrist submits to the Board evidence satisfactory to the Board that the licensed optometrist:

(i) Has successfully completed at least 110 hours of a therapeutic pharmaceutical agents course approved by the Board;

(ii) Has successfully passed a pharmacology examination relating to the treatment and management of ocular disease, which is prepared, administered, and graded by the National Board of Examiners in Optometry or any other nationally recognized optometric organization as approved by the [Secretary] **DIRECTOR**;

(iii) Is currently certified by the Board to administer topical ocular diagnostic pharmaceutical agents under § 11–404 of this subtitle; and

(iv) Has successfully completed an 8-hour course in the management of topical steroids approved by the Board.

11–404.3.

(a) The Maryland Optometric Association and the Maryland Society of Eye Physicians and Surgeons shall recommend to the [Secretary] **DIRECTOR** quality assurance guidelines for therapeutically certified optometrists and optometric care.

(b) (1) After considering the recommendations of the Maryland Optometric Association and the Maryland Society of Eye Physicians and Surgeons, the [Secretary] **DIRECTOR** shall adopt regulations that establish:

(i) Standards of quality for therapeutically certified optometrists and optometric care;

(ii) An ongoing quality assurance program that includes the monitoring and study of the joint management of primary open-angle glaucoma patients under § 11-404.2(c) of this subtitle;

(iii) A program to evaluate the cost of optometric care; and

(iv) A plan to monitor complaint investigation.

(2) The regulations shall require the Board to:

(i) Conduct a continuing study and investigation of therapeutically certified optometrists to ensure the quality of care they provide; and

(ii) Report to the [Secretary] **DIRECTOR**, as the [Secretary] **DIRECTOR** requires, on the results of the Board's study and investigation.

(3) The Board's study and investigation shall include:

(i) A peer review program; and

(ii) A review of patient optometric records that includes the collection and evaluation of data on the drugs being prescribed and administered and the appropriateness of treatment by therapeutically certified optometrists.

12-201.

There is a State Board of Pharmacy in the [Department] **OFFICE**.

12-202.

(a) (1) The Board consists of [twelve] **12** members.

(2) Of the [twelve] **12** Board members:

(i) [Ten] **10** shall be licensed pharmacists, including:

1. [Two] **2** who at the time of appointment practice primarily in chain store pharmacies;

1 **2. ANY LICENSED ACUTE-CARE HOSPITAL PHARMACIST**
2 **WHO SUBMITS A STATEMENT OF NOMINATION SIGNED BY AT LEAST 15 PHARMACISTS**
3 **LICENSED IN THE STATE.**

4 (iv) The Governor shall appoint the long-term care facility
5 pharmacist member, with the advice of the [Secretary] **DIRECTOR**, from a list of [names]
6 **QUALIFIED INDIVIDUALS** submitted to the [Secretary] **DIRECTOR** and the Governor by
7 [the]:

8 **1. THE** Maryland Chapter of the American Society of
9 Consultant Pharmacists; **AND**

10 **2. ANY LICENSED LONG-TERM CARE FACILITY**
11 **PHARMACIST WHO SUBMITS A STATEMENT OF NOMINATION SIGNED BY AT LEAST 15**
12 **PHARMACISTS LICENSED IN THE STATE.**

13 (v) The Governor shall appoint the home infusion/home care
14 pharmacist member, with the advice of the [Secretary] **DIRECTOR**, from a list of [names]
15 **QUALIFIED INDIVIDUALS** submitted to the [Secretary] **DIRECTOR** and the Governor by
16 [the]:

17 **1. THE** Maryland Society of Health-System Pharmacists;
18 **AND**

19 **2. ANY LICENSED HOME INFUSION/HOME CARE**
20 **PHARMACIST WHO SUBMITS A STATEMENT OF NOMINATION SIGNED BY AT LEAST 15**
21 **PHARMACISTS LICENSED IN THE STATE.**

22 (vi) The Governor shall appoint the at-large pharmacist members,
23 with the advice of the [Secretary] **DIRECTOR**, from a list of [all names submitted]
24 **QUALIFIED INDIVIDUALS:**

