



Fiscal Year 2019 Annual Report of the State Advisory Council on Administrative Hearings

Legislative Authority and Functions

The State Advisory Council on Administrative Hearings (the "Council") is authorized by State Government Article § 9-1608 of the Maryland Annotated Code. The Council was established with the following purpose and functions:

- 1) To advise the Chief Administrative Law Judge (CALJ) in carrying out his duties;
- 2) To identify issues of importance to administrative law judges (ALJ) that should be addressed by the CALJ
- 3) To review issues and problems relating to administrative hearing and the administrative process
- 4) To review and comment upon policies and regulations proposed by the CALJ
- 5) To advise the Governor as to those agencies for which a continuing exemption under § 9-1601 should be maintained
- 6) To submit an annual report, which may be prepared in conjunction with the Office of Administrative Hearings' (OAH) Annual Report to the Legislative Policy Committee of the General Assembly.

In the interest of government efficiency and economy, the Council submits its Fiscal Year 2019 (FY19) Annual Report in conjunction with the FY19 OAH Annual Report.

Council Membership

The Council consists of ten members. Leroy D. Maddox, Esquire, general public representative, continued to serve as Chair.

The following Council members served in FY19:

- Senator Susan C. Lee, appointed by the President of the Senate;
- Delegate Samuel I. Rosenberg, appointed by the Speaker of the House;

- Karen B. Salmon, Ph.D., agency representative;
- Thomas Andrews, agency representative;¹
- M. Natalie McSherry, Esquire, general public representative;²
- Bruce P. Martin, Esquire, Maryland State Bar Association (MSBA) representative;
- Rochelle Eisenberg, nongovernmental attorney representative;³
- Michele McDonald, Esquire, designee of the Attorney General; and
- Susan Dishler Shubin, Esquire, Maryland State Bar Association (MSBA) representative.

Council Activities

The Council held meetings on October 4, 2018, March 6, 2019 and June 3, 2019. Council members were kept apprised of OAH's overall operations, the monthly Administrative Law Judge (ALJ) training programs, the status of the current year's budget as well as the upcoming fiscal year's budget.

Pursuant to the Regulatory, Review and Evaluation Act, OAH is required to review its regulations every eight years. Throughout FY19, OAH kept the Council apprised of the progress of the development of in-house committees to review and consider changes to OAH's regulations and the public meetings which were held. As previously noted under the Council's "Legislative Authority and Functions" section, one of the functions of the Council is to "review and comment upon policies and regulations proposed by the CALJ."

On May 7, 2019, prior to the June 3, 2019 Council meeting, OAH provided the Council with draft Rules of Procedure for comment prior to submission to the Joint Committee on Administrative, Executive, and Legislative Review (AELR).

The Council would like to provide the following highlights regarding OAH in FY19:

- Once again, maintained an approximate 99% timeliness rate for issuing written decisions
- ALJ Kerwin Miller was appointed to the Harford County District Court
- Implemented a Decision Portal so that the public can search redacted decisions in certain case types
- Developed an in-house 40-hour mediation program as part of the training for seven recent ALJ hires and summer law interns

¹ Governor Hogan appointed Mr. Andrews to serve on the Council on January 15, 2019 as the agency representative. Keith Tobias filled that position from July 1, 2018 until January 15, 2019.

² Ms. McSherry served on the Council as the nongovernmental attorney representative until April 16, 2019. On May 6, 2019, CALJ Dewberry wrote to Governor Hogan and requested that he re-appoint Ms. McSherry to fill the vacant general public representative. Ms. McSherry continues to attend Council meetings awaiting official re-appointment.

³ Ms. Eisenberg was appointed by Governor Hogan on April 16, 2019 as the non-governmental attorney representative. Ms. McSherry participated on the Council as the non-governmental attorney representative from July 1, 2018 until April 16, 2019.

- Upgraded its case management system as it works toward e-filing
- Located new hearing space in Rockville
- Scheduled meetings with hospitals around the State and the Office of Public Defender to ensure that each hospital is following safety protocols and has security personnel in place at involuntary admission hearings

ALJ John J. Leidig, Deputy Director of Operations, reviewed legislation that OAH was monitoring during the 2019 Legislative Session. The OAH monitors bills that (1) could impact OAH's caseload; (2) may require ALJ training; (3) a "Request for Fiscal Note" has been submitted by the Department of Legislative Services; and (4) would provide a board with the option of delegating contested case hearings to a subset of board members.

Council members were also updated on the following:

- meetings with agency personnel
- ALJ hiring and training
- staffing changes
- attendance at conferences
- presentations
- public outreach

The Council wishes to emphasize that the attached OAH FY19 Annual Report provides detailed information on the items highlighted in this Report.