

BROUGHT AGAINST A LICENSEE UNDER THIS TITLE, THE BOARD SHALL REQUIRE THE LICENSEE TO PASS A BOARD APPROVED STANDARDIZED TEST OF ORAL COMPETENCY.

(4) THE BOARD MAY NOT REQUIRE AN APPLICANT FOR A LICENSE TO PRACTICE PHARMACY, WHO WAS PREVIOUSLY LICENSED IN ANOTHER STATE TO PRACTICE PHARMACY, TO DEMONSTRATE AN ORAL COMPETENCY IN THE ENGLISH LANGUAGE, IF THE OTHER STATE'S EXAMINATION AND LICENSING PROCEDURES AT THE TIME THE APPLICANT WAS LICENSED IN THE OTHER STATE INCLUDED AN ORAL COMPETENCY COMPONENT SIMILAR TO THE ORAL COMPETENCY COMPONENT IN THIS STATE'S EXAMINATION AND LICENSING PROCEDURES.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 1996.

May 22, 1996

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, I have today vetoed Senate Bill 361.

Senate Bill 361 requires the Office of Legislative Audits of the Department of Fiscal Services to audit each unit of State government at least once every 3 years, instead of the current 2-year audit cycle. In addition, the bill makes numerous changes to the law governing legislative audits, including: authorizing the Legislative Auditor to audit a corporation or association which has received funds from an appropriation; granting the Auditor access to the records of contractors and subcontractors that perform work under State contracts; authorizing the Legislative Auditor to move all or a portion of an audit to the Office of Legislative Audits; and imposing a duty on any public or private entity audited to provide any information that the Legislative Auditor "requests" for the audit.

The Legislative Auditor plays an important role in assuring that State agencies run properly and efficiently and that private entities expend State funds in accordance with law. While I have no objections to extending the audit cycle or many of the changes intended to clarify the Auditor's role, I have concerns regarding where an audit can take place and the apparent expansion of the Legislative Auditor's access to records and information. My concerns are not with present practice but with the possible future misconstruction of this legislation.

Current law requires that an audit take place "at the offices of the State unit, county officer or unit, corporation, or association that is subject to audit." Senate Bill 361 gives the Legislative Auditor unilateral authority to move the audit to the Office of Legislative Audits. Such a move without the consent of the agency or contractor being audited could cause significant disruptions to operations, result in increased costs to the entity, and place the safety of original documents at risk. To address these concerns, the