25 **1. SUBMITTED** to the Maryland Pharmacists Association,
26 and then forwarded to the [Secretary] **DIRECTOR** and the Governor; **AND**

27 **2. SUBMITTED TO THE DIRECTOR AND THE GOVERNOR**
28 **BY ANY LICENSED PHARMACIST WHO SUBMITS A STATEMENT OF NOMINATION**
29 **SIGNED BY AT LEAST 15 PHARMACISTS LICENSED IN THE STATE.**

30 (vii) Except for the at-large vacancies, the number of names on each
31 list submitted to the [Secretary] **DIRECTOR** and the Governor under this paragraph shall
32 be three times the number of vacancies.

33 (4) For each pharmacist vacancy:

(i) The Board shall notify all licensed pharmacists and other interested parties of record in the State of the vacancy to solicit nominations to fill the vacancy and provide information for contacting a representative of the group that submits the list of names to the **DIRECTOR AND THE** Governor under paragraph (3) of this subsection; and

(ii) Except for the at-large vacancies, each association that is responsible for submitting a list of nominees to the [Secretary] **DIRECTOR** and the Governor under this section shall:

1. Issue a nomination form [upon] **ON** the request of any licensed pharmacist and consider all nominations received by the association's deadline;

2. Form a committee, which recognizes diversity within the State in geographic distribution, sex, race, and age, comprised of at least five pharmacists to review nominations, interview all qualified nominees in a meeting open to the public, and select three names for each vacancy to be submitted to the [Secretary] **DIRECTOR** and the Governor; and

3. In the event that fewer than three qualified nominees are submitted to the association, select any additional names that are needed to complete the list **OF QUALIFIED INDIVIDUALS** required to be submitted to the [Secretary] **DIRECTOR** and the Governor under this section.

(5) The Governor shall appoint the consumer members with the advice of the [Secretary] **DIRECTOR** and the advice and consent of the Senate.

(6) Each member of the Board shall be a resident of this State.

(7) A member of the Board shall be recused from all aspects of the licensing exam if that Board member:

(i) Is a member of the board of trustees at a school of pharmacy;

(ii) Is a teacher at a school of pharmacy; or

(iii) Acquires the member's primary source of income through employment by a school of pharmacy.

(g) (1) The Governor may remove a member for incompetence or misconduct.

(2) [Upon] **ON** the recommendation of the [Secretary] **DIRECTOR**, the Governor may remove a member whom the Secretary finds to have been absent from [2] **TWO** successive Board meetings without adequate reason.

1 12-205.

2 (b) In addition to the duties set forth elsewhere in this title, the Board shall:

3 (2) Prepare and deliver to the Governor, the [Secretary] **DIRECTOR**, and
4 the Maryland Pharmacists Association an annual report that:

5 (i) Summarizes the condition of pharmacy in this State; and

6 (ii) Includes a record of the proceedings of the Board; and

7 12-316.

8 (b) Any person aggrieved by a final decision of the Board under § 12-313 of this
9 subtitle or § 12-6B-09 or § 12-6D-11 of this title [may not appeal to the Secretary but]
10 may take a direct judicial appeal as provided in the Administrative Procedure Act.

11 12-601.

12 (b) A person aggrieved by a final action of the Board under this subtitle or Subtitle
13 6C of this title [may not appeal to the Secretary or the Board of Review but] may appeal as
14 provided under Title 10, Subtitle 2 of the State Government Article.

15 12-603.

16 (h) A person authorized to distribute dialysis drugs and devices under this section
17 may distribute only dialysis drugs and devices:

18 (1) That the Board, after consultation with the State [Commission]
19 **BOARD** on Kidney Disease, has approved as effective and safe for their intended use;

20 12-604.

21 (a) The [Secretary] **DIRECTOR**, the Board, or the agents of either, during
22 business hours, may:

23 (1) Enter any place where drugs, devices, diagnostics, cosmetics,
24 dentifrices, domestic remedies, or toilet articles are manufactured, packaged, stocked, or
25 offered for sale; and

26 (2) Inspect the drugs, devices, diagnostics, cosmetics, dentifrices, domestic
27 remedies, and toilet articles there.

