

REVISOR'S NOTE: This section is new language derived without substantive change from Art. 43, § 130(k) and (l).

In subsection (a) of this section, the phrase "grounds under § 14-504 of this subtitle" is substituted for "unprofessional conduct" to describe certain acts for which a licensee could be disciplined but are not accurately categorized as "unprofessional conduct", e.g., a licensee who "habitually is intoxicated".

Also in subsection (a) of this section, a reference to the Administrative Procedure Act is added to state expressly what clearly is implied -- that the Administrative Procedure Act applies to the actions taken under this section. Thus, the present references to preparing a "written finding of fact" and to serving "notice" on the licensee of any charge filed with the Commission are deleted as essentially repetitious of rights already provided in the Administrative Procedure Act.

The attention of the General Assembly is called to the potential problems that arise in regard to subsection (b)(2) of this section, which provides for expunging of all records of the charges that are formally filed and then dismissed. Expunging the records after charges are dismissed may result in a double jeopardy situation or a duplication of Commission efforts if similar charges were filed later.

As to the Administrative Procedure Act, see Art. 41, § 244 et seq. of the Code.

14-507. SAME -- ORDER OF SUSPENSION OR REVOCATION.

(A) FILING OF ORDER.

THE COMMISSION SHALL FILE WITH THE BOARD ANY ORDER OF ~~SUSPENSION OR REVOCATION~~ COMMISSION ACTION UNDER § 14-504 OF THIS SUBTITLE.

(B) ORDER EFFECTIVE ON FILING.

AN ORDER OF SUSPENSION OR REVOCATION IS EFFECTIVE, IN ACCORDANCE WITH ITS TERMS AND CONDITIONS, AS SOON AS THE COMMISSION FILES IT WITH THE BOARD.

(C) SURRENDER OF LICENSE.

ON SUSPENSION OR REVOCATION OF ANY LICENSE, THE HOLDER SHALL SURRENDER THE LICENSE CERTIFICATE TO THE BOARD.