

to state specifically a power that is inherent in the express power to suspend or revoke a license. The addition conforms to Board practice.

The reference to "attempt" in item (1) of this section and all of item (2) of this section are new language added to conform to similar provisions governing other health occupations in present Art. 43. They state a fundamental ground for disciplining an applicant, a licensee, or a holder of a limited license. For examples of this provision in the present law, see present Art. 43, § 130(h)(1), as to physicians, and present Art. 43, § 266A(c)(1)(iii), as to pharmacists.

As to item (4) of this section, the second sentence of present Art. 43, § 799(a)(1), which provides that "the record of conviction or a certified copy thereof certified by the clerk of the court or by a judge in whose court the conviction is had, shall be conclusive evidence of such conviction", is deleted as unnecessary.

Although present Art. 43, § 791(8) appears as a definition of "unethical conduct", the Commission to Revise the Annotated Code has interpreted those provisions under items (5) through (10) of this section as substantive grounds for Board disciplinary action against a licensee. After it is defined, the term "unethical conduct" does not appear in the present law. The only component of the present definition that is used anywhere in the text of the present law is that of Art. 43, § 791(8)(vi), which relates to failure to adhere to the code of ethics, violation of which is a ground for suspension or revocation of licenses under present Art. 43, § 799(a)(4). (Violation of this "code of ethics" should not be confused with the broader term "unethical conduct". Under the definition in present Art. 43, § 791(8), violation of the "code of ethics" is only one of the six present elements of "unethical conduct".) The Commission concluded that if the provisions of present Art. 43, § 791(8) were not interpreted as substantive provisions under this section, all of the provisions except item (vi) would be totally without effect and, therefore, should be deleted in the revision. The Commission chose instead to give effect to the present statute.

The General Assembly also may wish to consider whether the provisions of present Art. 43, § 791(8) should be interpreted as prohibited acts.