28 13-201.

29 There is a State Board of Physical Therapy Examiners in the [Department] **OFFICE**.

1 13-202.

2 (a) (1) The Board consists of [8] EIGHT members.

3 (2) Of the [8] EIGHT Board members:

4 (i) Five shall be licensed physical therapists, of which a minimum
5 of four shall be engaged primarily in the clinical practice of physical therapy in this State;

6 (ii) One shall be a licensed physical therapist assistant practicing
7 limited physical therapy in this State; and

8 (iii) Two shall be consumer members.

9 (3) (I) The Governor shall appoint the licensed physical therapist
10 members and the licensed physical therapist assistant member, with the advice of the
11 [Secretary] DIRECTOR, from a list of [names of] qualified individuals submitted to the
12 [Secretary] DIRECTOR and the Governor by [the]:

13 1. THE American Physical Therapy Association of Maryland;

14 2. ANY LICENSED PHYSICAL THERAPIST WHO SUBMITS A
15 STATEMENT OF NOMINATION SIGNED BY AT LEAST 15 PHYSICAL THERAPISTS
16 LICENSED IN THE STATE; AND

17 3. ANY LICENSED PHYSICAL THERAPY ASSISTANT WHO
18 SUBMITS A STATEMENT OF NOMINATION SIGNED BY AT LEAST 15 PHYSICAL
19 THERAPY ASSISTANTS LICENSED IN THE STATE.

20 (II) The number of names on the list shall be at least three times the
21 number of vacancies.

22 (4) The Governor shall appoint the consumer members with the advice of
23 the [Secretary] DIRECTOR and the advice and consent of the Senate.

24 (h) (1) The Governor may remove a member for incompetence or misconduct.

25 (2) Upon the recommendation of the [Secretary] DIRECTOR, the Governor
26 may remove a member whom the [Secretary] DIRECTOR finds to have been absent from
27 [2] TWO successive Board meetings without adequate reason.

28 13-318.

(b) Any person aggrieved by a final decision of the Board under § 13–316 of this subtitle [may not appeal to the Secretary but] may take a direct judicial appeal as provided in the Administrative Procedure Act.

14–201.

There is a State Board of Physicians in the [Department] **OFFICE**.

14–202.

(a) (1) The Board [shall consist] **CONSISTS** of 22 members appointed by the Governor with the advice of the [Secretary] **DIRECTOR** and the advice and consent of the Senate.

(k) (1) On the recommendation of the Board, the [Secretary] **DIRECTOR** may remove any member of the Board for neglect of duty, misconduct, malfeasance, or misfeasance in office.

(2) [Upon] **ON** the recommendation of the [Secretary] **DIRECTOR**, the Governor may remove a member whom the [Secretary] **DIRECTOR** finds to have been absent from [2] **TWO** successive Board meetings without adequate reason.

(3) The Governor may remove a member for incompetence or misconduct.

14–204.

(a) A majority of the members then serving on the Board is a quorum.

(b) The Board shall meet:

(1) At the times and places that it determines; and

(2) As requested by the [Secretary] **DIRECTOR**.

(c) Each member of the Board is entitled to:

(1) Compensation in accordance with the State budget; and

(2) Reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(d) (1) [(i)] The [Secretary] **DIRECTOR** may employ a staff for the Board in accordance with the State budget.

(2) [(ii)] The [Secretary] **BOARD** may designate, **AND THE DIRECTOR SHALL CONFIRM**, one of the staff as an executive director.

1 [(2) The Secretary may set the compensation of an employee of the Board in
2 a position that:

3 (i) Is unique to the Board;

4 (ii) Requires specific skills or experience to perform the duties of the
5 position; and

6 (iii) Does not require the employee to perform functions that are
7 comparable to functions performed in other units of the Executive Branch of State
8 government.

9 (3) The Secretary of Budget and Management, in consultation with the
10 Secretary, shall determine the positions for which the Secretary may set compensation
11 under paragraph (2) of this subsection.]

