

In subsection (a) of this section, the introductory language referencing the Administrative Procedure Act is new language added to clarify that the Secretary may take summary action against the licensee under certain circumstances. See Article 41, § 250A(c) of the Code.

The reference in subsection (b) of this section to the Administrative Procedure Act is standard language added to this and, where necessary, corresponding sections of other titles of this article. It demonstrates clearly the intended application of the Administrative Procedure Act.

Subsection (c) of this section includes only the provision that appears to add to the provisions of the Administrative Procedure Act. Thus the fourth sentence in former Article 43, § 221, which included references to the right to "present such evidence to the State Board of Health as he deems fit", to action "after hearing all the testimony", and to the duty of the Secretary to decide the question in such a manner as appears just and right, is deleted as essentially repetitious of rights already provided in the Administrative Procedure Act.

4-716. JUDICIAL REVIEW.

(A) RIGHT TO APPEAL.

ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE SECRETARY IN DENYING OR REVOKING A LICENSE MAY NOT APPEAL TO THE BOARD OF REVIEW BUT MAY TAKE A DIRECT JUDICIAL APPEAL.

(B) APPLICATION OF ADMINISTRATIVE PROCEDURE ACT.

THE APPEAL SHALL BE MADE AS PROVIDED FOR JUDICIAL REVIEW OF FINAL DECISIONS IN THE ADMINISTRATIVE PROCEDURE ACT.

(C) FURTHER APPEAL.

EITHER PARTY MAY APPEAL THE DECISION OF THE CIRCUIT COURT TO THE COURT OF SPECIAL APPEALS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Article 43, § 222.

In subsection (a) of this section, "denying" is substituted for "failing to issue" for clarity.

In subsection (b) of this section, the former