

## **ROLE OF THE OFFICE OF THE ATTORNEY GENERAL DURING THE DISCIPLINARY PROCESS**

By law, the Office of the Attorney General (the “Office”) represents each health occupations licensing board and prosecutes licensees before each board. To provide fair adjudications to those appearing before the boards and to avoid even the appearance of a conflict of interest, the Office has for decades separated the roles of, and maintained a conflicts “screen” between, board counsel and administrative prosecutors in the disciplinary process. More recently, the Office implemented an internal restructuring under which the administrative prosecutors now constitute a separate unit within the Office, with a Principal Counsel who reports not, as before, to the Principal Counsel for DHMH, but to the Deputy Attorney General. This restructuring is primarily a formal recognition of the historical separation that the Office has always maintained, and the board counsel and administrative prosecutors continue to carry out the functions they always have, as described below:

- Board counsel advise the boards throughout the disciplinary process.
- Administrative prosecutors review and present disciplinary cases to the boards.
- The board counsel and the administrative prosecutors have different supervisors.
- Once charges have been filed and until a final order is issued, an administrative prosecutor and board counsel may not discuss the substance of a specific case unless the licensee’s attorney or the licensee participates in the discussion.
- This prohibition on *ex parte* communications extends to the supervisors of the administrative prosecutors and board counsel.

A copy of the Office’s formal policy covering the roles of advisors (board counsel) and advocates (administrative prosecutors) may be obtained through the Attorney General’s website.