

first clause of § 266A(a) and from Art. 43, §§ 266A(c)(1) and 270B(c)(2).

In subsection (a) of this section, the word "convicted" is substituted for the word "conviction", to correspond with the revision of the present provisions that use the word "conviction". No change in substance is intended.

In the introductory language of subsection (b) of this section, the reference to members "then serving" is added for clarity. In addition, the present reference to the power of the Board to "withhold" a license is deleted as unnecessary in light of the reference to the power to deny, suspend, or revoke a license.

Also in the introductory language of subsection (b) of this section, the present statement that the Board may "refuse to renew" a license for the specified reasons is deleted as needless and misleading. Under Art. 41, § 250A(b) of the Administrative Procedure Act, if a licensee makes timely application for renewal, the license does not expire until the Board has acted on the application and the time for appeal has run. Under both Art. 41, § 250A(c) and § 12-312 of this subtitle ordinarily the Board must give the licensee an opportunity for a hearing before taking disciplinary action under this section. If the Board finds grounds for disciplinary action, it may suspend or revoke the license, and there is no need for a power to refuse renewal.

In present Art. 43, § 266A(c), the terms "authorized practitioner" and "authorized prescriber" are used interchangeably. However, only the term "authorized prescriber" -- which is defined in § 12-101 of this title -- is used in subsection (b) of this section.

In subsection (b)(4) of this section, the term "controlled dangerous substance" is used. It appears certain that this term is intended to encompass the meaning stated in Art. 27, § 277 of the Code. The Commission to Revise the Annotated Code is uncertain whether the term, as used in this section, also is intended to include "controlled dangerous substances" as defined in the federal law or in the laws of other states. The General Assembly may wish to clarify the meaning of the term as used in this and similar sections of this article. See also § 15-311 of this article.