

## 17-311. DENIALS, SUSPENSIONS, AND REVOCATIONS -- GROUNDS; HEARINGS.

## (A) GROUNDS.

THE SECRETARY MAY DENY A PERMIT TO ANY APPLICANT OR SUSPEND OR REVOKE A PERMIT OR THE AUTHORITY TO OFFER OR PERFORM ANY CLASS OF SERVICE THAT THE PERMIT SETS FORTH, IF THE TISSUE BANK OR ITS DIRECTOR FAILS TO MEET THE REQUIREMENTS THAT THE SECRETARY ADOPTS UNDER THIS SUBTITLE.

## (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, "except 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 § 17-313 of this subtitle, which prohibits representing or servicing a tissue bank if the tissue bank or its director does not comply with the standards adopted under this subtitle. In light of this revision, the former reference to action "after inspection" is deleted, since inspection of tissue banks 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 allow