

HOUSE BILL 81

C2

01r0085

(PRE-FILED)

By: **Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)**

Requested: October 8, 2009

Introduced and read first time: January 13, 2010

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Cosmetologists – Hearing Board**

3 FOR the purpose of authorizing the State Board of Cosmetologists to appoint a
4 hearing board, with the approval of the Secretary of Labor, Licensing, and
5 Regulation; providing for the membership and chair of the hearing board;
6 authorizing the Board to refer certain matters to the hearing board; providing
7 for the procedures of the hearing board; providing that a decision of the hearing
8 board is a final order under certain circumstances; providing for judicial review
9 of a decision of the hearing board; and generally relating to the State Board of
10 Cosmetologists.

11 BY adding to

12 Article – Business Occupations and Professions

13 Section 5–315.1

14 Annotated Code of Maryland

15 (2004 Replacement Volume and 2009 Supplement)

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

18 **Article – Business Occupations and Professions**

19 **5–315.1.**

20 **(A) WITH THE APPROVAL OF THE SECRETARY, THE BOARD MAY**
21 **APPOINT A HEARING BOARD.**

22 **(B) (1) A HEARING BOARD SHALL CONSISTS OF AT LEAST THREE**
23 **MEMBERS OF THE BOARD.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(2) OF THE MEMBERS OF THE HEARING BOARD:**

2 **(I) AT LEAST ONE SHALL HAVE EXPERIENCE IN SOME**
3 **PHASE OF THE PRACTICE OF COSMETOLOGY; AND**

4 **(II) AT LEAST ONE SHALL BE A CONSUMER MEMBER OF THE**
5 **BOARD.**

6 **(C) THE BOARD SHALL APPOINT A CHAIR FROM AMONG THE MEMBERS**
7 **OF THE HEARING BOARD.**

8 **(D) THE BOARD MAY REFER TO THE HEARING BOARD A CHARGE,**
9 **CLAIM, OR COMPLAINT MADE BY ANY PERSON UNDER THIS SUBTITLE OR AN**
10 **ISSUE WITH A LICENSE APPLICATION.**

11 **(E) EACH PROCEDURE APPLICABLE TO A HEARING BEFORE THE BOARD**
12 **IS APPLICABLE TO A HEARING BEFORE THE HEARING BOARD.**

13 **(F) (1) A DECISION OF THE HEARING BOARD SHALL BE:**

14 **(I) BY A MAJORITY VOTE OF THE ENTIRE MEMBERSHIP OF**
15 **THE HEARING BOARD;**

16 **(II) IN WRITING; AND**

17 **(III) SUBMITTED TO THE BOARD.**

18 **(2) UNLESS, WITHIN 15 DAYS AFTER THE HEARING BOARD**
19 **SUBMITS ITS DECISION TO THE BOARD, THE BOARD OR A MEMBER OF THE**
20 **BOARD FINDS THAT A FULL HEARING BY THE BOARD IS REQUIRED:**

21 **(I) THE DECISION OF THE HEARING BOARD IS FINAL;**

22 **(II) THE DECISION IS A FINAL DECISION OF THE BOARD;**
23 **AND**

24 **(III) A PARTY WHO IS AGGRIEVED BY THE DECISION IS**
25 **ENTITLED TO JUDICIAL REVIEW AS PROVIDED IN § 5-209 OF THIS TITLE.**

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2010.