

In the introductory paragraph of this section, the phrase "deny a license or limited 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 paragraph of this section and, where necessary, corresponding sections of other titles of this article, the reference to the power of the Board to reprimand a licensee or holder of a limited license is added 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 fundamental grounds for disciplining an applicant, a licensee, or a holder of a limited license. For examples of such provisions 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 "{ t} he 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 present 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