

SUBJECT TO THE HEARING PROVISIONS OF § 17-315 OF THIS SUBTITLE, THE BOARD, ON THE AFFIRMATIVE VOTE OF A MAJORITY OF ITS FULL AUTHORIZED MEMBERSHIP, MAY DENY ANY APPLICANT CERTIFICATION, REPRIMAND ANY INDIVIDUAL CERTIFIED, OR SUSPEND OR REVOKE A CERTIFICATION, IF THE APPLICANT OR INDIVIDUAL CERTIFIED:

(1) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO OBTAIN A CERTIFICATE FOR THE APPLICANT OR CERTIFICATE HOLDER OR ANOTHER;

(2) FRAUDULENTLY OR DECEPTIVELY USES A CERTIFICATE;

(3) KNOWINGLY VIOLATES ANY PROVISION OF THIS TITLE; OR

(4) COMMITS ANY GROSS NEGLIGENCE, INCOMPETENCE, OR MISCONDUCT IN THE PRACTICE OF SANITATION.

(B) CHARGES.

ANY PERSON, INCLUDING A BOARD EMPLOYEE, MAY MAKE A WRITTEN, SPECIFIC CHARGE OF A VIOLATION UNDER SUBSECTION (A) OF THIS SECTION, IF THE PERSON:

(1) SWEARS TO THE CHARGE; AND

(2) FILES THE CHARGE WITH THE BOARD SECRETARY.

REVISOR'S NOTE: This section is new language derived without substantive change from Art. 43, § 733(a), (b), and (e).

In the introductory language of this section, the phrase "deny any applicant certification" is standard language added to this and, where necessary, corresponding sections in other titles of this article to state expressly a power that presently is only implied -- that the Board may deny a certification to an applicant who violates a disciplinary provision under this section.

The present statement that the Board may "refuse to renew the certificate ... of a registrant" for the specified reasons is deleted as needless and misleading. Under Art. 41, § 250A(b) of the Administrative Procedure Act, if a certified individual makes timely application for renewal, the certification does not expire until the Board has acted on the application and the time for appeal has run. Under both Art. 41, § 250A(c) and § 17-315 of this subtitle, ordinarily, the Board must give the certified individual an opportunity for a hearing before taking disciplinary action under this section. If the Board finds grounds for disciplinary action, it