

"registered", and other terms -- to describe the privilege or right to practice podiatry that is granted by the Board. On analysis, the Commission to Revise the Annotated Code has found that these confusing variations accomplish no substantive purpose.

It is a precept of the Commission to revise the law in a clear, straightforward manner, and, once something is said, to say it the same way each time it is said. Therefore, throughout this title, except for the reference to an individual who is "certified or licensed to practice podiatry in any other state" in § 15-305 of this title, the words "license" or "licensed" are used to indicate that an individual has the right to practice podiatry.

Present Art. 43, § 491, which generally bans any advertising by a licensed podiatrist, with six narrowly defined exceptions, is deleted as unconstitutional. Present Art. 43, § 491(a) prohibits "any display advertising" except the six various exceptions. This prohibition violates the First Amendment to the United States Constitution. See Central Hudson Gas & Electric Corp. v. Public Service Commission, U.S. (No. 79-565, decided June 20, 1980); Bates v. State Bar of Arizona, 433 U.S. 350, reh. denied, 434 U.S. 881 (1977); Virginia State Board of Pharmacy v. Virginia Citizens Consumer Council, 425 U.S. 748 (1976); 62 Op. Att'y Gen. 256 (1977). The six exceptions to the prohibition on display advertising appear in present Art. 43, § 491(b) through (g) and provide for limitations on the size, content, number, and timing of cards, notices, and signs. These limitations are also unconstitutional. See 62 Op. Att'y Gen. 256 (1977); see also Linmark Associates v. Willingboro, 431 U.S. 85 (1977). Thus, neither the broad prohibition on display advertising nor the narrower restrictions on particular types of display advertising in present Art. 43, § 491 are constitutional.

Present Art. 43, § 494, which provides for the severability of the provisions of this title, is deleted as unnecessary in light of Art. 1, § 23 of the Code.

The Commission calls the attention of the General Assembly to present Art. 43, §§ 481(b), 488(a) and (b), and 492(c) -- now §§ 15-317 and 15-318 of this title -- which provide for a limited license to practice podiatry and a license as a podiatric assistant. The present provisions -- and, as a consequence, §§ 15-317 and 15-318 of this title -- pose potential problems because they fail to address many important aspects of these licenses. For example there are no provisions concerning the term, renewal, or disciplining of a holder of a license as a podiatric assistant. The General Assembly may wish to consider legislation to fill some of the gaps in the law regarding these special types of licenses.

TITLE 16. PSYCHOLOGISTS.