12 (e) To provide adequate assistance in the investigation, development, and
13 prosecution of cases referred to the Board, the Board shall [be assigned a sufficient number
14 of]:

15 (1) **BE ASSIGNED A SUFFICIENT NUMBER OF** Assistant Attorneys
16 General by the Attorney General; and

17 (2) **[Investigators] HIRE A SUFFICIENT NUMBER OF INVESTIGATORS**
18 and hearing officers [by the Secretary].

19 14–205.

20 (a) In addition to the powers and duties set forth in this title and in Title 15 of
21 this article, the Board shall:

22 (17) Develop and approve an annual report and other required reports for
23 submission to the [Secretary] **DIRECTOR**, the Governor, the General Assembly, and the
24 public;

25 (c) (1) In addition to the duties set forth elsewhere in this title, the Board
26 shall:

27 (i) Submit an annual report to the Faculty and to the [Secretary]
28 **DIRECTOR**;

29 (ii) Issue, for use in other jurisdictions, a certificate of professional
30 standing to any licensed physician; and

31 (iii) Keep a list of all license applicants.

1 14-207.

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

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

6 14-306.

7 (d) (1) If a duty that is to be delegated under this section is a part of the
8 practice of a health occupation that is regulated under this article by another **HEALTH**
9 **OCCUPATIONS** board, any rule or regulation concerning that duty shall be adopted jointly
10 by the Board of Physicians and the **HEALTH OCCUPATIONS** board that regulates the other
11 health occupation.

12 (2) If the two **HEALTH OCCUPATIONS** boards cannot agree on a proposed
13 rule or regulation, the proposal shall be submitted to the [Secretary] **DIRECTOR** for a final
14 decision.

15 14-411.

16 (q) (1) The Board shall disclose information in a record [upon] **ON** the request
17 of the Governor, [Secretary] **THE DIRECTOR**, or **THE** Legislative Auditor, in accordance
18 with § 2-1223(a) of the State Government Article.

19 (2) [However, the] **THE** Governor, [Secretary] **THE DIRECTOR**, or **THE**
20 Auditor, or any of their employees may not disclose personally identifiable information from
21 any of [these] **THE** records **DISCLOSED UNDER PARAGRAPH (1) OF THIS SUBSECTION**,
22 which are otherwise confidential by law.

23 14-501.

24 (b) [On or before January 1, 1997, the Secretary] **THE BOARD** shall adopt
25 regulations for a credentialing primary source verification information system that is
26 available for all physicians licensed under this article.

27 (c) After the [Secretary] **BOARD** reviews the standards of appropriate
28 accrediting organizations and consults with the Faculty, the Maryland Hospital
29 Association, and the Maryland Association of Health Maintenance Organizations, the
30 regulations adopted by the [Secretary] **BOARD** under subsection (b) of this section shall:

31 (1) Provide for a procedure for the collection and release of primary source
32 verification information;

(2) Include standards by which any organization, including the Faculty, may qualify to perform primary source verification; and

(3) Provide for the monitoring by the [Secretary] **BOARD** of any organization that qualifies to administer primary source verification.

(d) The [Secretary] **BOARD** may authorize hospitals, related institutions, or health maintenance organizations to rely on primary source verification information provided by an organization qualified to perform primary source verification in accordance with regulations adopted by the [Secretary] **BOARD** under this section instead of requiring a hospital, related institution, or health maintenance organization to use its own primary source verification procedure to test the truth and accuracy of information submitted.

14-5A-17.1.

(a) (1) Any person aggrieved by a final decision of the Board or a disciplinary panel under this subtitle [may not appeal to the Secretary or Board of Review but] may take a direct judicial appeal.

(2) The appeal shall be made as provided for judicial review of final decisions in the Administrative Procedure Act.

14-5B-14.1.

(a) (1) Any person aggrieved by a final decision of the Board or a disciplinary panel under this subtitle [may not appeal to the Secretary or Board of Review but] may take a direct judicial appeal.

(2) The appeal shall be made as provided for judicial review of final decisions in the Administrative Procedure Act.

14-5D-15.

(b) (1) Any person aggrieved by a final decision of the Board or a disciplinary panel under this subtitle [may not appeal to the Secretary or Board of Review but] may take a direct judicial appeal.

