

hearing, see Art. 43, § 3 of the Code, which gives these powers to the Secretary or to anyone the Secretary designates.

7-314. ADMINISTRATIVE AND JUDICIAL REVIEW.

(A) IN GENERAL.

EXCEPT AS PROVIDED IN THIS SECTION FOR AN ACTION UNDER §§ 7-312 OR 7-605 OF THIS TITLE, 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 §§ 7-312 OR 7-605.

(1) ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE BOARD UNDER §§ 7-312 OR 7-605 OF THIS TITLE 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) CERTAIN BOARD DECISIONS NOT TO BE STAYED.

A BOARD DECISION TO DENY, SUSPEND, OR REVOKE A LICENSE MAY NOT BE STAYED WHILE JUDICIAL REVIEW IS PENDING.

REVISOR'S NOTE: Subsections (a) and (b) of this section, which are substituted for the provisions of the first sentence of Art. 43, § 299(c) that relate to judicial review, are standard language used 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.

Subsection (c) of this section is new language derived without substantive change from the last sentence of Art. 43, § 299(c).

While present Art. 43, § 299 applies only to registered nurses and licensed practical nurses, to conform to the revision of the disciplinary and hearing provisions in §§ 7-312 and 7-313 of this subtitle, the Commission to Revise the Annotated Code has extended these provisions to cover licensed nurse midwives.