

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 most disciplinary actions taken by the Board. Consequently, subsection (b) of this section expressly provides for direct judicial review for persons aggrieved under § 8-313 of this subtitle.

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.

SUBTITLE 4. PROHIBITED ACTS; PENALTIES.

8-401. PRACTICING WITHOUT LICENSE.

EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, A PERSON MAY NOT PRACTICE, ATTEMPT TO PRACTICE, OR OFFER TO PRACTICE AS A NURSING HOME ADMINISTRATOR IN THIS STATE UNLESS LICENSED BY THE BOARD.

REVISOR'S NOTE: This section is new language derived without substantive change from the second sentence of Art. 43, § 768, as that sentence applies to practicing without a license and from Art. 43, § 776(a)(3), as that item applies to practicing without a license.

The phrase "attempt to practice" is added to conform to similar provisions governing other health occupations in present Art. 43. See, e.g., Art. 43, § 489(a), as to podiatrists.

The present reference to an individual being licensed and "registered" to practice is deleted to conform with changes in terminology made throughout this title. See the General Revisor's Note to this title.

In this section and throughout this title, present references to a "temporary" license are deleted as obsolete. See the General Revisor's Note to this title.

The provisions of present Art. 43, §§ 768 and 776(a)(3) that refer to a prohibition against an unlicensed person representing that the person is a licensed nursing home administrator now appear as § 8-402 of this subtitle.

As to the referenced exceptions, see §§ 8-102 and 8-301 of this title.

8-402. MISREPRESENTATION AS A LICENSED NURSING HOME ADMINISTRATOR.