

IF, AFTER DUE NOTICE, THE INDIVIDUAL AGAINST WHOM THE ACTION IS CONTEMPLATED FAILS OR REFUSES TO APPEAR, NEVERTHELESS THE BOARD MAY HEAR AND DETERMINE THE MATTER.

REVISOR'S NOTE: Subsections (a) and (c) through (e) of this section are new language derived without substantive change from former Art. 56, § 495(b) and the second sentence and, as it related to proceedings to revoke or suspend licenses, the first sentence of (a).

Subsection (b) of this section is standard language added to demonstrate clearly the intended application of the referenced subtitle to administrative hearings under this section.

Subsection (f) of this section is standard language added to clarify that, after an accused individual has been given proper notice, the Board may proceed with a hearing even if the individual fails to appear.

The introductory clause of subsection (a) of this section, "[e]xcept as otherwise provided in Title 10, Subtitle 4 of the State Government Article", is added to clarify that the Board may act summarily under certain circumstances. See SG § 10-405(b).

In subsection (a) of this section, the reference to "any final action under § 5-407" is substituted for the former limited reference to suspension or revocation, to clarify that an applicant who is denied registration also is entitled to a hearing. Similarly, the express inclusion of the power to reprimand an apprentice or student in § 5-407(a) of this subtitle, when read with this section, results in new express requirements that a hearing be held before the Board may reprimand an apprentice or student and, consequently, that the review procedures of § 5-209 of this title be available to the apprentice or student after a final Board decision to reprimand. This change is made to conform to other occupational board provisions found throughout the Code and to meet fundamental requirements of fairness.

Also in subsection (a) of this section, the former reference to holding a hearing before the "secretary" of the Board is deleted as obsolete. See the revisor's note to § 5-204 of this title.

Subsections (c) and (e) of this section include only those provisions that appear to add to the provisions of Title 10, Subtitle 2 of the State Government Article. Thus, the former references to the rights to a "full opportunity to produce testimony in his or her