

REVISOR'S NOTE: The introductory clause and items (3) through (8) of this section are new language derived without substantive change from former Art. 56, § 440(a).

Items (1) and (2) of this section are new language added to conform to almost all of the occupational licensing acts adopted by the General Assembly in the past several years. See, e.g., the comparable sections on disciplinary actions in the various titles of the Health Occupations Article. The General Assembly expressly decided that the language of these items was to be included in each of those sections as a fundamental ground for disciplining an applicant or licensee.

In the introductory clause of this section, the reference to the power of the Board to reprimand a licensee is added to state specifically a power that is inherent in the express power to suspend or revoke a license. This addition conforms to the practice of the Board.

In item (4) of this section, the phrase "under the influence of any drug" is substituted for the former reference to engaging "in habitual pattern of ... drug use", which was too broad because the habitual use of drugs may not be drug abuse, but may be for therapeutic purposes. The substituted language tries to narrow the scope of the former provision by limiting it to a condition that could interfere with the ability of an applicant or licensee to practice barbering.

As to the effect of suspension or revocation of an assistant barber teacher license on a substitute barber teacher license, see § 4-314 of this subtitle.

Defined terms: "Barbershop" § 4-101
 "Board" § 4-101 "License" § 4-101
 "Practice barbering" § 4-101

4-317. SAME -- HEARINGS.

(A) RIGHT TO HEARING.

EXCEPT AS OTHERWISE PROVIDED IN TITLE 10, SUBTITLE 4 OF THE STATE GOVERNMENT ARTICLE, BEFORE THE BOARD TAKES ANY FINAL ACTION UNDER § 4-316 OF THIS SUBTITLE, IT SHALL GIVE THE INDIVIDUAL AGAINST WHOM THE ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE THE BOARD.