

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 subtitle. 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. Consequently, subsection (b) of this section expressly provides for direct judicial review for persons aggrieved under § 12-311 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.

SUBTITLE 4. PHARMACY PERMITS.

12-401. PHARMACY PERMIT REQUIRED.

(A) IN GENERAL.

A PERSON SHALL HOLD A PHARMACY PERMIT ISSUED BY THE BOARD BEFORE THE PERSON MAY ESTABLISH OR OPERATE A PHARMACY IN THIS STATE.

(B) SEPARATE PHARMACY PERMIT REQUIRED FOR EACH PHARMACY.

A SEPARATE PHARMACY PERMIT IS REQUIRED FOR EACH PHARMACY THAT A PERSON ESTABLISHES OR OPERATES.

REVISOR'S NOTE: Subsection (a) of this section is new language derived from the first sentence of Art. 43, § 268(a) and rephrased in language similar to the standard language used in § 12-301 of this title.

Subsection (b) of this section is new language derived without substantive change from the fourth sentence of Art. 43, § 268(a), as that sentence applies to the requirement for separate pharmacy permits.

In subsection (a) of this section the present reference to any "copartnership, association or corporation" is deleted as unnecessary in light of the definition of "person" in § 1-101 of this article.