

Subsection (d) 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, "except 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.

As to subsection (a) of this section, the present statement that the Board may not refuse to renew a license or a limited license without a hearing is deleted as unnecessary since the Board does not have the power to refuse to renew a license or a limited license under § 2-313 of this subtitle. Under Art. 41, § 250A(b) of the Administrative Procedure Act, if a licensee or limited license holder makes timely application for renewal, the license or limited 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 this section ordinarily the Board must give the licensee or limited license holder an opportunity for a hearing before taking disciplinary action under § 2-313 of this subtitle. If the Board finds grounds for disciplinary action, it may suspend or revoke the license or limited license, and there is no need for a hearing on a refusal to renew a license or a limited license.

Also as to subsection (a) of this section, present Art. 43, § 807 does not require expressly a hearing before the Board may reprimand a licensee or limited license holder. However, in conformity with other specific provisions of Art. 43, and to meet fundamental requirements of fairness, this section is revised to clarify that the hearing requirements of this section and, consequently, the review procedures of § 2-315 of this subtitle apply to a proceeding to reprimand a licensee or limited license holder.

Also as to subsection (a) of this section, the attention of the General Assembly is called to the fact that the hearing provision for any license denial is unique to the Audiologist and Speech Pathologist titles of this article. In all of the other health occupations a hearing before a license denial is obtainable only for a license denial on disciplinary grounds.