

revised language appears to be the broadest construction of present Art. 32, § 11(g) that is clearly constitutional. See 62 Op. Att'y Gen. 256 (1977).

In the introductory language of subsection (b) of this section, the present statement that the Board may "refuse to renew" a license for the specified reasons is deleted as needless and misleading. Under Art. 41, § 250A(b) of the Administrative Procedure Act, if a licensee makes timely application for renewal, the license does not expire until the Board has acted on the application and the time for appeal has run. Under both Art. 41, § 250A(c) and § 4-317 of this subtitle, ordinarily the Board must give the licensee an opportunity for a hearing before taking disciplinary action under this section. If the Board finds grounds for disciplinary action, it may suspend or revoke the license, and there is no need for a power to refuse renewal.

Subsection (b)(1) of this section is new language added to conform to similar provisions governing other health occupations. It states a fundamental ground for disciplining a licensee. For examples of such provisions in the present law, see the discussion in this revisor's note of subsections (a)(1) and (2) and (b)(2) of this section.

Subsection (b)(7) and (8) states expressly the acts not otherwise expressly set out as grounds for discipline that constitute "nonobservance or infraction of any provision of this subtitle" in present Art. 32, § 32(c). This is done for clarity and to permit use of the organizational pattern followed in the revision of this and the other titles of this article.

The balance of present Art. 32, § 11(k) now appears in § 4-502 of this title.

4-315. SAME -- COMMENCEMENT OF PROCEEDINGS.

(A) COMMENCEMENT.

ON ITS OWN INITIATIVE OR ON A WRITTEN COMPLAINT FILED WITH THE BOARD BY ANY PERSON, THE BOARD MAY COMMENCE PROCEEDINGS UNDER § 4-314 OF THIS SUBTITLE.

(B) COMPLAINT TO BE IN WRITING.

IF A PERSON WHO IS NOT A MEMBER OF THE BOARD FILES A COMPLAINT, THE COMPLAINT SHALL:

(1) BE IN WRITING;