(2) The appeal shall be made as provided for judicial review of final decisions in the Administrative Procedure Act.

14-5E-17.

(a) (1) Any person aggrieved by a final decision of the Board under this subtitle [may not appeal to the Secretary or Board of Review but] may take a direct judicial appeal.

(2) The appeal shall be made as provided for judicial review of final decisions in Title 10, Subtitle 2 of the State Government Article.

15-301.

(h) (1) If a medical act that is to be delegated under this section is a part of the practice of a health occupation that is regulated under this article by another **HEALTH OCCUPATIONS** board, any rule or regulation concerning that medical act shall be adopted jointly by the State Board of Physicians and the **HEALTH OCCUPATIONS** board that regulates the other health occupation.

(2) If the two **HEALTH OCCUPATIONS** boards cannot agree on a proposed rule or regulation, the proposal shall be submitted to the [Secretary] **DIRECTOR** for a final decision.

15-315.

(b) (1) Any licensee who is aggrieved by a final decision of the Board or a disciplinary panel under this subtitle [may not appeal to the Board of Review but] may take a direct judicial appeal.

(2) The appeal shall be as provided for judicial review of the final decision in Title 10, Subtitle 2 of the State Government Article.

16-201.

There is a State Board of Podiatric Medical Examiners in the [Department] **OFFICE**.

16-202.

(a) (1) The Board consists of [7] **SEVEN** members.

(2) Of the [7] **SEVEN** Board members:

(i) [5] **FIVE** shall be licensed podiatrists; and

(ii) [2] **TWO** shall be consumer members.

(3) (I) The Governor shall appoint the podiatrist members, with the advice of the [Secretary] **DIRECTOR**, from a list of [names] **QUALIFIED INDIVIDUALS** submitted by:

1. [the] **THE** Maryland Podiatric Medical Association; **AND**

1 **2. ANY LICENSED PODIATRIST WHO SUBMITS A**
2 **STATEMENT OF NOMINATION SIGNED BY AT LEAST 15 PODIATRISTS LICENSED IN**
3 **THE STATE.**

4 **(II)** The number of names on the list shall be twice the number of
5 vacancies.

6 (4) The Governor shall appoint the consumer members with the advice of
7 the [Secretary] **DIRECTOR** and the advice and consent of the Senate.

8 16–305.

9 (a) The Board shall issue a license to any applicant who, by the affirmative vote
10 of a majority of the full authorized membership of the Board, meets the requirements of
11 this title.

12 (b) [The Board shall include on each license that the Board issues:

13 (1) The signature of the Secretary of the Department of Health and Mental
14 Hygiene attesting that the individual meets the requirements of this title; and

15 (2) A serial number that corresponds to an entry in the registration records
16 of the Board.

17 (c)] (1) On receipt of the criminal history record information of an applicant for
18 licensure forwarded to the Board in accordance with § 16–302.1 of this subtitle, in
19 determining whether to grant a license, the Board shall consider:

20 (i) The age at which the crime was committed;

21 (ii) The nature of the crime;

22 (iii) The circumstances surrounding the crime;

23 (iv) The length of time that has passed since the crime;

24 (v) Subsequent work history;

25 (vi) Employment and character references; and

26 (vii) Any other evidence that demonstrates whether the applicant
27 poses a threat to the public health or safety.

28 (2) The Board may not issue a license if the criminal history record
29 information required under § 16–302.1 of this subtitle has not been received.

1 16–315.

2 (b) Any person aggrieved by a final decision of the Board under § 16–311 of this
3 subtitle [may not appeal to the Secretary but] may take a direct judicial appeal as provided
4 in the Administrative Procedure Act.

5 16–317.

6 (a) The Board may issue a limited license for training to an applicant who:

7 (2) Has an appointment for postgraduate clinical training in podiatry or as
8 a podiatric instructor in:

9 (i) A health care facility licensed [or approved] by the Department;

10 (ii) A program approved by the Council on Education of the
11 American Podiatry Association;

12 (iii) A program approved by the Board; or

13 (iv) A program affiliated with the Council of Podiatric Medical
14 Education;

15 17–201.

