

(1) ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE BOARD UNDER § 3-310 OF THIS SUBTITLE MAY NOT APPEAL TO THE BOARD OF REVIEW BUT MAY TAKE A DIRECT JUDICIAL APPEAL.

(2) THE APPEAL SHALL BE MADE AS PROVIDED FOR JUDICIAL REVIEW OF FINAL DECISIONS IN THE ADMINISTRATIVE PROCEDURE ACT.

REVISOR'S NOTE: This section is standard language used throughout this article to provide for administrative and judicial review. The new language is based on the combined requirements of the Administrative Procedure Act and of the provisions regarding the Board of Review.

The introductory language of subsection (a) and the introductory phrase of subsection (b)(1) of this section conform to the Administrative Procedure Act, which provides a right of judicial review of any "final decision" of an agency in a "contested case". A situation is a contested case if a party has a right to a hearing (see the Administrative Procedure Act definition of "contested case" in Art. 41, § 244 of the Code).

As to the application of this section, the Board of Review has general jurisdiction over final decisions of the Board under this subtitle. Therefore, for some actions, a decision of the Board of Review is a prerequisite to judicial review. Subsection (a) of this section reflects that general procedure. The Board of Review, however, does not have jurisdiction over any disciplinary action taken by the Board. Consequently, subsection (b) of this section expressly provides for direct judicial review for persons aggrieved under § 3-310 of this subtitle.

The new language substituted in this section better coordinates the combined requirements of the Administrative Procedure Act and the laws regarding the Board of Review. These provisions apply in any event. No substantive change is intended.

#### SUBTITLE 4. MISCELLANEOUS.

##### 3-401. ADVERTISING AND SOLICITATION.

###### (A) STANDARDS.

THE BOARD SHALL ADOPT RULES AND REGULATIONS TO ESTABLISH STANDARDS FOR ADVERTISING OR SOLICITING BY CHIROPRACTORS.

###### (B) NOTICES TO PATIENTS.