

IF AFTER DUE NOTICE THE PERSON 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 without substantive change from NR § 8-611(b).

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

Also in subsection (a) of this section, the express inclusion of the power to reprimand a licensee in § 21-310 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 § 21-312 of this subtitle be available to the licensee after a Board decision to reprimand. This change is made to conform with other health occupation board provisions in this article and to meet fundamental requirements of fairness.

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

In regard to subsection (b) of this section, the second sentence of present NR § 8-611(b), which requires that the charge be in writing and filed with the Board secretary, is deleted as unnecessary in light of the reference to the Administrative Procedure Act.

Subsections (c) through (e) of this section include only those provisions that appear to add to the provisions of the Administrative Procedure Act. Thus, in subsection (e) of this section, the present reference to the Board's power to examine "books, papers, public records, and other documentary evidence" in relation to the charges before it, is deleted as included in the phrase