

is made to conform with other present health occupation board provisions of Art. 43 and to meet fundamental requirements of fairness.

The references in subsections (a) and (b) of this section to the Administrative Procedure Act are standard language added to this and, where necessary, corresponding sections of other titles of this article. These provisions demonstrate clearly the intended application of the Administrative Procedure Act, Art. 41, § 244 et seq. of the Code, to administrative hearings under this section.

As to subsection (c) of this section, the statement that the individual may appear with counsel is implicit in the scheme of the Administrative Procedure Act; however, since this provision is stated explicitly in present Art. 43, § 506(a), it is retained in this section.

Subsection (d) of this section is new language added to clarify that the Board may proceed with the ex parte hearing if the accused person has been given due notice.

The references in present Art. 43, § 506(a) that the Board furnish a copy of the complaint to the accused, and that the Board may examine witnesses, are deleted as essentially repetitious of rights already provided in the Administrative Procedure Act.

As to the power of the Board to summon witnesses, administer oaths, and take affidavits in connection with a hearing under this section, see § 3-205(a)(2) of this title and Art. 43, § 3 of the Code.

3-312. ADMINISTRATIVE AND JUDICIAL REVIEW.

(A) IN GENERAL.

EXCEPT AS PROVIDED IN THIS SECTION FOR AN ACTION UNDER § 3-310 OF THIS SUBTITLE, ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE BOARD IN A CONTESTED CASE, AS DEFINED IN THE ADMINISTRATIVE PROCEDURE ACT, MAY:

(1) APPEAL THAT DECISION TO THE BOARD OF REVIEW;

AND

(2) THEN TAKE ANY FURTHER APPEAL ALLOWED BY THE ADMINISTRATIVE PROCEDURE ACT.

(B) AN ACTION UNDER § 3-310.