

Items (1) and (2) of this section are new language added to conform to similar provisions governing other health occupations in present Art. 43. They state fundamental grounds for disciplining a health practitioner. For examples of such provisions in the present law, see present Art. 43, § 130(h)(1), as to physicians, and present Art. 43, § 266A(c)(1)(iii), as to pharmacists.

In item (7) of this section, a reference to the code of ethics adopted under § 16-311 of this subtitle is substituted for "unprofessional conduct as defined by the rules established by the Board". This substitution clarifies the relationship between the code of ethics and the power of the Board to discipline those psychologists it certifies. It also reflects the interpretation given the present law by the Board in its rules and regulations.

The General Assembly may wish to consider amending item (4) of this section. That item and the present provision -- Art. 43, § 636(a)(2) -- provide it is a ground for action under this section that a psychologist "has been" addicted to a narcotic or habitually intoxicated. The Commission to Revise the Annotated Code believes it to be anomalous that an individual who no longer has either of these conditions, but who has had either in the past, may be subject to suspension, revocation, or the like, under this section.

16-313. SAME -- HEARINGS.

(A) RIGHT TO A HEARING.

EXCEPT AS OTHERWISE PROVIDED IN THE ADMINISTRATIVE PROCEDURE ACT, BEFORE THE BOARD TAKES ANY ACTION UNDER § 16-312 OF THIS SUBTITLE, IT SHALL GIVE THE INDIVIDUAL AGAINST WHOM THE ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE THE BOARD.

(B) APPLICATION OF ADMINISTRATIVE PROCEDURE ACT.

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

(C) SPECIFIC NOTICE REQUIREMENTS.

THE HEARING NOTICE TO BE GIVEN TO THE INDIVIDUAL SHALL BE SERVED PERSONALLY OR BY REGISTERED MAIL TO THE LAST KNOWN ADDRESS OF THE INDIVIDUAL AT LEAST 10 DAYS BEFORE THE HEARING.