16 There is a State Board of Professional Counselors and Therapists **IN THE OFFICE**.

17 17–202.

18 (a) (1) The Board consists of 13 members appointed by the Governor with the
19 advice of the [Secretary] **DIRECTOR**.

20 (2) Of the 13 Board members:

21 (i) Four shall be licensed as clinical professional counselors;

22 (ii) Three shall be licensed as clinical marriage and family
23 therapists;

24 (iii) Three shall be licensed as clinical alcohol and drug counselors;

25 (iv) One shall be licensed as a clinical professional art therapist; and

26 (v) Two shall be consumer members.

27 (3) The composition of the Board as to the race and sex of its members shall
28 reflect the composition of the population of the State.

(4) (I) The Governor shall appoint the counselors and therapists from a list **OF QUALIFIED INDIVIDUALS** submitted to the Governor by the [Secretary] **DIRECTOR**.

(II) Any association representing professional counselors, marriage and family therapists, alcohol and drug counselors, or professional art therapists may submit recommendations for Board members to the [Secretary] **DIRECTOR**.

(e) (1) The Governor may remove a member for incompetency, misconduct, or neglect of duty.

(2) [Upon] **ON** the recommendation of the [Secretary] **DIRECTOR**, the Governor may remove a member whom the [Secretary] **DIRECTOR** finds to have been absent from [2] **TWO** successive Board meetings without adequate reason.

17–205.

(b) In addition to the duties set forth elsewhere in this title, the Board shall:

(2) Submit an annual report to the Governor and the [Secretary] **DIRECTOR**;

17–6A–22.

(b) Any person aggrieved by a final decision of the Board under § 17–6A–19 of this subtitle [may not appeal to the Secretary but] may take a direct judicial appeal as provided by the Administrative Procedure Act.

18–201.

There is a State Board of Examiners of Psychologists in the [Department] **OFFICE**.

18–202.

(a) (1) The Board consists of [9] **NINE** members.

(2) Of the [9] **NINE** Board members:

(i) [2] **TWO** shall be consumer members; and

(ii) [7] **SEVEN** shall be licensed psychologists, of whom:

1. At least [2] **TWO** shall be engaged primarily in providing psychological services; and

1 2. At least [2] **TWO** shall be engaged primarily in teaching,
2 training, or research in psychology.

3 (3) The Governor shall appoint the psychologist members, with the advice
4 of the [Secretary] **DIRECTOR** and the advice and consent of the Senate, from a list of
5 [names] **QUALIFIED INDIVIDUALS** submitted to the [Secretary] **DIRECTOR** by [the]:

6 (1) **THE** Maryland Psychological Association; **AND**

7 (II) **ANY LICENSED PSYCHOLOGIST WHO SUBMITS A STATEMENT**
8 **OF NOMINATION SIGNED BY AT LEAST 15 PSYCHOLOGISTS LICENSED IN THE STATE.**

9 (4) For each vacancy of a psychologist member, the Maryland Psychological
10 Association shall:

11 (i) Notify all licensed psychologists in the State of the vacancy to
12 solicit nominations to fill the vacancy; and

13 (ii) Conduct a balloting process where every licensed psychologist is
14 eligible to vote to select the names of the licensed psychologists that will be submitted to
15 the Governor.

16 (5) The Governor shall appoint the consumer members with the advice of
17 the [Secretary] **DIRECTOR** and the advice and consent of the Senate.

18 (g) (1) The Governor may remove a member for incompetence or misconduct.

19 (2) [Upon] **ON** the recommendation of the [Secretary] **DIRECTOR**, the
20 Governor may remove a member whom the [Secretary] **DIRECTOR** finds to have been
21 absent from [2] **TWO** successive Board meetings without adequate reason.

22 18–204.

23 (b) (1) The Board shall meet at least once a year, at the times and places that
24 it determines.

25 (2) The Board may hold special meetings, if:

26 (i) Requested by the [Secretary] **DIRECTOR**; or

27 (ii) The chairman or a majority of the members then serving on the
28 Board consider a meeting to be necessary or advisable.

29 (3) Reasonable notice of all Board meetings shall be given in the manner
30 determined by the Board.

