

HOUSE BILL 1455

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By: **Delegate Krebs**

Introduced and read first time: February 24, 2022

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

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

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

13 BY repealing and reenacting, with amendments,

14 Article – Health Occupations

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

22 Annotated Code of Maryland

23 (2021 Replacement Volume)

24 BY repealing and reenacting, without amendments,

25 Article – Health Occupations

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

29 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2021 Replacement Volume)

2 BY repealing

3 Article – Health Occupations

4 Section 2–204(e), 8–204(d), 13–204, 13–205(d), 18–204(d), 19–204(e), and 20–204(f)

5 Annotated Code of Maryland

6 (2021 Replacement Volume)

7 BY adding to

8 Article – Health Occupations

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

10 Annotated Code of Maryland

11 (2021 Replacement Volume)

12 Preamble

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

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

18 WHEREAS, The Secretary of Health currently lacks the statutory authority under §
19 1–203 of the Health Occupations Article to participate in the appointments of the executive
20 directors of the health occupations boards and provide certain Maryland Department of
21 Health resources; and

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

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

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

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

33 **Article – Health Occupations**

34 1–203.

1 (b) (1) (I) IN THIS SUBSECTION, “INFRASTRUCTURE OPERATIONS”
2 MEANS THE ADMINISTRATIVE ACTIVITIES OF A BOARD OR COMMISSION
3 ESTABLISHED UNDER THIS ARTICLE, INCLUDING ACTIVITIES RELATED TO THE
4 FOLLOWING:

5 1. HUMAN RESOURCES;

6 2. INFORMATION TECHNOLOGY;

7 3. PROCUREMENT;

8 4. BUDGET AND MANAGEMENT RESOURCES;

9 5. OFFICE SPACE;

10 6. TELECOMMUNICATIONS; AND

11 7. AUDIT COMPLIANCE AS REQUIRED BY TITLE 2,
12 SUBTITLE 6 OF THE STATE GOVERNMENT ARTICLE.

13 (II) “INFRASTRUCTURE OPERATIONS” DOES NOT INCLUDE
14 LICENSING, INVESTIGATION, SCOPE OF PRACTICE, OR DISCIPLINARY ACTIVITIES.

15 (2) [The] EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS
16 SUBSECTION, THE power of the Secretary to transfer staff or functions of units in the
17 Department does not apply to any staff of a board or commission, established under this
18 article, or to any functions that pertain to licensing, disciplinary, or enforcement authority,
19 or to any other authority specifically delegated by law to a board or commission.

20 (3) THE SECRETARY HAS AUTHORITY OVER THE INFRASTRUCTURE
21 OPERATIONS OF A BOARD OR COMMISSION ESTABLISHED UNDER THIS ARTICLE.

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

24 1A-204.

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

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

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

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

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

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

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

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

12 1A-206.

13 (a) There is an Acupuncture Board Fund.

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

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

19 2-204.

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

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

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

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

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

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

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

1 OF THE BOARD IN A POSITION THAT:

2 (I) IS UNIQUE TO THE BOARD;

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

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

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

12 2–206.

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

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

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

20 3–204.

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

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

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

31 (i) Is the executive director of both boards; and

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

(I) IS UNIQUE TO THE BOARD;

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

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

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

3-206.

(a) There is a State Board of Chiropractic Examiners Fund.

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

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

4-204.

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

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

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

(I) IS UNIQUE TO THE BOARD;

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

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

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

8 4-207.

9 (a) There is a State Board of Dental Examiners Fund.

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

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

15 5-203.

16 (a) From among its members, the Board [annually] shall elect a chairman, a vice
17 chairman, and a secretary.

18 (b) The Board shall determine:

19 (1) The manner of election of officers; [and]

20 **(2) THE TERM OF OFFICE OF EACH OFFICER; AND**

21 [(2)] **(3)** The duties of each officer.

22 5-204.

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

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

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

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

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

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

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

11 5–206.

12 (a) There is a State Board of Dietetic Practice Fund.

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

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

18 6–203.

19 (a) From among its members, the Board [annually] shall elect a chair, vice chair,
 20 and secretary–treasurer.

21 (b) The Board shall determine:

22 (1) The manner of election of the officers; [and]

23 **(2) THE TERM OF OFFICE OF EACH OFFICER; AND**

24 **[(2)] (3)** The duties of each officer.

25 6–204.

