

In subsection (b)(2)(ii) of this section, the reference in present Art. 43, § 130(m-1)(2) that the Commission "shall" hold a further hearing is revised to require only that an opportunity for another hearing be given before the Commission may take further action.

The first sentence of present Art. 43, § 130(m-1)(1), which provides for immediate suspension or revocation regardless of any appeal or other postconviction proceeding if a physician enters a plea or is convicted under § 14-504(6), is deleted in light of the general prohibition against staying an order of the Commission under § 14-508(c) of this subtitle.

The Commission to Revise the Annotated Code calls to the attention of the General Assembly that there are problems in regard to this section that may deserve legislative attention. The procedures established by this section appear to be inadequate -- e.g., no requirements are imposed for a hearing or for any showings before the Board issues an order of reinstatement. Therefore, this section leaves an important matter that affects the health of the public essentially unregulated.

14-510. DISCOVERABILITY OR ADMISSIBILITY IN EVIDENCE OF COMMISSION DOCUMENTS.

(A) RECORDS OF COMMISSION NOT DISCOVERABLE OR ADMISSIBLE -- IN GENERAL.

EXCEPT BY THE EXPRESS STIPULATION AND CONSENT OF ALL PARTIES TO A PROCEEDING BEFORE THE COMMISSION OR ANY OF ITS INVESTIGATORY BODIES, IN A CIVIL OR CRIMINAL PROCEEDING:

(1) THE PROCEEDINGS, RECORDS, OR FILES OF THE COMMISSION OR ANY OF ITS INVESTIGATORY BODIES ARE NOT DISCOVERABLE AND ARE NOT ADMISSIBLE IN EVIDENCE; AND

(2) ANY ORDER PASSED BY THE COMMISSION IS NOT ADMISSIBLE IN EVIDENCE.

(B) SAME -- EXCEPTION.

THIS SECTION DOES NOT APPLY TO A CIVIL ACTION BROUGHT BY A PARTY TO A PROCEEDING BEFORE THE COMMISSION WHO CLAIMS TO BE AGGRIEVED BY THE DECISION OF THE COMMISSION.

(C) OTHER EVIDENCE NOT AFFECTED.

IF ANY MEDICAL OR HOSPITAL RECORD OR ANY OTHER EXHIBIT IS SUBPOENAED AND OTHERWISE IS ADMISSIBLE IN EVIDENCE, THE USE OF THAT RECORD OR EXHIBIT IN A PROCEEDING BEFORE THE