term "unprofessional conduct" to clarify those acts that are unprofessional conduct. The last sentence of present Art. 43, § 130(h)(19), which refers to a copy of a court judgment or proceeding of an administrative agency that relates to a conviction being evidence of a ground for disciplinary action, is deleted as unnecessary.

As to the power of the Board to deny a license for any of the reasons listed as grounds under this section, see § 14-205 of this title.

The attention of the General Assembly is called to the fact that present Art. 43, § 130(h)(3), which provides grounds for disciplinary action against a physician who performs "an abortion outside a licensed hospital", is unconstitutional, at least as to the first trimester of pregnancy, in the light of decisions of the United States Supreme Court and the United States Court of Appeals for the Fourth Circuit. In Vuitch v. Hardy, 473 F. 2d 1370 (4th Cir. 1973) (per curiam), the Fourth Circuit affirmed the action of the United States District Court for the District of Maryland that declared unconstitutional the requirement that an abortion be performed in a hospital accredited by the Joint Commission on Accreditation of Hospitals and licensed by the Department. The District Court held that there is no "compelling state interest" for the imposition of statutory limitations on the performance of an abortion provided for in present Art. 43, §§ 137 and 139(a) of the Code. Vuitch v. Hardy, Civ. No. 71-1129-Y (D. Md. filed June 22, 1972). The Fourth Circuit said that the Supreme Court cases of Doe v. Bolton, 410 U.S. 179 (1973), and Roe v. Wade, 410 U.S. 113 (1973) "make clear that the district court correctly decided the case".

"The decisions in Roe and Doe expressly state that regulation by the State as to the facility in which an abortion is to be performed is the type of regulation which can only occur after the 'compelling point' or end of the first trimester...". Arnold v. Sendak, 416 F. Supp. 22, 24 (S.D. Ind.), aff'd 429 U.S. 968 (1976). In Sendak, the United States Supreme Court affirmed a decision that held unconstitutional an Indiana statute requiring first trimester abortions to be performed by a "physician in a hospital or a licensed facility". 429 U.S. at 968; 416 F. Supp. at 23. For a discussion of the impact of Roe and Doe, supra on present Maryland statutes that regulate abortion, see 62 Op. Att'y Gen. 3 (1977).