

While present Art. 43, § 299 applies only to registered nurses and licensed practical nurses, to conform with the revision of the disciplinary and review provisions in §§ 7-312 and 7-314 of this subtitle, the Commission to Revise the Annotated Code has extended these provisions to cover licensed nurse midwives.

Subsection (a) of this section is standard language added to this and similar provisions throughout this article to state expressly that a person is entitled to a hearing before the Board takes disciplinary action against the person.

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

Subsection (e) 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.

Subsections (c) and (d) of this section include only those provisions that appear to add to the provisions of the Administrative Procedure Act. Thus, in subsection (c) of this section, the present references to the rights to file a "complaint under oath or affirmation with the Board", to fixing "a time and place for a hearing", and to serving "a copy of the complaint ... on the accused" are deleted as essentially repetitious of rights already provided in the Administrative Procedure Act.

As to subsection (d) of this section, the statement that the person may appear with counsel is implicit in the scheme of the Administrative Procedure Act; however, since this provision is stated explicitly in the second sentence of present Art. 43, § 299(c), it is retained in this section.

As to the first sentence of present Art. 43, § 299(c), as that sentence applies to judicial review, see § 7-314 of this subtitle.

As to the Administrative Procedure Act, see Art. 41, § 244 et seq. of the Code.

As to the issuance of subpoenas and administration of oaths for the conduct of a