

PROPOSED REGULATIONS

10.32.02.02 Definitions.

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B. Terms Defined.

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(19) Investigative Interview.

(a) "Investigative Interview" means a fact-finding proceeding conducted in the course of an investigation during which designated staff meets with the respondent to obtain relevant information.

(b) "Investigative Interview" does not include activity that takes place as part of the inspection of a place of business or public premises conducted under Health Occupations Article §§ 14-206(d), 14-206.1 or 15-205(c)(4), Annotated Code of Maryland, or an inspection conducted with a search warrant.

10.32.02.03 Prehearing Proceedings

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C. Investigation of Complaints.

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(5) Investigative Interviews.

(a) During the course of an investigation, designated staff may conduct an investigative interview of the respondent to obtain relevant information.

(b) Representation by counsel.

(i) The respondent may be accompanied by counsel during an investigative interview by the Board.

(ii) Counsel may observe the investigative interview and may advise their client on legal matters.

(iii) If counsel makes repeated interruptions or objections during an investigative interview, Board staff may request that counsel hold all further comments until the conclusion of the interview.

(iv) If counsel continues to interrupt or object during an investigative interview after Board staff's request as stated in (b)(iii) of this regulation, Board staff may require counsel to leave the interview.

(c) At the conclusion of an investigative interview of the respondent, the respondent or their counsel shall be provided with an opportunity to provide additional information that they believe is relevant to the interview or investigation. Board staff may request that any additional information be submitted in writing to the Board.

(d) A respondent's failure to appear for an investigative interview, refusal to respond to questions by Board staff, or refusal to continue an interview after counsel is required to leave pursuant to (b)(iv) of this regulation is a failure to cooperate with a lawful investigation by the Board or a disciplinary panel.