(B) HEARINGS.

EXCEPT AS OTHERWISE PROVIDED IN THE ADMINISTRATIVE PROCEDURE ACT, BEFORE THE SECRETARY TAKES ANY ACTION UNDER THIS SECTION, THE SECRETARY SHALL GIVE THE APPLICANT OR PERMIT HOLDER NOTICE AND AN OPPORTUNITY FOR A HEARING.

> REVISOR'S NOTE: Subsection (a) of this section is new language derived without substantive change from the seventh sentence of former Article 43, § 34(a).
>
> Subsection   (b) of this section is standard language added to meet fundamental requirements *of fairness and to conform to Department* practice. It is based on the reference to "due notice" in the seventh sentence of former Article 43, § 34(a).
>
> The introductory language of subsection (b) of this section, " [e] xcept as otherwise provided in the Administrative Procedure Act," clarifies that the Secretary may take action summarily against a person under certain circumstances. See Article 41, § 250A(c) of the Code.
>
> Although former Article 43, § 34(a) specifically applied to a "permit to operate", subsection (a) of this section is revised to apply to any permit -- i.e., a permit to operate or a permit to represent or service. This change is made in light of § 17-214 of this subtitle, which prohibits representing or servicing a medical laboratory, if the medical laboratory or its director does not comply with the standards and qualifications adopted under this subtitle. In light of this revision, the former reference to action "after inspection" is deleted, since inspection of medical laboratories that are not in this State is not required.
>
> In subsection (a) of this section, the reference to suspension or revocation of "the authority to offer or perform any class of service that the permit sets forth" is new language added to reflect current Department practice to restrict the scope of a permit if a medical laboratory generally meets the standards, but is deficient in a specific area. This change is made to avoid the cumbersome procedure of revocation of a permit and immediate issuance of a new permit of more limited scope.
>
> Also in subsection (a) of this section, the