1 18–206.

2 (b) In addition to the duties set forth elsewhere in this title, the Board shall:

3 (2) Submit an annual report of its activities to the [Secretary] **DIRECTOR**
4 as soon as practicable after the end of each fiscal year; and

5 18–316.

6 (b) Any person aggrieved by a final decision of the Board under § 18–313 of this
7 subtitle [may not appeal to the Secretary but] may take a direct judicial appeal as provided
8 in the Administrative Procedure Act.

9 19–201.

10 There is a State Board of Social Work Examiners in the [Department] **OFFICE**.

11 19–202.

12 (a) (1) The Board consists of 12 members.

13 (4) The Governor shall appoint all members of the Board with the advice
14 of the [Secretary] **DIRECTOR** and the advice and consent of the Senate.

15 (h) (1) The Governor may remove a member for incompetence, misconduct, or
16 neglect of duty.

17 (2) [Upon] **ON** the recommendation of the [Secretary] **DIRECTOR**, the
18 Governor may remove a member whom the [Secretary] **DIRECTOR** finds to have been
19 absent from [2] **TWO** successive Board meetings without adequate reason.

20 19–204.

21 (e) (1) The Board shall appoint, **AND THE DIRECTOR SHALL CONFIRM**, an
22 executive director.

23 (2) The executive director:

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

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

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

27 19–313.

(b) Any person aggrieved by a final decision of the Board under § 19–311 of this subtitle [may not appeal to the Secretary but] may take a direct judicial appeal as provided in the Administrative Procedure Act.

20–201.

There is a State Board for Certification of Residential Child Care Program Professionals in the [Department] **OFFICE**.

20–202.

(a) (1) The Board consists of 12 members.

(b) The Governor shall appoint members with **THE ADVICE OF THE DIRECTOR AND** the advice and consent of the Senate.

(h) (1) The Governor may remove a member for incompetence, misconduct, incapacity, or neglect of duty.

(2) On the recommendation of the [Children’s Cabinet] **DIRECTOR**, the Governor may remove a member whom the [Children’s Cabinet] **DIRECTOR** finds to have been absent from two successive Board meetings without adequate reason.

20–204.

(e) [The] **ON CONFIRMATION BY THE DIRECTOR, THE** Board may appoint an executive director.

(f) The executive director:

(1) Serves at the pleasure of the Board **AND THE DIRECTOR**;

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

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

20–205.

(b) In addition to the duties set forth elsewhere in this title, the Board shall:

(2) Submit an annual report to the Governor, **THE DIRECTOR**, and [Children’s Cabinet] **THE GOVERNOR’S OFFICE FOR CHILDREN**;

20–315.

(b) Any person aggrieved by a final decision of the Board under § 20–314 of this subtitle [may not appeal to the Secretary but] may take a direct judicial appeal as provided in the Administrative Procedure Act.

21–201.

There is a State Board of Environmental Health Specialists in the [Department] **OFFICE**.

21–202.

(a) (1) The Board consists of 9 members appointed by the Governor with the advice of the [Secretary] **DIRECTOR**, and with the advice and consent of the Senate.

(f) For each vacancy of a licensed environmental health specialist member, the Board shall:

(1) Solicit nominations by notifying all licensed environmental health specialists of the vacancy; and

(2) Submit to the [Secretary] **DIRECTOR** a list of at least three [candidates] **QUALIFIED INDIVIDUALS** for each vacancy.

(g) On the recommendation of the [Secretary] **DIRECTOR**, the Governor may remove a member for incompetence, misconduct, neglect of duty, or other sufficient cause.

21–205.

(b) In addition to the duties set forth elsewhere in this title, the Board shall:

(5) File an annual report of its activities with the Governor and the [Secretary] **DIRECTOR** that includes:

(i) A financial statement; and

(ii) A plan for special fund revenues; and

Article – State Finance and Procurement

6–226.

