

The last sentence of present Art. 43, § 506(a), which relates to notice and hearings, now appears in § 3-311 of this subtitle.

The second clause of the first sentence of Art. 43, § 506(a), concerning removal of the name of a licensee from the court records, is deleted as obsolete. See the General Revisor's Note to this title.

3-311. HEARINGS.

(A) RIGHT TO A HEARING.

EXCEPT AS OTHERWISE PROVIDED IN THE ADMINISTRATIVE PROCEDURE ACT, BEFORE THE BOARD TAKES ANY ACTION UNDER § 3-310 OF THIS SUBTITLE, IT SHALL GIVE THE INDIVIDUAL AGAINST WHOM THE ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE THE BOARD.

(B) APPLICATION OF ADMINISTRATIVE PROCEDURE ACT.

THE BOARD SHALL GIVE NOTICE AND HOLD THE HEARING IN ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURE ACT.

(C) RIGHT TO COUNSEL.

THE INDIVIDUAL MAY BE REPRESENTED AT THE HEARING BY COUNSEL.

(D) EX PARTE HEARINGS.

IF AFTER DUE NOTICE THE INDIVIDUAL AGAINST WHOM THE ACTION IS CONTEMPLATED FAILS OR REFUSES TO APPEAR, NEVERTHELESS THE BOARD MAY HEAR AND DETERMINE THE MATTER.

REVISOR'S NOTE: This section is new language derived in part from the last sentence of Art. 43, § 506(a).

The introductory clause of subsection (a) of this section, " { e } xcept as otherwise provided in the Administrative Procedure Act" is new language added to clarify that the Board may summarily take action against an individual under certain circumstances. See Art. 41, § 250A(c) of the Code.

The express inclusion of the power to reprimand a licensee in § 3-310 of this subtitle -- when read with this section -- results in new express requirements that a hearing be held before the Board may reprimand a licensee and, consequently, that the review procedures of § 3-312 of this subtitle be available to the licensee after a final Board decision to reprimand. This change