

As to subsection (b) of this section, Art. 41, § 206A(c) of the Code exempts from the jurisdiction of the Secretary and the Board of Review a disciplinary action against "any health care professional who is under the jurisdiction of a health profession licensing board". Neither "health care professional" nor "health profession licensing board" is defined in the Code. The Commission to Revise the Annotated Code interprets Art. 41, § 206A(c) to encompass the State Board of Sanitarian Registration and the individuals governed by that Board. This interpretation conforms with the general appeal process used by other health occupation boards.

The new language substituted in this section better coordinates the combined requirements of the Administrative Procedure Act and the provisions of this article regarding the Board of Review. These provisions apply in any event. No substantive change is intended.

17-317. REINSTATEMENT OF SUSPENDED OR REVOKED CERTIFICATION.

THE BOARD, ON THE AFFIRMATIVE VOTE OF A MAJORITY OF ITS FULL AUTHORIZED MEMBERSHIP, MAY REINSTATE THE CERTIFICATION OF AN INDIVIDUAL WHOSE CERTIFICATION HAS BEEN ~~SUSPENDED--OR~~ REVOKED.

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

The phrase "full authorized" membership is substituted for the present term "entire" membership to correspond to the interpretation given this provision by the Board and to clarify that a majority of all potential Board members must vote. See § 17-202 of this title for the "full authorized" membership.

The term "suspended" is added to clarify that the broader power of the Board to reinstate revoked licenses includes the lesser power to reinstate suspended licenses.

SUBTITLE 4. PROHIBITED ACTS; PENALTIES.

17-401. MISREPRESENTATION AS A REGISTERED SANITARIAN PROHIBITED.

(A) IN GENERAL.

UNLESS A PERSON IS CERTIFIED AS A REGISTERED SANITARIAN UNDER THIS TITLE, THE PERSON MAY NOT REPRESENT TO THE PUBLIC THAT THE PERSON IS A REGISTERED SANITARIAN.