26 (a) The **SECRETARY, WITH THE ADVICE AND CONSENT OF THE BOARD, MAY**
 27 **EMPLOY A STAFF FOR THE** Board and the State Board of Chiropractic Examiners [may
 28 employ a staff] in accordance with the [budgets of the boards] **STATE BUDGET.**

29 (b) The [Board and the State Board of Chiropractic Examiners jointly shall

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

4 [(c) The executive director:

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

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

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

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

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

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

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

19 6–207.

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

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

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

26 7–203.

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

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

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

4 (1) The manner of election of officers;

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

6 (3) The duties of each officer.

7 7-204.

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

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

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

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

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

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

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

25 7-206.

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

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

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

3 8-204.

4 [(d) The Board may:

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

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

7 (3) Employ:

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

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

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

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

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

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

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

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

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

30 8-206.

1 (a) There is a Board of Nursing Fund.

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

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

7 9-203.

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

10 [(b) (1) The Board shall appoint and the Secretary shall confirm the Board
11 executive director.

12 (2) The Board executive director may not be a member of the Board and
13 serves at the pleasure of the Board.

14 (3) The Board executive director is the executive officer of the Board.

15 (4) The Board executive director shall have, at a minimum, a bachelor's
16 degree.

17 (c) The Board shall determine the duties of each officer.]

18 **(B) FROM AMONG ITS MEMBERS, THE BOARD SHALL ELECT ANY OFFICERS,**
19 **OTHER THAN THE CHAIR AND VICE CHAIR, THAT IT CONSIDERS NECESSARY.**

20 **(C) THE BOARD SHALL DETERMINE:**

21 **(1) THE MANNER OF ELECTION OF OFFICERS;**

22 **(2) THE TERM OF OFFICE OF EACH OFFICER; AND**

23 **(3) THE DUTIES OF EACH OFFICER.**

24 9-204.

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

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

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

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

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

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

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

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

14 10-203.

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

17 (b) The Board shall determine:

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

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

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

21 10-204.

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

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

26 (i) A staff; and

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

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

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

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

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

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

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

15 10-206.

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

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

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

22 11-204.

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

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

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

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

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

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

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

10 11–207.

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

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

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

17 12–204.

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

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

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

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

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

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

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

5 12-206.

6 (a) There is a State Board of Pharmacy Fund.

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

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

12 [13-204.

13 (a) The Board shall appoint a Board executive director, who serves at the pleasure
14 of the Board.

15 (b) The Board executive director:

16 (1) Is the executive officer of the Board; and

17 (2) Has the powers and duties assigned by the Board.]

18 **13-204.**

19 **(A) (1) IN ACCORDANCE WITH THE STATE BUDGET, THE SECRETARY,**
20 **WITH THE ADVICE AND CONSENT OF THE BOARD, MAY EMPLOY:**

21 **(I) A STAFF FOR THE BOARD; AND**

22 **(II) EXPERTS AND CONSULTANTS TO OBTAIN INFORMATION**
23 **AND ADVICE THAT RELATE TO PHYSICAL THERAPY.**

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

26 **(B) THE SECRETARY MAY SET THE COMPENSATION OF AN EMPLOYEE OF**
27 **THE BOARD IN A POSITION THAT:**

28 **(1) IS UNIQUE TO THE BOARD;**

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

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

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

9 13-205.

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

11 (1) A staff; and

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

14 13-207.

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

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

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

21 14-203.

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

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

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

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

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

1 chair AND VICE CHAIR, that it considers necessary.

2 (c) The Board shall determine:

3 (1) The manner of election of officers;

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

5 (3) The duties of each officer.

6 14–207.

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

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

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

13 16–204.

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

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

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

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

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

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

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

1 SUBSECTION.

2 16–206.

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

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

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

9 17–204.

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

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

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

17 (I) IS UNIQUE TO THE BOARD;

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

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

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

27 17–206.

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

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

1 by the provisions of this article.

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

4 18-204.

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

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

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

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

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

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

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

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

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

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

27 18-207.

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

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

1 by the provisions of this article.

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

4 19-204.

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

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

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

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

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

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

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

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

23 (2) The executive director:

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

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

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

27 19-206.

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

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

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

6 20-204.

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

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

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

15 (I) IS UNIQUE TO THE BOARD;

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

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

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

25 [(f) The executive director:

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

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

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

29 21-204.

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

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

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

6 [(2) The executive director shall:

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

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

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

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

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

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

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

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

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