

Chapter 362

(Senate Bill 200)

AN ACT concerning

~~Health Occupations~~ – State Board of Chiropractic Examiners – Disciplinary Actions and Procedures

FOR the purpose of authorizing the State Board of Chiropractic Examiners to ~~deny a license to an applicant or take certain action against a licensee for failure to follow an order of the Board~~ take disciplinary action against an applicant or a licensee for failing to comply with a Board order; authorizing the Board to grant a stay of enforcement of a Board order in accordance with the Administrative Procedure Act; prohibiting ~~a Board order~~ an order of the Board from being stayed pending judicial review; authorizing the Board to appeal a decision that reverses or modifies its order; authorizing the Board to reinstate a suspended or revoked license only ~~under certain circumstances; and generally relating to chiropractors~~ in accordance with the terms and conditions of the order of suspension or revocation or an order of reinstatement issued by the Board; and generally relating to disciplinary actions by the State Board of Chiropractic Examiners.

BY repealing and reenacting, with amendments,
 Article – Health Occupations
 Section 3–313(28) and (29) and 3–316
 Annotated Code of Maryland
 (2021 Replacement Volume and 2022 Supplement)

BY adding to
 Article – Health Occupations
 Section 3–313(30) and 3–317
 Annotated Code of Maryland
 (2021 Replacement Volume and 2022 Supplement)

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

Article – Health Occupations

3–313.

Subject to the hearing provisions of § 3–315 of this subtitle, the Board may deny a license to any applicant, reprimand any licensee, place any licensee on probation, with or without conditions, or suspend or revoke a license, or any combination thereof, if the applicant or licensee:

(28) Violates any provision of this title; [or]

(29) Fails to submit to a criminal history records check in accordance with § 3–302.1 of this subtitle; **OR**

(30) FAILS TO COMPLY WITH ANY BOARD ORDER.

3–316.

(a) Except as provided in this section for an action under § 3–313 of this subtitle, any person aggrieved by a final decision of the Board in a contested case, as defined in the Administrative Procedure Act, may petition for judicial review as allowed by the Administrative Procedure Act.

(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.

(C) (1) THE BOARD MAY GRANT A STAY OF ENFORCEMENT OF A BOARD ORDER IN ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURE ACT.

(2) AN ORDER OF THE BOARD MAY NOT BE STAYED PENDING JUDICIAL REVIEW.

(D) THE BOARD MAY APPEAL ~~ANY~~ A DECISION THAT REVERSES OR MODIFIES ITS ORDER.

3–317.

IF A LICENSE HAS BEEN SUSPENDED OR REVOKED UNDER § 3–313 OF THIS SUBTITLE, THE BOARD MAY REINSTATE THE LICENSE ONLY IN ACCORDANCE WITH:

(1) THE TERMS AND CONDITIONS OF THE ORDER OF SUSPENSION OR REVOCATION; OR

(2) AN ORDER OF REINSTATEMENT ISSUED BY THE BOARD.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2023.

Approved by the Governor, May 3, 2023.