

stated explicitly in present Art. 43, § 354(d) and (e), 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.

As to the issuance of subpoenas and administration of oaths for the conduct of a hearing, see Art. 43, § 3 of the Code, which gives these powers to the Secretary or to anyone the Secretary designates.

Present Art. 43, § 354(d) and (e) both relate to a disciplinary hearing to be provided to licensees. This section is revised in standard language that provides an opportunity for one hearing before the Board takes any action under § 6-315 of this subtitle. The second reference to a hearing is deleted as unnecessary and repetitive.

6-317. ADMINISTRATIVE AND JUDICIAL REVIEW.

(A) IN GENERAL.

EXCEPT AS PROVIDED IN THIS SECTION FOR AN ACTION AGAINST ANY HEALTH CARE PROFESSIONAL UNDER § 6-315 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 § 6-315.

(1) ANY HEALTH CARE PROFESSIONAL AGGRIEVED BY A FINAL DECISION OF THE BOARD UNDER § 6-315 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.

(C) STAY PENDING REVIEW.

IF A PERSON NOTES AN APPEAL FROM AN ORDER OF SUSPENSION OR REVOCATION BY THE BOARD, THE ORDER IS STAYED.

REVISOR'S NOTE: This section, which is substituted for present Art. 43, § 355, is standard language used