

(2) FRAUDULENTLY OR DECEPTIVELY USES A LICENSE;

(3) IS CURRENTLY ADJUDICATED BY A COURT TO BE MENTALLY INCOMPETENT;

(4) COMMITS ANY ACT OF GROSS NEGLIGENCE, INCOMPETENCE, OR MISCONDUCT IN THE PRACTICE OF SOCIAL WORK;

(5) KNOWINGLY VIOLATES ANY PROVISION OF THIS TITLE;

(6) ENGAGES IN A COURSE OF UNPROFESSIONAL CONDUCT, AS DEFINED BY THE RULES AND REGULATIONS OF THE BOARD; OR

(7) VIOLATES THE CODE OF ETHICS ADOPTED AND PUBLISHED BY THE BOARD.

REVISOR'S NOTE: This section is new language derived without substantive change from Art. 43, § 869(a).

Item (2) of this section is new language added to conform to similar provisions governing other health occupations in present Art. 43. It states a fundamental ground for disciplining a licensee -- the fraudulent or deceptive use of a license. For an example of this provision in the present law, see present Art. 43, § 130(h)(1), as to physicians.

In the introductory language of this section, the phrase "deny a license to any applicant" 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 license to an applicant who violates a disciplinary provision under this section.

Also as to the introductory language of this section, the present statement that the Board may "refuse to renew" a license for the specified reasons is deleted as needless and misleading. Under Art. 41, § 250A(b) of the Administrative Procedure Act, if a licensee makes timely application for renewal, the license 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 § 18-311 of this subtitle ordinarily the Board must give the licensee an opportunity for a hearing before taking disciplinary action under this section. If the Board finds grounds for disciplinary action, it may suspend or revoke the license, and there is no need for a power to refuse renewal.