

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 term "health care professional" is used to distinguish individuals from funeral establishments and corporate licensees. See Art. 41, § 206A of the Code.

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 title. 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 against a health care professional. Consequently, subsection (b) of this section expressly provides for direct judicial review for health care professionals aggrieved under § 6-315(a) 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.

The provision of present Art. 43, § 355 that an appeal may be taken to the circuit court of the county in which the licensee resides is deleted in light of the provision of the Administrative Procedure Act that allows an appeal to be taken in the county in which the licensee either resides or has the licensee's principal place of business.

The reference in present Art. 43, § 355 that specifies a 20-day appeal period after an agency decision is deleted for uniformity.