

An. Code, 1924, sec. 323. 1912, sec. 264. 1914, ch. 652, sec. 13. 1922, ch. 231, sec. 264.

365. The board may revoke any certificate of registration or examination granted by it under this sub-title because of wilful misrepresentation, illegal practice, conviction of crime, whether in this State or elsewhere, habitual drunkenness for six months preceding the charge, gross incompetency to practice optometry, the employment of other persons as solicitors of business, obtaining any fee by fraud or misrepresentation, employing directly or indirectly any person other than the holder of a certificate of registration or examination granted in accordance with the provisions of this sub-title, to perform any act for which such certificate is required, making use of or authorizing any advertisement containing untruthful or misleading statements, or any other unprofessional conduct; and the board may refuse to grant a certificate to any person guilty of fraud in passing the examination or guilty at any time of felony or gross immorality or addicted to the liquor or drug habit to such a degree as to render him unfit to practice the profession of optometry; but no certificate shall be revoked nor refused unless written charges have been filed against the accused in person, and at least ten days' written notice of the time and place of the hearing thereon, which shall be public, served upon the accused, and he be given an opportunity to confront the witness against him, offer testimony in his own behalf and be heard in person or by counsel. Witnesses at such hearing shall testify under oath and the board may enforce the attendance of witnesses. Any certificate which shall have been revoked may in the discretion of said board be reissued after six months from the date of its revocation, provided the cause for which such certificate shall have been revoked shall no longer exist, and provided further that the person whose certificate shall have been revoked shall show to said board, upon examination, that he is fully qualified to practice optometry, and shall pay a fee of fifteen dollars for such reissuance. Any optometrist convicted a second time for violation of the provisions of this sub-title or whose certificate of registration or examination has been revoked shall not be permitted to practice optometry in this State. An appeal may be taken from the action of the board refusing to grant or revoking a certificate for such causes to three disinterested optometrists, one of whom shall be appointed by said board, another of whom shall be appointed by the applicant, and the two so appointed to select the third, and the decision of any two thereof shall be final and binding. Thirty dollars shall be deposited with said board by said applicant prior to the selection of the three persons aforesaid for the purpose of defraying the expenses of said appeal. If the decision of the board be not affirmed the said thirty dollars is to be returned to said applicant and the expenses of the appeal is to be borne by the board.

This section does not apply to person whose license has been revoked under sec. 363. See notes thereto. *Kahn v. Board of Examiners*, 162 Md. 668.

An. Code, 1924, sec. 324. 1912, sec. 265. 1914, ch. 652, sec. 14.

366. It shall be unlawful for any person to knowingly sell to or prescribe glasses for persons with diseased eyes except it be with their knowledge and consent or on an order of or advice from a registered physician, or to sell to or prescribe concave glasses for a person under fifteen years of age except on an order of or advice from a registered physician. It shall not be construed as a violation of this section for a person to sell a duplicate or replace glasses for such cases cited in this section.

Cited in *Dvorine v. Castelberg Corp.*, 170 Md. 672.