

20-309. SAME -- HEARINGS.

(A) RIGHT TO A HEARING.

EXCEPT AS OTHERWISE PROVIDED IN THE ADMINISTRATIVE PROCEDURE ACT, BEFORE THE BOARD TAKES ANY ACTION UNDER § 20-308 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) 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: Subsection (a) of this section is new language derived without substantive change from Art. 43, § 406A(f)(9), as that subsection relates to a hearing by the Board.

Subsection (b) of this section is standard language added to this and, where necessary, corresponding sections of other titles of this article. It demonstrates clearly the intended applications of the Administrative Procedure Act, Art. 41, § 244 et seq. of the Code, to administrative hearings under this section.

Subsection (c) 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.

In subsection (a) of this section, the introductory language, "(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.

As to subsection (a) of this section, the express inclusion of the power to reprimand a certificate holder in § 20-308(b) of this subtitle -- when read with this section -- results in new express requirements that a hearing be held before the Board may reprimand a certificate holder and, consequently, that the review procedures of § 20-310 of this subtitle be available to the certificate holder after a final Board decision