

In light of Roe, Doe, and Vuitch, supra, the Attorney General stated "that any mandated State Board of Health and Mental Hygiene licensing procedure for a hospital or other facility where abortions must be performed during the first trimester of pregnancy would fail to pass constitutional scrutiny". 58 Op. Att'y Gen. 379, 381 (1973).

The attention of the General Assembly is called to present Art. 43, § 130(h)(20) -- now item (23) of this section -- which sets out as a ground for disciplinary action the "failure to meet appropriate standards for the delivery of quality surgical care...". The provision is overly broad since it may apply to a physician who is not a surgeon and would not be able to meet standards dealing with "surgical care".

14-505. HEARINGS.

(A) RIGHT TO A HEARING.

EXCEPT AS OTHERWISE PROVIDED IN THE ADMINISTRATIVE PROCEDURE ACT, BEFORE THE COMMISSION TAKES ANY ACTION UNDER § 14-504 OF THIS SUBTITLE, IT SHALL GIVE THE INDIVIDUAL AGAINST WHOM THE ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE THE COMMISSION.

(B) APPLICATION OF ADMINISTRATIVE PROCEDURE ACT.

THE COMMISSION SHALL GIVE NOTICE AND HOLD THE HEARING IN ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURE ACT.

(C) RIGHT TO COUNSEL.

THE INDIVIDUAL MAY BE REPRESENTED AT THE HEARING BY COUNSEL.

(D) EX PARTE HEARINGS.

IF AFTER DUE NOTICE THE INDIVIDUAL AGAINST WHOM THE ACTION IS CONTEMPLATED FAILS OR REFUSES TO APPEAR, NEVERTHELESS THE COMMISSION MAY HEAR AND DETERMINE THE MATTER.

REVISOR'S NOTE: This section is new language derived without substantive change from Art. 43, § 130(j) and the second clause of the first sentence of (m).

In subsection (a) of this section, the introductory language, "except as otherwise provided in the Administrative Procedure Act", is new language added to clarify that the Commission may summarily take action against an individual