

HOUSE BILL 566

J3, J1

5lr0334

By: **Delegate Rosenberg**

Introduced and read first time: February 11, 2015

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Administrative Procedure Act – Department of Health and Mental Hygiene –**
3 **Emergency Exception**

4 FOR the purpose of authorizing the Department of Health and Mental Hygiene to order a
5 licensee that provides services to individuals with developmental disabilities to
6 remedy immediately a situation requiring emergency action instead of ordering the
7 suspension of the license; and generally relating to the Administrative Procedure Act
8 and emergency actions by the Department of Health and Mental Hygiene concerning
9 licensees that provide services to individuals with developmental disabilities.

10 BY repealing and reenacting, with amendments,
11 Article – State Government
12 Section 10–226(c)
13 Annotated Code of Maryland
14 (2014 Replacement Volume)

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

17 **Article – State Government**

18 10–226.

19 (c) (1) Except as provided in paragraph (2) of this subsection, a unit may not
20 revoke or suspend a license unless the unit first gives the licensee:

21 (i) written notice of the facts that warrant suspension or revocation;
22 and

23 (ii) an opportunity to be heard.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) **(I)** A unit may order summarily the suspension of a license if the
2 unit:

3 **[(i)] 1.** finds that the public health, safety, or welfare
4 imperatively requires emergency action; and

5 **[(ii)] 2.** promptly gives the licensee:

6 **[1.] A.** written notice of the suspension, the finding, and
7 the reasons that support the finding; and

8 **[2.] B.** an opportunity to be heard.

9 **(II) INSTEAD OF ORDERING THE SUSPENSION OF THE LICENSE,**
10 **THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE MAY ORDER A LICENSEE**
11 **THAT PROVIDES SERVICES TO INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES**
12 **TO REMEDY IMMEDIATELY THE SITUATION THAT REQUIRES THE EMERGENCY**
13 **ACTION.**

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2015.