(a) (2) (ii) The provisions of subparagraph (i) of this paragraph do not apply to the following funds:

73. Natalie M. LaPrade **STATE BOARD ON** Medical Cannabis [Commission] Fund;

1 SECTION 6. AND BE IT FURTHER ENACTED, That:

2 (a) The responsibility for carrying out the licensing services for health
3 occupations in the State shall be transferred from the Department of Health and Mental
4 Hygiene to the Office of Health Occupations on January 1, 2018.

5 (b) (1) All appropriations, including State and federal funds, held by the
6 boards, commissions, and units of the State to carry out the functions, programs, and
7 services transferred under this Act shall be transferred from the Department of Health
8 and Mental Hygiene to the Office of Health Occupations on January 1, 2018.

9 (2) Funding for the services and programs under the Office of Health
10 Occupations shall be provided for the new Office of Health Occupations in the fiscal 2019
11 State budget.

12 (3) Federal fund grants directed to the State through other State agencies
13 shall be transferred to the Office of Health Occupations on January 1, 2018.

14 (c) On January 1, 2018, all of the functions, powers, duties, books and records,
15 including electronic records, real and personal property, equipment, fixtures, assets,
16 liabilities, obligations, credits, rights, and privileges of the boards, commissions, and units
17 that are transferred under this Act shall be transferred from the Department of Health and
18 Mental Hygiene to the Office of Health Occupations.

19 SECTION 7. AND BE IT FURTHER ENACTED, That all employees who are
20 transferred to the Office of Health Occupations as a result of this Act shall be transferred
21 without diminution of their rights, benefits, employment, or retirement status.

22 SECTION 8. AND BE IT FURTHER ENACTED, That, except as expressly provided
23 to the contrary in this Act, any transaction affected by or flowing from any statute added,
24 amended, repealed, or transferred under this Act and validly entered into before the
25 effective date of this Act, and every right, duty, or interest flowing from it, remains valid
26 after the effective date of this Act and may be terminated, completed, consummated, or
27 enforced under the law.

28 SECTION 9. AND BE IT FURTHER ENACTED, That, except as otherwise provided
29 by law, all existing laws, regulations, proposed regulations, standards and guidelines,
30 policies, orders and other directives, forms, plans, memberships, contracts, property,
31 investigations, administrative and judicial responsibilities, rights to sue and be sued, and
32 all other duties and responsibilities associated with the functions of the agencies and units
33 that are the subject of this Act prior to the effective date of this Act shall continue in effect
34 under and, as appropriate, are legal and binding on the Office of Health Occupations until
35 completed, withdrawn, canceled, modified, or otherwise changed under the law.

36 SECTION 10. AND BE IT FURTHER ENACTED, That this Act does not affect the
37 terms of office of a member of any division, board, council, commission, authority, office,

unit, or other entity that is transferred by this Act to the Office of Health Occupations. An individual who is a member of any such entity on January 1, 2018, shall remain a member for the balance of the term to which the member is appointed, unless the member sooner dies, resigns, or is removed under appropriate provisions of law.

SECTION 11. AND BE IT FURTHER ENACTED, That:

(a) Any person licensed, certified, permitted, or registered under any department, agency, board, office, or unit transferred by this Act is considered for all purposes to be licensed, certified, permitted, or registered for the duration of the term for which the license, certification, permit, or registration was issued, and may renew that authorization in accordance with the appropriate renewal provisions provided under the Health Occupations Article, as enacted by this Act.

(b) Any person that was originally licensed, certified, permitted, or registered under a provision of law that has been repealed by this Act as obsolete or inconsistent continues to meet the requirements of the license, certification, permit, or registration to the same extent as though that provision had not been repealed.

SECTION 12. AND BE IT FURTHER ENACTED, That the publisher of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, shall correct, with no further action required by the General Assembly, cross-references and terminology rendered incorrect by this Act or by any other Act of the General Assembly of 2017 that affects provisions enacted by this Act. The publisher shall adequately describe any correction that is made in an editor's note following the section affected.

SECTION 13. AND BE IT FURTHER ENACTED, That the terms of the initial members of the State Health Occupations Management Board shall expire as follows:

(1) three members in 2020; and

(2) four members in 2021.

SECTION 14. AND BE IT FURTHER ENACTED, That this Act shall take effect January 1, 2018.