

18-311. SAME -- HEARINGS.

(A) RIGHT TO A HEARING.

EXCEPT AS OTHERWISE PROVIDED IN THE ADMINISTRATIVE PROCEDURE ACT, BEFORE THE BOARD TAKES ANY ACTION UNDER § 18-310 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) 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: Subsections (a) and (b) of this section are new language derived without substantive change from the first sentence of Art. 43, § 869(b).

Subsection (c) of this section is new language added to clarify that the Board may proceed with the ex parte hearing if the accused person has been given due notice.

In subsection (a) of this section, the introductory language, "§ e 2 xcept as otherwise provided in the Administrative Procedure Act", is new language added to clarify that the Board may summarily take action against an individual under certain circumstances. See Art. 41, § 250A(c) of the Code.

Also in subsection (a) of this section, the present statement that the Board may not refuse to renew a license without a hearing is deleted as unnecessary since the Board does not have the power to refuse to renew a license under § 18-310 of this subtitle. See also the revisor's notes to that section.

As to subsection (a) of this section, present Art. 43, § 869(b) does not require expressly a hearing before the Board may reprimand a licensee. However, in conformity with other specific present provisions of Art. 43, and to meet fundamental requirements of fairness, subsection (a) of this section is revised to clarify that the hearing requirements of this section and, consequently, the review procedures of § 18-312 of this subtitle apply to a proceeding to reprimand a licensee.