

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

The introductory exception 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).

Subsection (c) of this section includes only those provisions that seemed to add to the provisions of Title 10, Subtitle 2 of the State Government Article. Thus, the former references to the rights to appear in person, to cross-examine witnesses, and to present evidence and witnesses in one's own defense are deleted as essentially repetitious of rights already provided under Title 10, Subtitle 2 of the State Government Article.

As to subsection (d) of this section, the statement that the individual may appear with counsel is implicit in the scheme of the procedural provisions under Title 10, Subtitle 2 of the State Government Article; however, since this provision was stated explicitly in former Art. 56, § 317, it is retained in this section.

The express inclusion of the powers to reprimand a licensee or suspend a license in § 7-309 of this subtitle, when read with this section, results in new express requirements that a hearing be held before the Board may reprimand a licensee or suspend a license and, consequently, that the review procedures of § 7-312 of this subtitle be available to the licensee after a final Board decision to reprimand or suspend. This change is made to conform to other occupational board provisions found throughout the Code and to meet fundamental requirements of fairness.

As to the powers of the Board to issue subpoenas for the attendance of a witness or the production of evidence and to administer oaths, see § 7-206 of this title.

Defined term: "Board" § 7-101