

(D) RIGHT TO COUNSEL.

THE INDIVIDUAL MAY BE REPRESENTED AT THE HEARING BY COUNSEL.

(E) SUBPOENAS; OATHS.

(1) THROUGH ITS CHAIRMAN OR VICE CHAIRMAN, THE BOARD MAY ISSUE SUBPOENAS AND ADMINISTER OATHS IN CONNECTION WITH ANY PROCEEDING UNDER THIS SECTION.

(2) THE BOARD SHALL ISSUE SUBPOENAS ON BEHALF OF THE INDIVIDUAL IF THE INDIVIDUAL:

(I) REQUESTS THAT THE BOARD DO SO; AND

(II) STATES UNDER OATH THAT THE TESTIMONY OR EVIDENCE SOUGHT IS NECESSARY TO THE INDIVIDUAL'S DEFENSE.

(F) EX PARTE HEARINGS.

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

REVISOR'S NOTE: This section is new language derived without substantive change from Art. 43, § 636(c) -- except the seventh sentence of that section, which now appears in § 16-312 of this subtitle -- and (d).

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 Board may summarily take action against a certified psychologist under certain circumstances. See Art. 41, § 250A(c) of the Code.

Subsection (b) of this section is standard language added to this and, where necessary, corresponding sections of other titles of this article. It demonstrates clearly the intended application of the Administrative Procedure Act, Art. 41, § 244 et seq. of the Code, to administrative hearings under this section.

Subsections (c) and (d) of this section include only those provisions that appear to add to the provisions of the Administrative Procedure Act. Thus the present references, e.g., to the right of the individual to "testify in his own behalf" and to the duties of the Board to make a record and to produce written findings of fact, are deleted as essentially repetitious of provisions of the Administrative Procedure Act.