

The express inclusion of the power to reprimand a State licensee in § 2-316 of this subtitle -- when read with this section -- results in new express requirements that a hearing be held before the State Board may reprimand a State licensee and, consequently, that the review procedures of § 2-318 of this subtitle be made available to the State licensee after a final State Board decision to reprimand. This change is made to conform to other occupation board provisions found throughout the Code and to meet fundamental requirements of fairness.

In subsection (b) of this section, the reference to "Title 10, Subtitle 2 of the State Government Article" is substituted for the former reference to "the provisions of the Administrative Procedure Act", for clarity.

The second sentence of former Art. 56, § 533(h)(1), which provided for the right to the attendance of witnesses by requesting the State Board to issue a subpoena, is deleted as repetitious of rights already set forth in Title 10, Subtitle 2 of the State Government Article. See also § 2-206 of this title.

As to the power of the State Board or its hearing officer to take depositions, administer oaths, and hold hearings, see § 2-206 of this title.

Defined term: "State Board" § 2-101

2-318. JUDICIAL REVIEW.

ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE STATE BOARD IN A CONTESTED CASE, AS DEFINED IN § 10-201 OF THE STATE GOVERNMENT ARTICLE, MAY TAKE AN APPEAL AS ALLOWED IN §§ 10-215 AND 10-216 OF THE STATE GOVERNMENT ARTICLE.

COMMITTEE COMMENT: This section is standard language added to provide for judicial review.

The introductory phrase of this section conforms to SG § 10-215, which provides a right of judicial review of any "final decision" of an agency in a "contested case". A situation is a contested case if a party has a right to a hearing (see the definition of "contested case" in SG § 10-201(c)).

Defined terms: "Person" § 1-101
"State Board" § 2-101