

- (4) PRACTICES CHIROPRACTIC UNDER A FALSE NAME;
- (5) IMPERSONATES ANOTHER PRACTITIONER;
- (6) IS CONVICTED OF A CRIME INVOLVING MORAL TURPITUDE;
- (7) HABITUALLY USES ALCOHOL, OR ANY NARCOTIC OR STIMULANT TO THE EXTENT THAT THE INDIVIDUAL IS UNABLE TO PERFORM PROFESSIONAL DUTIES COMPETENTLY; OR
- (8) SOLICITS OR ADVERTISES IN A FALSE OR MISLEADING MANNER OR IN ANY OTHER MANNER NOT APPROVED BY THE BOARD.

REVISOR'S NOTE: This section is new language derived without substantive change from the first sentence of Art. 43, § 506(a) and from Art. 43, § 506(b) -- except the last clause of the first sentence.

In the introductory language of this section and, where necessary, corresponding sections of other titles of this article, the reference to the power of the Board to reprimand a licensee is added to state specifically a power that is inherent in the express power to suspend or revoke a license.

Items (2) and (3) of this section are revised to conform to similar provisions governing other health occupations in present Art. 43. They state fundamental grounds for disciplining a licensee. For examples of such provisions in the present law, see present Art. 43, § 130(h)(1), as to physicians, and present Art. 43, § 266A(c)(1)(iii), as to pharmacists.

As to item (4) of this section, the words "or assumed" are deleted as misleading and unnecessary. At common law, absent a statute to the contrary, an individual may "adopt or assume" any name if the name is used consistently, and without the intent to deceive or to defraud creditors. See Hardy v. Hardy, 269 Md. 412 (1973); Romans v. State, 178 Md. 588 (1940), cert. denied, 312 U.S. 695 (1941); and Art. 16, § 123 of the Code.

As to item (8) of this section, the disjunctive "or" is substituted for "and" in the present law to clarify that advertising or soliciting is violative if it is either false or misleading.

Also as to item (8) of this section, see § 3-401 of this title, which relates to the adoption of standards for advertising.