

# SENATE BILL 200

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3lr1638

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By: **Senator Lam (By Request – State Board of Chiropractic Examiners)**

Introduced and read first time: January 20, 2023

Assigned to: Finance

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 14, 2023

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Health Occupations – State Board of Chiropractic Examiners – Disciplinary**  
3 **Actions and Procedures**

4 FOR the purpose of authorizing the State Board of Chiropractic Examiners to deny a license  
5 to an applicant or take certain action against a licensee for failure to follow an order  
6 of the Board; authorizing the Board to grant a stay of enforcement of a Board order  
7 in accordance with the Administrative Procedure Act; prohibiting a Board order from  
8 being stayed pending judicial review; authorizing the Board to appeal a decision that  
9 reverses or modifies its order; authorizing the Board to reinstate a suspended or  
10 revoked license only under certain circumstances; and generally relating to  
11 chiropractors.

12 BY repealing and reenacting, with amendments,  
13 Article – Health Occupations  
14 Section 3–313(28) and (29) and 3–316  
15 Annotated Code of Maryland  
16 (2021 Replacement Volume and 2022 Supplement)

17 BY adding to  
18 Article – Health Occupations  
19 Section 3–313(30) and 3–317  
20 Annotated Code of Maryland  
21 (2021 Replacement Volume and 2022 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

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

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

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.