

in a contested case, because of procedural requirements for contested cases such as Article 41, § 254 of the Code. This addition also eliminates possible unfairness that might arise if the decision maker went outside the record to reexamine a contested case decision, as subsections (b) and (c) of this section otherwise would appear to require. Express statement that subsections (b) and (c) of this section do not apply to parties aggrieved by decisions in contested cases also conforms to agency practice.

Subsection (g)(2) of this section is new language added to conform to similar provisions elsewhere in this article for compelling obedience to agency subpoenas and orders. In light of this addition, the inaccurate reference to the chairman or acting chairman compelling the "attendance of witnesses" is deleted.

The third sentence of subsection (c) of this section is substituted for " }r } receipt of such complaint shall be promptly acknowledged in writing and a copy transmitted to the Secretary of Health and Mental Hygiene." This is done to remove any ambiguity as to which papers are to be sent to the Secretary and to conform to TR § 2-506(c).

In subsection (f)(1) of this section, the reference to "procedural rules and regulations" is substituted for the reference to "procedures", to reflect that Article 41, § 245(a) of the Code requires adoption of these procedures as rules. See also § 2-104(b) of this subtitle, which enables the Secretary to review the rules and regulations of the Board.

Subsection (g)(1) of this section is revised to provide expressly for the production of evidence " {a } s to any issue for which the taking of evidence is authorized". While the power to take evidence is implicit in the power to issue subpoenas, this addition reflects that the scope of evidence may be limited. See, 62 Op. Att'y Gen. 628 (1977), which discussed the extent to which new evidence may be considered.

As to use of the term "unit", see revisor's note to § 2-103(d) of this title.

As to the referenced Administrative Procedure Act, see Article 41, § 244 et seq. of the Code.

Defined terms: "Board" § 2-201